

1 Board of Dentistry

2

3 Adopted Permanent Rules Relating to Licensure

4

5 Rules as Adopted

6 3100.0100 DEFINITIONS.

7 [For text of subpart 1, see M.R.]

8 Subp. 2. Act. "Act" means Minnesota Statutes, sections
9 150A.01 to 150A.21.

10 Subp. 2a. Analgesia. "Analgesia" means the loss of pain
11 sensation without the loss of consciousness as a result of the
12 administration of a pharmacological agent.

13 Subp. 2b. Anxiolysis. "Anxiolysis" means the process of
14 reducing anxiety, fear, apprehension, and other forms of
15 neurosis in which anxiety dominates the patient's mood by the
16 administration of a pharmacological agent that does not impair
17 the patient's ability to maintain normal mental abilities and
18 vital functions.

19 [For text of subps 3 to 8, see M.R.]

20 Subp. 8a. Conscious sedation. "Conscious sedation" means
21 a depressed level of consciousness induced by the administration
22 of a pharmacological agent that retains the patient's ability to
23 independently and continuously maintain an airway and respond
24 appropriately to physical stimulation or verbal command.

25 [For text of subp 9, see M.R.]

26 Subp. 9a. Dental health care worker or DHCW. "Dental
27 health care worker" or "DHCW" means an individual who works in a
28 dental practice who may be exposed to body fluids such as blood
29 or saliva.

30 Subp. 9b. Dental hygienist. "Dental hygienist" means a
31 person holding a license as a dental hygienist issued by the
32 board pursuant to the act.

33 [For text of subps 10 and 11, see M.R.]

34 Subp. 12a. General anesthesia. "General anesthesia" means
35 a controlled state of depressed consciousness produced by a

1 pharmacological agent and accompanied by a partial or complete
 2 loss of protective reflexes, including the inability to maintain
 3 an airway and respond purposefully to physical stimulation or
 4 verbal commands.

5 [For text of subps 13 to 15, see M.R.]

6 Subp. 15a. **Nitrous oxide inhalation analgesia.** "Nitrous
 7 oxide inhalation analgesia" means the administration by
 8 inhalation of a combination of nitrous oxide and oxygen,
 9 producing an altered level of consciousness that retains the
 10 patient's ability to independently and continuously maintain an
 11 airway and respond appropriately to physical stimulation or
 12 verbal command.

13 [For text of subps 16 to 21, see M.R.]

14 3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.

15 Subpart 1. **Form, credentials, and certification.** Any
 16 person desiring licensure to practice dentistry within the state
 17 of Minnesota must first present to the board an application and
 18 credentials, as prescribed by the act, and shall conform to the
 19 following rules of the board:

20 [For text of items A to C, See M.R.]

21 D. Beginning January 1, 1993, an applicant who wants
 22 the authority under the license to administer a pharmacological
 23 agent for the purpose of general anesthesia or conscious
 24 sedation or to administer nitrous oxide inhalation analgesia
 25 must comply with part 3100.3600.

26 [For text of subps 2 to 5, see M.R.]

27 Subp. 6. **Anesthesia, sedation, and nitrous oxide.**
 28 Beginning January 1, 1993, a person applying for a license to
 29 practice dentistry or a dentist already licensed who wants the
 30 authority under the license to administer a pharmacological
 31 agent for the purpose of general anesthesia or conscious
 32 sedation or to administer nitrous oxide inhalation analgesia
 33 must comply with the applicable requirements of part 3100.3600.

34 3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.

35 ~~Subpart 1.---Form and credentials.~~ A person desiring

1 licensure to practice dental hygiene must present an application
2 and credentials as prescribed by the act and shall conform to
3 the following rules of the board:

4 [For text of items A to F, see M.R.]

5 ~~G.--An applicant who wants the authority under the
6 license to administer nitrous oxide inhalation analgesia must
7 comply with part 3100.3600, subparts 4 and 5.~~

8 ~~Subp. 2.--Nitrous oxide inhalation analgesia.--A person
9 applying for a license to practice dental hygiene or a dental
10 hygienist already licensed who wants the authority under the
11 license to administer nitrous oxide inhalation analgesia must
12 comply with the applicable requirements of part 3100.3600,
13 subparts 4 and 5.~~

14 3100.3600 TRAINING AND EDUCATIONAL REQUIREMENTS TO ADMINISTER
15 ANESTHESIA AND SEDATION.

16 Subpart 1. Prohibitions. Dental hygienists and dental
17 assistants may not administer general anesthesia ~~or,~~ conscious
18 sedation, or nitrous oxide inhalation analgesia. ~~Dental
19 assistants may not administer nitrous oxide inhalation analgesia.~~

20 Subp. 2. General anesthesia. A dentist may administer a
21 pharmacological agent for the purpose of general anesthesia only
22 pursuant to items A to C.

23 A. Beginning January 1, 1993, a dentist may
24 administer a pharmacological agent for the purpose of general
25 anesthesia only after satisfactorily completing the requirements
26 in clause (1) or (2) in addition to the requirements in clause
27 (3).

28 (1) a didactic and clinical program at a dental
29 school, hospital, or graduate medical or dental program
30 accredited by the Commission on Accreditation, resulting in the
31 dentist becoming clinically competent in the administration of
32 general anesthesia. The program must be equivalent to a program
33 for advanced specialty education in oral surgery and
34 maxillofacial surgery; or

35 (2) a one-year residency in general anesthesia at

1 an institution certified by the American Society of
2 Anesthesiology, the American Medical Association, or the Joint
3 Commission on Hospital Accreditation, resulting in the dentist
4 becoming clinically competent in the administration of general
5 anesthesia. The residency must include a minimum of 390 hours
6 of didactic study, 1,040 hours of clinical anesthesiology, and
7 260 cases of administration of general anesthesia to an
8 ambulatory outpatient; and

9 (3) an advanced cardiac life support course and
10 must be currently certified in advanced cardiac life support or
11 basic cardiac life support as provided in educational programs
12 recognized by the American Heart Association, the American Red
13 Cross, or other agencies whose courses are equivalent to the
14 American Heart Association or American Red Cross courses.

15 B. A dentist shall be prepared and competent to
16 diagnose, resolve, and reasonably prevent any untoward reaction
17 or medical emergency that may develop any time after the
18 administration of general anesthesia. A dentist shall apply the
19 current standard of care to monitor and evaluate a patient's
20 blood pressure, pulse, respiratory function, and cardiac
21 activity. The current standard of care to assess respiratory
22 function shall require the monitoring of tissue oxygenation or
23 the use of a superior method of monitoring respiratory function.

24 C. A dentist shall administer a pharmacological agent
25 for the purpose of general anesthesia only by application of the
26 appropriate systems and drugs for the delivery of general
27 anesthesia ~~and-recovery-of-a-patient-sufficient-to-permit-safe~~
28 ~~discharge-from-the-facility.~~ Prior to discharging the patient,
29 the dentist shall ensure that the effects of the medication have
30 sufficiently dissipated to a level where in-office monitoring is
31 no longer required.

32 Subp. 3. **Conscious sedation.** A dentist may administer a
33 pharmacological agent for the purpose of conscious sedation only
34 pursuant to items A to C.

35 A. Beginning January 1, 1993, a dentist may
36 administer a pharmacological agent for the purpose of conscious

1 sedation of a patient only after satisfactorily completing:

2 (1) a course of education resulting in the
3 dentist becoming clinically competent for administration of
4 conscious sedation, with a minimum of 60 hours of didactic
5 education, 24 hours of clinical experience, and at least ten
6 individual cases of administration of conscious sedation; and

7 (2) an advanced cardiac life support course and
8 must be currently certified in advanced cardiac life support or
9 basic cardiac life support as provided in educational programs
10 recognized by the American Heart Association, the American Red
11 Cross, or other agencies whose courses are equivalent to the
12 American Heart Association or American Red Cross courses.

13 B. A dentist shall be prepared and competent to
14 diagnose, resolve, and reasonably prevent any untoward reaction
15 of or medical emergencies that may develop any time after
16 rendering a patient in the state of conscious sedation. A
17 dentist shall apply the current standard of care to monitor and
18 evaluate a patient's blood pressure, pulse, respiratory
19 function, and cardiac activity. The current standard of care to
20 assess respiratory function shall require the monitoring of
21 tissue oxygenation or the use of a superior method of monitoring
22 respiratory function.

23 C. A dentist shall administer a pharmacological agent
24 for the purpose of conscious sedation only by application of the
25 appropriate systems and drugs for the delivery of conscious
26 sedation ~~and-recovery-of-a-patient-sufficient-to-permit-safe~~
27 ~~discharge-from-the-facility.~~ Prior to discharging the patient,
28 the dentist shall ensure that the effects of the medication have
29 sufficiently dissipated to a level where in-office monitoring is
30 no longer required.

31 Subp. 4. Nitrous oxide inhalation analgesia. A licensee
32 dentist may administer nitrous oxide inhalation analgesia only
33 pursuant to items A to E D and subpart 5.

34 A. Prior to January 1, 1993, a licensed dentist who
35 is currently administering nitrous oxide inhalation analgesia
36 may register that fact with the board pursuant to subpart 5,

1 item A. Such registered dentists may continue to administer
 2 nitrous oxide inhalation analgesia and need not comply with item
 3 B.

4 B. Beginning January 1, 1993, a dentist who has not
 5 previously registered with the board pursuant to subpart 5, item
 6 A, ~~and a dental hygienist~~ may administer nitrous oxide
 7 inhalation analgesia only after satisfactorily completing a
 8 dental school, or postdental graduate, ~~dental hygiene, or~~
 9 ~~postdental hygiene~~ education course on the administration of
 10 nitrous oxide inhalation analgesia from an institution
 11 accredited by the Commission on Accreditation. The course must
 12 include a minimum of 16 hours of didactic instruction and
 13 supervised clinical experience using fail-safe anesthesia
 14 equipment capable of positive pressure respiration.

15 ~~B. C.~~ C. A ~~licensee dentist~~ must ~~have successfully~~
 16 ~~completed and~~ be currently certified in advanced cardiac life
 17 support or basic cardiac life support as provided in educational
 18 programs recognized by the American Heart Association, the
 19 American Red Cross, or other agencies whose courses are
 20 equivalent to the American Heart Association or American Red
 21 Cross courses.

22 ~~C. D.~~ D. A ~~licensee dentist~~ may only use fail-safe
 23 anesthesia equipment capable of positive pressure respiration.

24 Subp. 5. Notice to board. A dentist who administers a
 25 pharmacological agent for the purpose of general anesthesia ~~or,~~
 26 conscious sedation, ~~or a licensee who administers~~ nitrous oxide
 27 inhalation analgesia shall submit to the board the information
 28 in items A to C.

29 A. A dentist who is administering pharmacological
 30 agents for the purpose of general anesthesia or conscious
 31 sedation or who is administering nitrous oxide inhalation
 32 analgesia shall inform the board of that fact on forms provided
 33 by it within 90 days of the effective date of this part. If the
 34 dentist begins doing so more than 90 days after the effective
 35 date of this part, the dentist shall inform the board of that
 36 fact on forms provided by it.

1 B. Beginning January 1, 1993, a dentist may
2 administer pharmacological agents for the purpose of general
3 anesthesia or conscious sedation only if the dentist has
4 submitted the following information to the board on forms
5 provided by it: the name, address, and telephone number of the
6 institution at which the dentist took the program or residency
7 that complies with subparts 2, item A, subitem (1) or (2); and
8 3, item A, subitem (1), a certified copy of the dentist's
9 transcript or other official record from the institution
10 verifying that the dentist satisfactorily completed the program,
11 residency, or course; the name, address, and telephone number of
12 the institution or other agency at which the dentist
13 successfully completed the advanced cardiac life support course
14 required by subparts 2, item A, subitem (3); and 3, item A,
15 subitem (2); and a statement that the dentist is currently
16 certified in advanced cardiac life support or basic cardiac life
17 support required by subparts 2, item A, subitem (3); and 3, item
18 A, subitem (2). After this initial submission, dentists shall
19 submit a statement of current certification in advanced cardiac
20 life support or basic cardiac life support every year on their
21 license renewal application or other form provided by the board.

22 C. Beginning January 1, 1993, a licensee dentist not
23 previously registered with the board pursuant to subpart 5, item
24 A, may administer nitrous oxide inhalation analgesia only after
25 the licensee dentist has submitted the following information to
26 the board on forms provided by it: the name, address, and
27 telephone number of the institution at which the licensee
28 dentist took the course that complies with subpart 4, item A B;
29 a certified copy of the licensee's dentist's transcript or other
30 official record from the institution verifying that the licensee
31 dentist satisfactorily completed the course; and a statement
32 that the licensee dentist is currently certified in advanced
33 cardiac life support or basic cardiac life support required by
34 subpart 4, item B C. After this initial submission, a licensee
35 dentist shall submit a statement of current certification in
36 advanced cardiac life support or basic cardiac life support

1 every year on the license renewal application or other form
2 provided by the board.

3 Subp. 6. Analgesia. A dentist may administer a
4 pharmacological agent for the purpose of analgesia provided the
5 dentist has a current license to practice dentistry in Minnesota.

6 Subp. 7. Anxiolysis. A dentist may administer a
7 pharmacological agent for the purpose of anxiolysis provided the
8 dentist has a current license to practice dentistry in Minnesota.

9 Subp. 8. Reporting of incidents required. A dentist shall
10 report to the board any incident that arises from the
11 administration of nitrous oxide inhalation analgesia or of a
12 pharmacological agent for the purpose of general anesthesia,
13 conscious sedation, local anesthesia, analgesia, or anxiolysis
14 that results in a serious or unusual outcome that produces a
15 temporary or permanent physiological injury, harm, or other
16 detrimental effect to one or more of a patient's body systems.
17 The report shall be submitted to the board on forms provided by
18 it within ten days of the incident.

19 3100.6200 CONDUCT UNBECOMING A LICENSEE OR REGISTRANT.

20 "Conduct unbecoming a person licensed to practice dentistry
21 or dental hygiene or registered as a dental assistant or conduct
22 contrary to the best interests of the public," as used in
23 Minnesota Statutes, section 150A.08, subdivision 1, clause (6),
24 shall include the act of a dentist, dental hygienist, registered
25 dental assistant, or applicant in:

26 [For text of items A to J, see M.R.]

27 K. failing to maintain adequate safety and sanitary
28 conditions for a dental office as specified in part
29 3100.6300; and

30 L. failing to provide access to and transfer of
31 medical and dental records as prescribed by Minnesota Statutes,
32 section 144.335; and

33 ~~M.---in-the-case-of-a-dentist,-ordering,-directing,-or~~
34 ~~otherwise-influencing-an-auxiliary-to-perform-a-patient-care~~
35 ~~duty-for-which-the-auxiliary-is-not-adequately-trained,~~

1 ~~licensed, or registered or for which the auxiliary is not~~
2 ~~provided adequate facilities, equipment, instruments,~~
3 ~~assistance, or time.~~

4 3100.6300 ADEQUATE SAFETY AND SANITARY CONDITIONS FOR DENTAL
5 OFFICES.

6 Subpart 1. **Minimum conditions.** Subparts 2 to 13 are
7 minimum safety and sanitary conditions.

8 [For text of subps 2 to 10, see M.R.]

9 Subp. 11. **Infection control.** Dental health care workers
10 shall comply with the most current infection control
11 recommendations, guidelines, precautions, procedures, practices,
12 strategies, and techniques specified in the United States
13 Department of Health and Human Services, Public Health Service,
14 Centers for Disease Control ~~publication entitled~~ publications of
15 the Morbidity and Mortality Weekly Report (MMWR). The current
16 infection control techniques set forth in the MMWR dated July
17 12, 1991, volume 40, number RR-8, pages 1 to 9, are hereby
18 incorporated by reference. ~~This document is incorporated by~~
19 ~~reference and~~ The MMWR is available at the Minnesota State Law
20 Library ~~or,~~ by interlibrary loan, or by subscription from the
21 United States Department of Health and Human Services, Public
22 Health Service, Centers for Disease Control. The infection
23 control standards stated in the MMWR are ~~not~~ subject to frequent
24 change.

25 Subp. 12. **Sharps and contaminated waste.** Sharp items and
26 contaminated wastes must be disposed of in accordance with
27 Minnesota Statutes, sections 116.76 to 116.83, and rules adopted
28 under them, and requirements established by local government
29 agencies.

30 Subp. 13. **CPR training.** A minimum of one person who is
31 currently certified in advanced cardiac life support or basic
32 cardiac life support as provided in educational programs
33 recognized by the American Heart Association, the American Red
34 Cross, or other agencies whose courses are equivalent to the
35 American Heart Association or American Red Cross courses must be

1 present in the dental office when dental services are provided.

2 3100.8500 REGISTERED DENTAL ASSISTANTS.

3 Subpart 1. Duties under indirect supervision. A

4 registered dental assistant, in addition to the services
5 performed by the assistant, may perform the following services
6 if the dentist is in the office, authorizes the procedures, and
7 remains in the office while the procedures are being performed:

8 A. take radiographs;

9 B. take ~~irreversible-hydrocolloid~~ impressions for
10 study casts and ~~opposing-casts-and~~ appropriate bite registration
11 ~~for-study, opposing-casts, and orthodontic-working-casts.~~

12 Dental assistants shall not take impressions and bite
13 registrations for final construction of fixed and removable
14 prostheses;

15 C. apply topical medications and cavity varnishes
16 prescribed by dentists;

17 D. place and remove rubber dam;

18 E. remove excess cement from inlays, crowns, bridges,
19 and orthodontic appliances with hand instruments only;

20 F. perform mechanical polishing to clinical crowns
21 not including instrumentation. Removal of calculus by
22 instrumentation must be done by the dentist or dental hygienist
23 before mechanical polishing;

24 G. preselect orthodontic bands;

25 H. place and remove periodontal packs;

26 I. remove sutures;

27 J. monitor a patient who has been induced by a
28 dentist into nitrous oxide inhalation analgesia; and

29 K. place and remove elastic orthodontic separators;
30 and

31 L. remove and replace ligature ties on orthodontic
32 appliances.

33 Subp. 1a. Duties under direct supervision. A registered
34 dental assistant may perform the following services if the
35 dentist is in the dental office, personally diagnoses the

1 condition to be treated, personally authorizes the procedure,
 2 and evaluates the performance of the auxiliary before dismissing
 3 the patient:

4 A. remove excess bond material from orthodontic
 5 appliances with hand instruments only;

6 ~~B. remove-and-replace-ligature-ties-on-orthodontic~~
 7 ~~appliances;~~

8 ~~E.~~ C. etch appropriate enamel surfaces before bonding of
 9 orthodontic appliances by a dentist;

10 ~~D.~~ C. etch appropriate enamel surfaces and apply pit
 11 and fissure sealants. Before the application of pit and fissure
 12 sealants, a registered dental assistant must have successfully
 13 completed a course in pit and fissure sealants at a dental
 14 school, dental hygiene school, or dental assisting school that
 15 has been accredited by the Commission on Accreditation and
 16 ~~includes-a-minimum-of-eight-hours-didactic-instruction-and~~
 17 ~~supervised-preclinical-or-clinical-experience;~~ and

18 ~~E.~~ D. make preliminary adaptation of temporary crowns.

19 [For text of subps 2 and 3, see M.R.]

20 3100.8700 DENTAL HYGIENISTS.

21 Subpart 1. Duties under general supervision. A dental
 22 hygienist may perform the following services if the dentist has
 23 authorized them and the hygienist carries them out in accordance
 24 with the dentist's diagnosis and treatment plan:

25 [For text of items A to C, see M.R.]

26 D. dietary analysis, salivary analysis, and
 27 preparation of smears for dental health purposes; and

28 E. application of pit and fissure sealants; and

29 F. remove excess bond material from orthodontic
 30 appliances.

31 Subp. 2. Duties under indirect supervision. A dental
 32 hygienist may ~~perform-the-following-procedures~~ remove marginal
 33 overhangs if the dentist is in the office, authorizes the
 34 procedures, and remains in the office while the procedures are
 35 being performed.

1 ~~A. remove marginal overhangs; and~~

2 ~~B. induce into nitrous oxide inhalation analgesia a~~
 3 ~~patient who has been prescribed its use by a dentist, only for~~
 4 ~~the purpose of alleviating pain for dental hygiene procedures~~
 5 ~~and provided the hygienist has met the educational requirements~~
 6 ~~in part 3100.3600, subpart 4, and has provided notice to the~~
 7 ~~board pursuant to part 3100.3600, subpart 5, item C.~~

8 Subp. 2a. Duties under direct supervision. A dental
 9 hygienist may perform the following procedures if the dentist is
 10 in the office, personally diagnoses the condition to be treated,
 11 personally authorizes the procedure, and evaluates the
 12 performance of the dental hygienist before dismissing the
 13 patient:

14 ~~A. remove bond material from orthodontic appliances;~~

15 ~~B. remove and replace ligature ties on the~~
 16 ~~orthodontic appliances;~~

17 ~~C. etch appropriate enamel surfaces before bonding of~~
 18 ~~orthodontic appliances by a dentist; and~~

19 ~~D. B. make preliminary adaptation of temporary crowns.~~

20 [For text of subp 3, see M.R.]