

1.1 **Board of Dentistry**1.2 **Proposed Permanent Rules Relating to Licensure and Practice in Dentistry**1.3 **3100.0100 DEFINITIONS.**

1.4 Subpart 1. **Scope.** For the purpose of this chapter and unless the context otherwise
 1.5 requires, the terms in ~~subparts 2 to 21~~ this part have the meanings given them.

1.6 Subp. 2. **Act.** "Act" means Minnesota Statutes, ~~sections 150A.01 to 150A.21~~ chapter
 1.7 150A.

1.8 [For text of subps 2a and 2b, see M.R.]

1.9 Subp. 2c. [See repealer.]

1.10 Subp. 3. **Applicant.** "Applicant" means a person who has submitted an application
 1.11 to become a licensee ~~or registrant~~.

1.12 Subp. 4. **Assistant.** "Assistant" means a person who assists a dentist in carrying out
 1.13 the basic duties of a dental office described in part 3100.8400.

1.14 Subp. 5. ~~Auxiliary~~ **Allied dental personnel.** "Auxiliary Allied dental personnel"
 1.15 means a dental hygienist, registered licensed dental assistant, dental assistant with a
 1.16 limited-license permit, assistant without a license or permit, and dental technician.

1.17 [For text of subps 5a to 8, see M.R.]

1.18 Subp. 8a. [See repealer.]

1.19 [For text of subps 8b to 9a, see M.R.]

1.20 Subp. 9b. **Deep sedation.** "Deep sedation" means a depressed level of consciousness
 1.21 produced by a pharmacological or nonpharmacological method or a combination thereof
 1.22 during which patients cannot be easily aroused but respond purposefully following
 1.23 repeated or painful stimulation. The ability to independently maintain ventilatory function

2.1 may be impaired. Patients may require assistance in maintaining a patent airway, and
2.2 spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

2.3 Subp. ~~9b.~~ 9c. **Dental health care personnel or DHCP.** "Dental health care
2.4 personnel" or "DHCP" means individuals who work in a dental practice who may be
2.5 exposed to body fluids such as blood or saliva.

2.6 Subp. ~~9e.~~ 9d. **Dental hygienist.** "Dental hygienist" means a person holding a license
2.7 as a dental hygienist issued by the board pursuant to the act.

2.8 [For text of subps 10 to 11d, see M.R.]

2.9 Subp. 12. [Repealed, 10 SR 1613]

2.10 Subp. 12a. **General anesthesia.** "General anesthesia" means an induced state
2.11 of unconsciousness produced by a pharmacological or nonpharmacological method
2.12 or a combination thereof ~~and accompanied by a partial or complete loss of protective~~
2.13 ~~reflexes, including the inability to continually maintain an airway independently and~~
2.14 ~~respond purposefully to physical stimulation or verbal commands. General anesthesia is~~
2.15 ~~synonymous with the term deep sedation.~~ during which patients are not arousable, even
2.16 by painful stimulation. The ability to independently maintain ventilatory function is often
2.17 impaired. Patients often require assistance in maintaining a patent airway, and positive
2.18 pressure ventilation may be required because of depressed spontaneous ventilation or
2.19 drug-induced depression of neuromuscular function. Cardiovascular function may be
2.20 impaired.

2.21 Subp. 12b. **Hospital.** "Hospital" means an institution licensed by the state
2.22 commissioner of health that:

2.23 A. is adequately and properly staffed and equipped;

3.1 B. provides services, facilities, and beds for use beyond 24 hours by individuals
3.2 requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality,
3.3 disease, or pregnancy; and

3.4 C. regularly provides clinical laboratory services, diagnostic x-ray services, and
3.5 treatment facilities for surgery or obstetrical care, or other definitive medical treatment of
3.6 similar extent.

3.7 Hospital does not include diagnostic or treatment centers, physicians' offices or
3.8 clinics, or dentists' offices or clinics.

3.9 Subp. ~~12b.~~ 12c. **Infection control.** "Infection control" means programs, procedures,
3.10 and methods to reduce the transmission of agents of infection for the purpose of preventing
3.11 or decreasing the incidence of infectious diseases.

3.12 Subp. ~~12e.~~ 12d. **Inhalation.** "Inhalation" means a technique of administration in
3.13 which the gaseous or volatile agent is introduced into the pulmonary tree and whose
3.14 primary effect is due to absorption through the pulmonary bed.

3.15 Subp. 12e. **Licensed dental assistant.** "Licensed dental assistant" means an assistant
3.16 licensed by the board pursuant to Minnesota Statutes, section 150A.06, subdivision 2a.

3.17 Subp. 13. **Licensee.** "Licensee" means a dentist or, dental hygienist, licensed dental
3.18 assistant, or dental assistant with a limited-license permit.

3.19 Subp. 13a. **Minimal sedation.** "Minimal sedation" means a minimally depressed
3.20 level of consciousness produced by a pharmacological or nonpharmacological method
3.21 that retains the patient's ability to independently and continuously maintain an airway
3.22 and respond normally to tactile stimulation and verbal command. Cognitive function
3.23 and coordination may be moderately impaired. Ventilatory and cardiovascular functions
3.24 are unaffected.

4.1 Subp. 14. **Minnesota Professional Corporations Firms Act.** "Minnesota
4.2 Professional ~~Corporations~~ Firms Act" means Minnesota Statutes, sections ~~319A.01~~
4.3 ~~to 319A.22~~ 319B.01 to 319B.40.

4.4 Subp. 14a. **Moderate sedation.** "Moderate sedation" means a depressed level
4.5 of consciousness produced by a pharmacological or nonpharmacological method or a
4.6 combination thereof during which patients respond purposefully to verbal commands,
4.7 either alone or accompanied by light tactical stimulation. No interventions are required
4.8 to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular
4.9 function is usually maintained.

4.10 Subp. 15. **National board.** "National board" means an examination administered
4.11 nationally ~~and~~ that is acceptable to the board.

4.12 [For text of subps 15a and 15b, see M.R.]

4.13 Subp. 15c. **Pediatric advanced life support or PALS.** "Pediatric advanced life
4.14 support" or "PALS" refers to an advanced life support educational course for the pediatric
4.15 health care provider that teaches the current certification standards of the American
4.16 Academy of Pediatrics or the American Heart Association. A PALS certificate must be
4.17 obtained through the American Heart Association or an equivalent course.

4.18 Subp. 16. **Person.** "Person" includes an individual, ~~corporation~~ firm, partnership,
4.19 association, or any other legal entity.

4.20 [For text of subps 16a and 16b, see M.R.]

4.21 Subp. 17. [See repealer.]

4.22 Subp. 18. [See repealer.]

4.23 [For text of subps 18a and 18b, see M.R.]

4.24 Subp. 19. [Repealed, 10 SR 1613]

5.1 Subp. 20. [Repealed, 29 SR 306]

5.2 Subp. 21. **Supervision.** "Supervision" means one of the following levels of
5.3 supervision, in descending order of restriction:

5.4 A. "Personal supervision" means the dentist is personally operating on a patient
5.5 and authorizes the ~~auxiliary~~ allied dental personnel to aid in treatment by concurrently
5.6 performing supportive procedures.

5.7 B. "Direct supervision" means the dentist is in the dental office, personally
5.8 diagnoses the condition to be treated, personally authorizes the procedure, and before
5.9 dismissal of the patient, evaluates the performance of the ~~auxiliary~~ allied dental personnel.

5.10 C. "Indirect supervision" means the dentist is in the office, authorizes the
5.11 procedures, and remains in the office while the procedures are being performed by the
5.12 ~~auxiliary~~ allied dental personnel.

5.13 [For text of item D, see M.R.]

5.14 Subp. 22. **Transdermal or transmucosal.** "Transdermal" or "transmucosal" means
5.15 a technique of administration in which the drug is administered by patch or iontophoresis.

5.16 **3100.0400 OFFICERS.**

5.17 The officers of the board shall consist of a president, a vice-president, and a secretary,
5.18 as provided in Minnesota Statutes, section 150A.03, subdivision 1, ~~of the act~~. Election
5.19 of officers may be held at any regular or special meeting.

5.20 **3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.**

5.21 Subpart 1. **Form, credentials, and certification.** ~~Any~~ A person ~~desiring~~ seeking
5.22 licensure to practice dentistry within the state of Minnesota must first present to the board
5.23 an application and credentials, as ~~prescribed by the act~~ determined by the board, and shall
5.24 ~~conform to~~ meet the following ~~rules of the board:~~ requirements.

6.1 A. ~~An~~ The application must be on a form furnished by the board and must
6.2 be completely filled out.

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

6.5 C. The applicant must furnish certification of having passed all parts of a
6.6 national board examination as defined in part 3100.0100, subpart 15.

6.7 D. ~~Beginning January 1, 1993,~~ An applicant who wants the authority under
6.8 the license to administer a pharmacological agent for the purpose of general anesthesia,
6.9 deep sedation, or ~~conscious~~ moderate sedation or to administer nitrous oxide inhalation
6.10 analgesia must comply with part 3100.3600.

6.11 Subp. 2. **Clinical skills examination.** The applicant shall submit evidence of
6.12 satisfactorily passing a board approved examination designed to determine the applicant's
6.13 level of clinical skills.

6.14 Subp. 3. [Repealed, 18 SR 2042]

6.15 Subp. 4. **Photograph.** For identification purposes, the applicant shall furnish one
6.16 notarized unmounted passport-type photograph, three inches by three inches, taken not
6.17 more than six months before the date of application.

6.18 Subp. 5. **Certification of character.** The applicant shall furnish a testimonial of
6.19 good professional character from an authorized representative of the dental school from
6.20 which the applicant graduated and a certification by the secretary of the Board of Dental
6.21 Examiners of the state or Canadian province in which the applicant is licensed. ~~Provided,~~
6.22 ~~however,~~ The board may in its discretion and for good cause waive the certification of
6.23 good professional character by an authorized representative of the dental school.

6.24 Subp. 6. **Anesthesia, sedation, and nitrous oxide.** ~~Beginning January 1, 1993,~~ A
6.25 person applying for a license to practice dentistry or a dentist already licensed who wants

7.1 the authority under the license to administer a pharmacological agent for the purpose
7.2 of general anesthesia, deep sedation, or ~~conscious~~ moderate sedation or to administer
7.3 nitrous oxide inhalation analgesia must comply with the applicable requirements of part
7.4 3100.3600.

7.5 **3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.**

7.6 A person ~~desiring~~ seeking licensure to practice dental hygiene must present an
7.7 application and credentials as ~~prescribed by the act~~ determined by the board and ~~shall~~
7.8 ~~conform to~~ meet the following ~~rules~~ requirements of the board:

7.9 A. ~~An~~ The application must be on a form furnished by the board and must
7.10 be completely filled out.

7.11 B. ~~Applicants~~ The applicant must furnish certification ~~that they have~~ of having
7.12 passed the national board examination as defined in part 3100.0100, subpart 15.

7.13 C. The applicant shall submit evidence of satisfactorily passing a board
7.14 approved examination designed to determine the applicant's level of clinical skills.

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

7.18 E. For identification purposes, the applicant shall furnish one notarized
7.19 unmounted passport-type photograph, three inches by three inches, taken not more than
7.20 six months before the date of the application.

7.21 F. The applicant shall furnish evidence of good ~~professional~~ moral character
7.22 satisfactory to the board and certification from the Board of Dental Examiners in the state
7.23 or Canadian province in which the applicant is already licensed.

7.24 **3100.1300 APPLICATION FOR REGISTRATION AS A REGISTERED LICENSE**
7.25 **TO PRACTICE DENTAL ASSISTANT ASSISTING.**

8.1 ~~Any~~ A person desiring to be ~~registered~~ licensed as a dental assistant shall submit to
8.2 the board an application and credentials as prescribed by the act and shall conform to
8.3 the following ~~rules~~:

8.4 [For text of items A and B, see M.R.]

8.5 C. Submission of evidence of satisfactorily passing a ~~board-approved~~
8.6 ~~registration~~ both the board's state licensing examination and the board-approved nationally
8.7 recognized examination designed to determine the applicant's knowledge of the clinical
8.8 duties ~~specified~~ in part 3100.8500, subparts 1 to 1b.

8.9 [For text of items D and E, see M.R.]

8.10 F. A dental assistant who received and maintained registration in Minnesota
8.11 prior to January 1, 2010, will continue to practice as a licensed dental assistant thereafter
8.12 without completing any further examinations as required by this part. The licensed dental
8.13 assistant must submit the applicable fee for an original license to the board at the time of
8.14 the subsequent biennial renewal as specified in the board's notice. If the applicable fee for
8.15 the original license is not received by the board, the licensee's registration will expire and
8.16 the licensee's right to practice as a licensed dental assistant will be terminated by the board.

8.17 **3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.**

8.18 ~~Any~~ A person who is already a licensed dentist or dental hygienist in another state
8.19 or Canadian province desiring to be licensed to practice dentistry or dental hygiene in
8.20 Minnesota shall, in order to demonstrate the person's knowledge of dental subjects and
8.21 ability to practice dentistry or dental hygiene in Minnesota, comply with the requirements
8.22 in items A to N.

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

8.24 G. ~~Each~~ An applicant must submit with the application a fee as prescribed in
 8.25 ~~part 3100.2000, subpart 3~~ Minnesota Statutes, section 150A.091, subdivision 9.

9.1 [For text of items H to N, see M.R.]

9.2 **3100.1600 ADDITIONAL INFORMATION FROM ALL APPLICANTS.**

9.3 ~~Every applicant shall~~ Applicants must provide evidence of having fulfilled all the
 9.4 requirements of the act. ~~Every applicant shall~~ Applicants must sign an application and
 9.5 ~~shall~~ swear to the truth of the statements contained ~~therein~~ in the application before a
 9.6 notary public or other person authorized by law to administer oaths.

9.7 In order to pass on the applicant's qualification, ~~nothing contained in these rules this~~
 9.8 chapter shall be construed to limit the board's authority to seek from require an applicant
 9.9 ~~such other~~ to provide additional information as the board deems necessary that is pertinent
 9.10 to the character, education, and experience of the applicant ~~insofar~~ as it relates to the
 9.11 applicant's ability to practice as a licensee ~~or registrant as the board may deem necessary~~
 9.12 ~~in order to pass on the applicant's qualifications.~~

9.13 **3100.1700 TERMS AND RENEWAL OF LICENSURE AND REGISTRATION**
 9.14 **LICENSE OR PERMIT; GENERAL.**

9.15 Subpart 1. **Requirements.** The requirements of this part apply to the terms and
 9.16 renewal of ~~licensure~~ a license or ~~registration~~ limited-license permit of an applicant other
 9.17 than a limited faculty or resident dentist. The requirements for the terms and renewal of
 9.18 licensure as a limited faculty or resident dentist are specified in part 3100.1750.

9.19 Subp. 1a. **Initial term.** An initial license or ~~registration~~ permit issued by the board is
 9.20 valid from the date issued until the last day of the licensee's ~~or registrant's~~ birth month
 9.21 in either the following even-numbered year for an even-numbered birthdate year or the
 9.22 following odd-numbered year for an odd-numbered birthdate year, or terminated ~~in~~
 9.23 ~~accordance with~~ according to the procedures specified in this part.

9.24 Subp. 1b. **Biennial term.** A properly renewed license or ~~registration permit~~ issued
9.25 by the board is valid from the first day of the month following expiration for 24 months
10.1 until renewed or terminated ~~in accordance with~~ according to the procedures specified in
10.2 this part.

10.3 Subp. 2. **Renewal applications.** ~~Each~~ A dentist, dental hygienist, ~~registered~~ licensed
10.4 dental assistant, or dental assistant with a ~~limited registration permit~~ under part 3100.8500,
10.5 subpart 3, shall submit an application for biennial renewal of a license or ~~registration~~
10.6 ~~permit~~ together with the necessary fee no later than the last day of the licensee's ~~or~~
10.7 ~~registrant's~~ birth month which ~~serves as~~ is the application deadline. ~~Applications~~ An
10.8 application for renewal ~~are considered~~ is deemed timely if received by the board or
10.9 postmarked no later than the last day of the licensee's ~~or registrant's~~ birth month. The
10.10 application form must provide a place for the renewal applicant's signature certifying
10.11 compliance with the applicable professional development requirements including holding
10.12 a current CPR certification and information ~~to include but not be limited to~~ including
10.13 the applicant's office address or addresses, the license number ~~or registration certificate~~
10.14 ~~number~~, whether the licensee ~~or registrant~~ has been engaged in the active practice of
10.15 dentistry during the two years preceding the period for which renewal is sought as a
10.16 licensee ~~or registrant~~, and if so, whether within or without the state, and ~~such~~ any other
10.17 information which may be reasonably requested by the board.

10.18 Subp. 3. **Failure to submit renewal application.** ~~The following procedure will~~
10.19 procedures in this subpart shall be followed by the board for all licensees ~~and registrants~~
10.20 who have failed to submit the biennial renewal application ~~in accordance with~~ according
10.21 to subpart 2 and applicable fees, except as provided in subpart 5.

10.22 A. Any time after the application deadline, the board will send, to the last
10.23 address on file with the board, a notice to ~~all licensees or registrants~~ a licensee who have
10.24 has not made application for the renewal of ~~their~~ a license or ~~registration permit~~. The

10.25 notice will state that licensee ~~or registrant~~ has failed to make application for renewal; the
10.26 amount of the renewal and late fees; that licensee ~~or registrant~~ may voluntarily terminate
11.1 the license or registration permit by notifying the board; and that failure to respond to the
11.2 notice by the date specified, which date must be at least 33 days after the notice is sent
11.3 out by the board, either by submitting the renewal application and applicable fees, or by
11.4 notifying the board that licensee ~~or registrant~~ has voluntarily terminated ~~his or her~~ the
11.5 license or registration permit will result in the expiration of the license or registration
11.6 permit and termination of the right to practice.

11.7 B. If the application for renewal, including the applicant's signature certifying
11.8 compliance with the applicable professional development requirements, and the applicable
11.9 biennial and late fees or notice of voluntary termination is not received by the board
11.10 by the date specified in the notice, the license or registration permit will expire and the
11.11 licensee's ~~or registrant's~~ right to practice will terminate as of the date specified in the
11.12 notice. The expiration and termination will not be considered a disciplinary action against
11.13 the licensee ~~or registrant~~.

11.14 Subp. 4. **Reinstatement.** A license ~~or registration~~ which has expired pursuant
11.15 according to this part may be reinstated ~~pursuant~~ according to part 3100.1850.

11.16 Subp. 5. **Contested case proceedings.** The board, in lieu of the process in subpart 3,
11.17 may initiate a contested case hearing to revoke or suspend a license or registration permit
11.18 for failure to submit the fees or provide the applicant's signature certifying compliance
11.19 with the applicable professional development requirements on the renewal application, at
11.20 the same time that it initiates disciplinary proceedings against the licensee ~~or registrant~~ for
11.21 other grounds specified in Minnesota Statutes, section 150A.08, subdivision 1, and parts
11.22 3100.6100 to 3100.7200 and 3100.8100.

11.23 **3100.1850 REINSTATEMENT OF ~~LICENSURE OR REGISTRATION~~ LICENSE.**

11.24 Subpart 1. **Requirements.** Upon complying with the requirements specified in this
 11.25 part, the applicant's license ~~or registration~~ shall be reinstated. ~~Any~~ A person desiring the
 11.26 reinstatement of a license ~~or registration~~ shall:

12.1 [For text of item A, see M.R.]

12.2 B. submit with the reinstatement application the fee specified in ~~part 3100.2000,~~
 12.3 ~~subpart 6~~ Minnesota Statutes, section 150A.091, subdivision 10;

12.4 [For text of item C, see M.R.]

12.5 D. comply with the applicable provisions of subparts 2 to 5.

12.6 Upon reinstatement, the person shall be assigned to the biennial term to which the
 12.7 licensee ~~or registrant~~ was assigned prior to termination of the license ~~or registration~~.

12.8 Subp. 2. **Expiration or voluntary termination of six months or less.** An applicant
 12.9 whose license ~~or registration~~ has expired ~~pursuant~~ according to part 3100.1700, subpart
 12.10 3, or who voluntarily terminated the license ~~or registration~~ six months or less previous
 12.11 to the application for reinstatement must:

12.12 A. provide evidence of having completed the professional development
 12.13 requirements as described under part 3100.5200 that would have applied to the applicant
 12.14 had the license ~~or registration~~ not expired. Professional development requirements must
 12.15 have been completed within 24 months prior to the board's receipt of the application; and

12.16 B. pay the biennial renewal fee and file a reinstatement application as specified
 12.17 in ~~part 3100.1850,~~ subpart 1.

12.18 Subp. 2a. **Expiration or voluntary termination of more than six months but**
 12.19 **less than 24 months.** An applicant whose license ~~or registration~~ has expired ~~pursuant~~
 12.20 according to part 3100.1700, subpart 3, or who voluntarily terminated the license ~~or~~

12.21 ~~registration~~ more than six months but less than 24 months previous to the application for
 12.22 ~~reimbursement~~ reinstatement must:

12.23 A. provide evidence of having completed the professional development
 12.24 requirements ~~as described under~~ in part 3100.5200 that would have applied to the applicant
 13.1 had the license ~~or registration~~ not expired. Professional development requirements must
 13.2 have been completed within 24 months prior to the board's receipt of the application;

13.3 B. pay the biennial renewal fee and file a reinstatement application as specified
 13.4 in ~~part 3100.1850~~, subpart 1;

13.5 [For text of items C to E, see M.R.]

13.6 Subp. 3. **Expiration or voluntary termination of 24 months or more.** An applicant
 13.7 whose license ~~or registration~~ has expired ~~pursuant~~ according to part 3100.1700, subpart
 13.8 3, or who voluntarily terminated the license ~~or registration~~ 24 months or more previous
 13.9 to the application for reinstatement must:

13.10 A. comply with ~~the provisions of part 3100.1850~~, subpart 2a, ~~items A to E~~; and

13.11 B. submit either:

13.12 (1) evidence of having successfully completed part II of the national board
 13.13 examination or the clinical examination ~~specified~~ in part 3100.1100, subpart 2, for dentists;
 13.14 the national board examination or the clinical examination ~~specified~~ in part 3100.1200,
 13.15 item C, for dental hygienists; and the ~~registration examination specified~~ two examinations
 13.16 in part 3100.1300, item C, for ~~registered~~ licensed dental assistants. The examination must
 13.17 have been completed within 24 months prior to the board's receipt of the application; or

13.18 (2) evidence of having successfully completed applicable board-approved
 13.19 coursework with minimal hour requirements directly relating to the practice of dentistry,
 13.20 dental hygiene, or dental assisting as indicated in the reinstatement application. The
 13.21 board-approved coursework must have been completed within 24 months prior to the

13.22 board's receipt of the application. The coursework completed under this subpart may
 13.23 not be used to fulfill any of the applicable professional development requirements in
 13.24 part 3100.5100.

13.25 Subp. 4. [Repealed, 20 SR 2316]

14.1 Subp. 5. **Scope.** Nothing in this part prohibits a dentist or dental hygienist from
 14.2 applying for licensure ~~pursuant~~ according to part 3100.1400.

14.3 **3100.3100 CONDUCT OF EXAMINATIONS.**

14.4 ~~The following rules~~ This part and parts 3100.3300 to 3100.3500 govern the conduct
 14.5 of examinations given to those applicants for licensure as a dentist or dental hygienist or
 14.6 ~~for registration~~ as a ~~registered~~ licensed dental assistant and must be strictly adhered to
 14.7 throughout the entire examination. An examinee who violates any of the applicable rules
 14.8 or instructions ~~applicable~~ may be declared by the board to have failed the examination.

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

14.11 B. The board shall assign ~~each~~ an applicant a number, and ~~said~~ the applicant
 14.12 shall be known by that number throughout the entire examination.

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

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

14.17 [For text of items E to L, see M.R.]

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

14.20 **3100.3200 CLINICAL EXAMINATIONS.**

14.21 Every dentist and dental hygienist applicant shall give a demonstration of skill in those
14.22 operations appropriate for the level of licensure ~~or registration~~ prescribed by the board.
14.23 ~~Registered~~ Licensed dental assistant applicants may also be ~~so~~ examined for licensure.
14.24 All operations shall be performed in the presence of a board member qualified for the
14.25 particular examination being given or consultant appointed by the board for that purpose.

15.1 **3100.3300 EXAMINATION OF DENTISTS.**

15.2 Subpart 1. **Scope.** The act provides that the examination of applicants for a license
15.3 to practice dentistry in this state shall be sufficiently thorough to test the fitness of the
15.4 applicant to practice dentistry.

15.5 Subp. 2. **National board examination.** ~~Each~~ An applicant must pass a national
15.6 board examination. At the discretion of the board, ~~any~~ a dentist who has lawfully
15.7 practiced dentistry in another state for five years may be exempted from taking a national
15.8 board examination.

15.9 Subp. 3. **Additional written examination content.** ~~All applicants~~ An applicant shall
15.10 be examined for general knowledge of the act, the rules of the board, and the Minnesota
15.11 Professional ~~Corporations~~ Firms Act. Additional written theoretical examinations may be
15.12 administered by the board for licensure.

15.13 Subp. 4. **Diagnosis and treatment examination.** ~~All~~ A dentist ~~applicant's~~ applicant
15.14 may be examined in oral diagnosis and treatment planning. ~~Such~~ The examination shall be
15.15 formulated to test the applicant's ability to recognize and institute treatment of common
15.16 oral pathologic conditions as well as to test knowledge, understanding, and judgment
15.17 relative to all types of dental health service.

15.18 Subp. 4a. **Additional education for two failed clinical examinations.** When an
15.19 applicant fails twice any part of the clinical examination required by Minnesota Statutes,
15.20 section 150A.06, subdivision 1, the applicant may not take it again until the applicant

15.21 successfully completes additional education provided by an institution accredited by the
 15.22 Commission on Accreditation. The education must cover all of the subject areas failed
 15.23 by the applicant in each of the two clinical examinations. The applicant may retake the
 15.24 examination only after the institution provides to the board information specifying the
 15.25 areas failed in the previous examinations and the instruction provided to address the
 15.26 areas failed, and certifies that the applicant has successfully completed the instruction.
 16.1 The applicant must take the additional instruction ~~provided above~~ required in this subpart
 16.2 each time the applicant fails the clinical examination twice.

16.3 Subp. 5. **Examination for continued licensure.** The board may administer any
 16.4 other examination it deems necessary to determine qualification for continued licensure.

16.5 **3100.3500 EXAMINATION OF REGISTERED LICENSED DENTAL**
 16.6 **ASSISTANTS.**

16.7 Subpart 1. **Scope.** The act provides that the examination of ~~applicants~~ an applicant
 16.8 for ~~registration~~ licensure as a dental assistants assistant in this state shall be sufficiently
 16.9 thorough to test the fitness of the candidate to practice the skills that a ~~registered~~ licensed
 16.10 dental assistant is authorized to perform.

16.11 Subp. 2. ~~Registration examination~~ State and national examinations. All
 16.12 ~~applicants~~ An applicant must pass ~~a registration~~ both the board's state licensing
 16.13 examination and the board-approved nationally recognized examination ~~approved by~~
 16.14 ~~the board.~~

16.15 Subp. 2a. **Additional education for two failed clinical examinations.** When an
 16.16 applicant fails twice any part of the clinical examination required by Minnesota Statutes,
 16.17 section 150A.06, subdivision 2a, the applicant may not take it again until the applicant
 16.18 successfully completes additional education provided by an institution accredited by the
 16.19 Commission on Accreditation or an independent instructor approved by the board. The
 16.20 education must cover all of the subject areas failed by the applicant in each of the two

16.21 clinical examinations. The applicant may retake the examination only after the institution
 16.22 or independent instructor provides to the board information specifying the areas failed
 16.23 in the previous examinations and the instruction provided to address the areas failed,
 16.24 and certifies that the applicant has successfully completed the instruction. The applicant
 16.25 must take the additional instruction ~~provided above~~ required in this subpart each time the
 16.26 applicant fails the clinical examination twice.

17.1 Subp. 3. **Additional examination content.** ~~All candidates~~ A candidate shall be
 17.2 examined for general knowledge of the act and the rules of the board.

17.3 Subp. 4. **Examination for continued ~~registration~~ licensure.** The board may
 17.4 administer any other examination it deems necessary to determine qualifications for
 17.5 continued ~~registration~~ licensure.

17.6 **3100.3600 ADMINISTRATION OF GENERAL ANESTHESIA, ~~CONSCIOUS~~**
 17.7 **DEEP SEDATION, MODERATE SEDATION, MINIMAL SEDATION, AND**
 17.8 **NITROUS OXIDE INHALATION ANALGESIA.**

17.9 Subpart 1. **Prohibitions.** ~~A dental hygienists~~ hygienist or ~~registered~~ licensed dental
 17.10 ~~assistants~~ assistant may not administer general anesthesia ~~or conscious, deep sedation,~~
 17.11 moderate sedation, or minimal sedation.

17.12 Subp. 2. **General anesthesia or deep sedation; educational training**
 17.13 **requirements.** A dentist may administer general anesthesia or deep sedation only
 17.14 pursuant to items A to C.

17.15 A. A dentist must complete ~~an ACLS and maintain current ACLS certification~~
 17.16 ~~thereafter and complete~~ either subitem (1) or (2) and subitems (3) and (4):

17.17 [For text of subitem (1), see M.R.]

17.18 (2) a one-year residency in general anesthesia at an institution certified
 17.19 by the American Society of Anesthesiology, the American Medical Association, or the
 17.20 Joint Commission on Hospital Accreditation, resulting in the dentist becoming clinically

17.21 competent in the administration of general anesthesia. The residency must include a
17.22 minimum of 390 hours of didactic study, 1,040 hours of clinical anesthesiology, and 260
17.23 cases of administration of general anesthesia to an ambulatory outpatient; and

17.24 (3) an appropriate dental sedation/anesthesia emergency management
17.25 course such as ACLS or PALS and maintain current dental sedation/anesthesia emergency
17.26 management certification thereafter; and

18.1 (4) a CPR certification course and maintain current CPR certification
18.2 thereafter.

18.3 B. A dentist shall be prepared and competent to diagnose, resolve, and
18.4 reasonably prevent any untoward reaction or medical emergency that may develop any
18.5 time after the administration of general anesthesia or deep sedation. A dentist shall
18.6 apply the current standard of care to continuously monitor and evaluate a patient's blood
18.7 pressure, pulse, respiratory function, and cardiac activity. The current standard of care to
18.8 assess respiratory function ~~shall require~~ requires the monitoring of tissue oxygenation or
18.9 the use of a superior method of monitoring respiratory function.

18.10 C. A dentist shall administer general anesthesia or deep sedation only by
18.11 application of the appropriate systems and drugs for the delivery of general anesthesia
18.12 or deep sedation. Prior to discharge, the dentist or the person administering the general
18.13 anesthesia or deep sedation shall assess the patient to ensure the patient is no longer at
18.14 risk for cardiorespiratory depression. The patient must be discharged into the care of
18.15 a responsible adult.

18.16 Subp. 3. **Conscious Moderate sedation; educational training requirements.** A
18.17 dentist may administer ~~conscious~~ moderate sedation only pursuant to items A to C.

18.18 A. A dentist must complete subitems (1) to (3):

18.19 (1) a course of education resulting in the dentist becoming clinically
18.20 competent for administration of ~~conscious~~ moderate sedation, to include a minimum of
18.21 60 hours of didactic education in both enteral and parenteral administration, personally
18.22 administering and managing at least ten individual supervised cases of parenteral
18.23 ~~conscious~~ moderate sedation of which a maximum of five cases may be performed on
18.24 a patient-simulated manikin, and ~~having the instructor~~ submit to the board original
18.25 documentation from the instructor of successful completion of the course; ~~and~~

19.1 (2) an appropriate dental sedation/anesthesia emergency management
19.2 course such as ACLS or PALS and maintain current ACLS dental sedation/anesthesia
19.3 emergency management certification thereafter; and

19.4 (3) a CPR certification course and maintain current CPR certification
19.5 thereafter.

19.6 B. A dentist shall be prepared and competent to diagnose, resolve, and
19.7 reasonably prevent any untoward reaction or medical emergencies that may develop any
19.8 time after rendering a patient in the state of ~~conscious~~ moderate sedation. The dentist shall
19.9 apply the current standard of care to continuously monitor and evaluate a patient's blood
19.10 pressure, pulse, respiratory function, and cardiac activity. The current standard of care to
19.11 assess respiratory function shall require the monitoring of tissue oxygenation or the use
19.12 of a superior method of monitoring respiratory function.

19.13 C. A dentist shall administer ~~conscious~~ moderate sedation by application of the
19.14 appropriate systems and drugs for the delivery of ~~conscious~~ moderate sedation. Prior to
19.15 discharge, the dentist or the person administering the ~~conscious~~ moderate sedation shall
19.16 assess the patient to ensure the patient is no longer at risk for cardiorespiratory depression.
19.17 The patient must be discharged into the care of a responsible adult.

19.18 Subp. 4. **Nitrous oxide inhalation analgesia; educational training requirements.**
19.19 A dentist may administer nitrous oxide inhalation analgesia only ~~pursuant~~ according to

19.20 items A to D and subpart 5, items A and C. A dental hygienist may administer nitrous
19.21 oxide inhalation analgesia only ~~pursuant~~ according to items C to F and subpart 5, item D.
19.22 A ~~registered~~ licensed dental assistant may administer nitrous oxide inhalation analgesia
19.23 only after a maximum dosage has been prescribed by a dentist for a specific patient, and it
19.24 is administered ~~pursuant~~ according to items C to F and subpart 5, item D.

19.25 A. Prior to January 1, 1993, a licensed dentist who is currently administering
19.26 nitrous oxide inhalation analgesia may register that fact with the board ~~pursuant~~ according
20.1 to subpart 5, item A. Such registered dentists may continue to administer nitrous oxide
20.2 inhalation analgesia and need not comply with item B.

20.3 B. A dentist who has not previously registered with the board pursuant
20.4 to subpart 5, item A, may administer nitrous oxide inhalation analgesia only after
20.5 satisfactorily completing a dental school or postdental graduate education course on the
20.6 administration of nitrous oxide inhalation analgesia from an institution accredited by the
20.7 Commission on Accreditation, and ~~submission by the instructor~~ submitting to the board
20.8 original documentation from the institution of successful completion of the course. The
20.9 course must ~~include~~ be a minimum of 12 hours total comprised of didactic instruction,
20.10 personally administering and managing at least three individual supervised cases of
20.11 analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable
20.12 of positive pressure respiration.

20.13 C. A dentist, dental hygienist, or ~~registered~~ licensed dental assistant must
20.14 complete CPR training and maintain current CPR certification thereafter.

20.15 D. A dentist, dental hygienist, or ~~registered~~ licensed dental assistant must only
20.16 use fail-safe anesthesia equipment capable of positive pressure respiration.

20.17 E. A dental hygienist or ~~registered~~ licensed dental assistant may administer
20.18 nitrous oxide inhalation analgesia only after satisfactorily completing a course on the
20.19 administration of nitrous oxide inhalation analgesia from an institution accredited by the

20.20 Commission on Accreditation, and ~~submission by the instructor~~ submitting to the board
20.21 original documentation from the institution of successful completion of the course. The
20.22 course must ~~include~~ be a minimum of 12 hours total comprised of didactic instruction,
20.23 personally administering and managing at least three individual supervised cases of
20.24 analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable
20.25 of positive pressure respiration.

21.1 F. A dental hygienist or ~~registered~~ licensed dental assistant may administer
21.2 nitrous oxide inhalation analgesia under the appropriate level of supervision by a dentist
21.3 who is current with the requirements to administer nitrous oxide inhalation analgesia
21.4 ~~pursuant~~ according to items A to D and subpart 5, items A to C.

21.5 Subp. 5. **Notice to board.**

21.6 A. A dentist who is administering general anesthesia, deep sedation, or
21.7 ~~conscious~~ moderate sedation or who is administering nitrous oxide inhalation analgesia
21.8 shall inform the board of that fact on forms provided by ~~it~~ the board.

21.9 B. A dentist may administer general anesthesia, deep sedation, or ~~conscious~~
21.10 moderate sedation only if the dentist has submitted the following information to the
21.11 board on forms provided by ~~it~~ the board: the name, address, and telephone number of
21.12 the institution at which the dentist took the program or residency that complies with
21.13 subparts 2, item A, subitem (1) or (2); and 3, item A, subitem (1), a certified copy of the
21.14 dentist's transcript ~~or~~ and other official record from the institution verifying that the dentist
21.15 satisfactorily completed the program, residency, or course; and the name, address, and
21.16 telephone number of the institution or other agency at which the dentist successfully
21.17 completed the ACLS, PALS, or an equivalent course required by subparts 2, item A,
21.18 subitem (3); and 3, item A, subitem (2). After this initial submission, dentists shall submit
21.19 on ~~their~~ a license renewal application or other form provided by the board a statement of
21.20 the most recent course completed in ACLS, PALS, or an equivalent course.

21.21 C. A dentist not previously registered with the board ~~pursuant~~ according to item
21.22 A or who graduated from an institution in Minnesota accredited by the Commission on
21.23 Accreditation prior to April 15, 2008, may administer nitrous oxide inhalation analgesia
21.24 only after the dentist has submitted the ~~following~~ information in subitems (1) and (2) to
21.25 the board on forms provided by ~~it~~ the board:

22.1 (1) the name, address, and telephone number of the institution at which the
22.2 dentist took the course that complies with subpart 4, item B; and

22.3 (2) a certified copy of the dentist's transcript ~~or~~ and other official record
22.4 from the institution verifying that the dentist has successfully completed CPR as required
22.5 by subpart 4, item C.

22.6 After ~~this~~ the initial submission, a dentist shall submit on the license renewal
22.7 application or other form provided by the board a statement of the most recent course
22.8 completed in CPR.

22.9 D. A dental hygienist or ~~registered~~ licensed dental assistant who graduated
22.10 from an institution in Minnesota accredited by the Commission on Accreditation or
22.11 received licensure by credentials prior to September 2, 2004, may administer nitrous oxide
22.12 inhalation analgesia only after the dental hygienist or ~~registered~~ licensed dental assistant
22.13 has submitted the ~~following~~ information in subitems (1) and (2) to the board on forms
22.14 provided by ~~it~~ the board:

22.15 (1) the name, address, and telephone number of the institution at which
22.16 the dental hygienist or ~~registered~~ licensed dental assistant successfully completed the
22.17 course required by subpart 4, item E; and

22.18 (2) a certified copy of the dental hygienist's or ~~registered~~ licensed dental
22.19 assistant's transcript ~~or~~ and other official record from the institution verifying that the
22.20 dental hygienist or ~~registered~~ licensed dental assistant has successfully completed CPR
22.21 as required by subpart 4, item C.

22.22 After ~~this~~ the initial submission, the dental hygienist or ~~registered~~ licensed dental
 22.23 assistant shall submit on the license renewal application or other form provided by the
 22.24 board a statement of the most recent course completed in CPR.

22.25 Subp. 6. **Analgesia.** A dentist ~~may administer analgesia provided the dentist who~~
 22.26 has a current license to practice dentistry in Minnesota may administer analgesia.

23.1 Subp. 7. ~~Anxiolysis~~ **Minimal sedation.** A dentist ~~may administer anxiolysis~~
 23.2 ~~provided the dentist who~~ has a current license to practice dentistry in Minnesota may
 23.3 administer minimal sedation.

23.4 Subp. 8. **Reporting of incidents required.** A dentist, dental hygienist, or ~~registered~~
 23.5 licensed dental assistant must report to the board any incident that arises from the
 23.6 administration of nitrous oxide inhalation analgesia, general anesthesia, ~~conscious~~ deep
 23.7 sedation, moderate sedation, local anesthesia, analgesia, or anxiolysis minimal sedation
 23.8 that results in:

23.9 A. a serious or unusual outcome that produces a temporary or permanent
 23.10 physiological injury, harm, or other detrimental effect to one or more of a patient's body
 23.11 systems; or

23.12 B. ~~anxiolysis~~ minimal sedation unintentionally becoming ~~conscious~~ moderate
 23.13 sedation, deep sedation, or general anesthesia when the licensee does not have a certificate
 23.14 for administering general anesthesia or ~~conscious~~ moderate sedation as described in
 23.15 subpart 9.

23.16 The report must be submitted to the board on forms provided by ~~it~~ the board within
 23.17 ten business days of the incident by the dentist, dental hygienist, or ~~registered~~ licensed
 23.18 dental assistant, even when another licensed health care professional who, under contract
 23.19 or employment with the dentist, was the actual person administering the analgesia or
 23.20 pharmacological or nonpharmacological method. A licensee ~~or registrant~~ who fails to
 23.21 comply with reporting of incidents is subject to disciplinary proceedings on grounds

23.22 specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08,
23.23 subdivision 1.

23.24 Subp. 9. **General anesthesia/~~conscious~~ or moderate sedation certificate.**

24.1 A. The board may contract with advisory consultants as necessary for advice
24.2 and recommendations to the board on requirements for general anesthesia/~~conscious~~ or
24.3 moderate sedation certification and approval of an applicant and facility.

24.4 B. ~~To administer general anesthesia or conscious sedation, a dentist must obtain~~
24.5 ~~a certificate from the board for the requested procedure.~~ A dentist shall not administer
24.6 general anesthesia, deep sedation, or moderate sedation in the practice of dentistry unless
24.7 the dentist possesses a general anesthesia or moderate sedation certificate issued by the
24.8 board according to this subpart. For certification, the dentist shall meet all applicable
24.9 requirements of this part, including the educational training requirements in subparts 2
24.10 and 3, the practice and equipment requirements in subpart 10, and the on-site inspection
24.11 requirements in subpart 11. Failure by a dentist to obtain ~~an appropriate~~ a general
24.12 anesthesia or moderate sedation certificate subjects the dentist to disciplinary proceedings
24.13 on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes,
24.14 section 150A.08, subdivision 1. ~~Certificate issuance is governed by subitems (1) to (9).~~
24.15 Certificates shall be issued by the board in the following titles:

24.16 (1) general anesthesia, which authorizes a dentist to administer general
24.17 anesthesia, deep sedation, or moderate sedation, or to provide dental services to patients
24.18 under general anesthesia, deep sedation, or moderate sedation when a dentist employs or
24.19 contracts another licensed health care professional with the qualified training and legal
24.20 qualification to administer general anesthesia, deep sedation, or moderate sedation; and

24.21 (2) moderate sedation, which authorizes a dentist to administer moderate
24.22 sedation, or to provide dental services to patients under moderate sedation when a dentist

24.23 employs or contracts another licensed health care professional with the qualified training
24.24 and legal qualification to administer moderate sedation.

24.25 C. All certificates described in item B are issued and governed by subitems
24.26 (1) to (9).

25.1 (1) A board-approved application form to obtain an initial general
25.2 anesthesia or ~~conscious~~ moderate sedation certificate must be filled out completely and
25.3 submitted to the board along with the ~~appropriate~~ applicable nonrefundable fee described
25.4 in Minnesota Statutes, section 150A.091, subdivision 11. An application form must
25.5 include, but not be limited to, information on office facilities, support staff training,
25.6 emergency protocols, monitoring equipment, and record-keeping procedures.

25.7 (2) A dentist is not required to possess an additional certificate for ~~conscious~~
25.8 deep or moderate sedation if the dentist possesses a valid certificate for general anesthesia.

25.9 (3) A dentist holding a current general anesthesia or ~~conscious~~ moderate
25.10 sedation certificate on the effective date of this part is considered by the board to be in
25.11 compliance with this subpart until the expiration and required renewal of the certificate as
25.12 described in subitem (5).

25.13 (4) Upon receipt of an application for an initial general anesthesia or
25.14 ~~conscious~~ moderate sedation certificate, the board shall require that the dentist undergo
25.15 an on-site inspection as described in subpart 11 or further review of the dentist's
25.16 anesthesia/sedation credentials. The board may direct an anesthesia consultant or
25.17 qualified anesthetic practitioner who has been approved by the board and provided with
25.18 board-established guidelines to assist in the inspection or review.

25.19 (5) For renewal of a general anesthesia or ~~conscious~~ moderate sedation
25.20 certificate, a board-approved application form must be obtained from the board and
25.21 completed by the dentist whenever the dentist is subject to license renewal as described
25.22 in part 3100.1700, subpart 2. An application form must include, but not be limited to,

25.23 information on office facilities, support staff training, emergency protocols, monitoring
25.24 equipment, and record-keeping procedures. A dentist's ~~certificate to administer~~ general
25.25 anesthesia or ~~conscious~~ moderate sedation certificate expires if the completed application
25.26 and the ~~appropriate~~ nonrefundable fee as described in Minnesota Statutes, section
26.1 150A.091, subdivision 11, are not received by the board by the application deadline.
26.2 Immediately upon expiration of a certificate, the dentist is prohibited from administering
26.3 general anesthesia, deep sedation, or moderate sedation in the practice of dentistry until
26.4 the board issues a current general anesthesia or moderate sedation certificate to the dentist
26.5 described in subpart 9a. After 60 days from the renewal application deadline, the board
26.6 will terminate the dentist's general anesthesia or moderate sedation certificate and send a
26.7 notice of termination to the dentist.

26.8 (6) Upon receipt of an application for renewal of a general anesthesia
26.9 or ~~conscious~~ moderate sedation certificate, the board may require that the dentist
26.10 undergo an on-site inspection as described in subpart 11 or further review of the dentist's
26.11 anesthesia/sedation credentials. The board may direct an anesthesia consultant or
26.12 qualified anesthetic practitioner who has been approved by the board and provided with
26.13 board-established guidelines to assist in the inspection or review.

26.14 (7) Upon granting an application, receiving payment of the required fee,
26.15 and, if required, receiving notice of having successfully passed an on-site inspection and
26.16 evaluation, the board shall issue a general anesthesia or ~~conscious~~ moderate sedation
26.17 certificate to the dentist.

26.18 (8) ~~Each~~ A dentist shall submit with a request for issuance of a duplicate of
26.19 the general anesthesia or ~~conscious~~ moderate sedation certificate the ~~appropriate~~ applicable
26.20 nonrefundable fee as described in Minnesota Statutes, section 150A.091, subdivision 12.

26.21 (9) A certificate issued by the board must be conspicuously displayed in
26.22 plain sight of patients in every office in which the dentist administers general anesthesia,
26.23 deep sedation, or conscious moderate sedation.

26.24 Subp. 9a. Expiration or termination of general anesthesia or moderate sedation
26.25 certificate; requirements. A dentist requesting renewal or recertification of a general
26.26 anesthesia or moderate sedation certificate following expiration or termination must
27.1 comply with the requirements for the applicable interval specified in item A or B. After
27.2 successful completion of all requirements, the board shall issue a general anesthesia or
27.3 moderate sedation certificate to the dentist.

27.4 A. A dentist whose anesthesia/sedation certificate has expired as described in
27.5 subpart 9, item C, subitem (5), or who voluntarily terminated the anesthesia/sedation
27.6 certificate, within 60 calendar days after the renewal application deadline, must comply
27.7 with subitems (1) to (6):

27.8 (1) submit to the board a completed board-approved renewal application
27.9 form for a general anesthesia or moderate sedation certificate;

27.10 (2) submit with the renewal application the applicable nonrefundable
27.11 renewal fee described in Minnesota Statutes, section 150A.091, subdivision 11;

27.12 (3) submit payment of the nonrefundable late fee to the board described in
27.13 Minnesota Statutes, section 150A.091, subdivision 11a;

27.14 (4) provide official documentation as proof of current certification in
27.15 ACLS, PALS, or an equivalent dental sedation/anesthesia emergency management course;

27.16 (5) provide required documentation of current CPR certification; and

27.17 (6) not administer general anesthesia, deep sedation, or moderate sedation
27.18 until the board issues a general anesthesia or moderate sedation certificate to the dentist.

27.19 B. A dentist whose anesthesia/sedation certificate has been terminated by the
27.20 board according to subpart 9, item C, subitem (5), or who voluntarily terminated the
27.21 anesthesia/sedation certificate, more than 60 calendar days after the renewal application
27.22 deadline, must comply with subitems (1) to (7):

27.23 (1) submit to the board a completed board-approved recertification
27.24 application form for a general anesthesia or moderate sedation certificate;

28.1 (2) submit with the recertification application the applicable nonrefundable
28.2 recertification fee described in Minnesota Statutes, section 150A.091, subdivision 11b;

28.3 (3) provide official documentation from the institution verifying successful
28.4 completion of the educational requirements for either general anesthesia described in
28.5 subpart 2 or moderate sedation described in subpart 3;

28.6 (4) provide official documentation of current certification in ACLS, PALS,
28.7 or an equivalent dental sedation/anesthesia emergency management course;

28.8 (5) provide required documentation of current CPR certification; and

28.9 (6) not administer general anesthesia, deep sedation, or moderate sedation
28.10 until the board issues a general anesthesia or moderate sedation certificate to the dentist.

28.11 C. Upon receipt of a recertification application for general anesthesia or
28.12 moderate sedation, the board may require that the dentist undergo an on-site inspection
28.13 described in subpart 11 or further review of the dentist's anesthesia/sedation credentials.

28.14 **Subp. 9b. Certificate to provide dentistry with contracted sedation provider.**

28.15 A. A dentist shall not provide dental services to a patient who is under general
28.16 anesthesia, deep sedation, or moderate sedation, at any location other than a hospital,
28.17 unless the dentist possesses the applicable contracted sedation provider certificate for
28.18 general anesthesia or moderate sedation issued by the board according to this subpart.
28.19 For certification, the dentist shall meet all applicable requirements of this subpart,

28.20 including the practice and equipment requirements in subpart 10 and the on-site inspection
28.21 requirements in subpart 11. Failure by a dentist to obtain the applicable certificate subjects
28.22 the dentist to disciplinary proceedings on grounds specified in parts 3100.6100 and
28.23 3100.6200, and Minnesota Statutes, section 150A.08, subdivision 1. Certificates shall be
28.24 issued by the board in the following titles:

29.1 (1) dentistry with contracted sedation provider-general anesthesia, which
29.2 authorizes a dentist to provide dental services to patients under general anesthesia, deep
29.3 sedation, or moderate sedation when a dentist employs or contracts another licensed health
29.4 care professional with the qualified training and legal authority to administer general
29.5 anesthesia, deep sedation, or moderate sedation; and

29.6 (2) dentistry with contracted sedation provider-moderate sedation, which
29.7 authorizes a dentist to provide dental services to patients under moderate sedation when a
29.8 dentist employs or contracts another licensed health care professional with the qualified
29.9 training and legal qualification to administer moderate sedation.

29.10 B. Certificates in item A are issued and governed by subitems (1) to (7).

29.11 (1) To obtain an initial contracted sedation provider certificate, a
29.12 board-approved application form must be filled out completely and submitted to the board
29.13 along with the applicable nonrefundable fee in Minnesota Statutes, section 150A.091,
29.14 subdivision 11. An application form must include, but not be limited to, information on
29.15 the employed or contracted licensed health care professional, office facilities, emergency
29.16 protocols, monitoring equipment, and record-keeping procedures.

29.17 (2) For renewal of a contracted sedation provider certificate, a
29.18 board-approved application form must be completed and submitted to the board along
29.19 with the applicable nonrefundable fee in Minnesota Statutes, section 150A.091,
29.20 subdivision 11, whenever the dentist is subject to license renewal in part 3100.1700,
29.21 subpart 2. An application form must include, but not be limited to, information on the

29.22 employed or contracted licensed health care professional, office facilities, emergency
29.23 protocols, monitoring equipment, and record-keeping procedures. A dentist's contracted
29.24 sedation provider certificate expires if the completed application and nonrefundable fee
29.25 are not received by the board by the application deadline. Immediately upon expiration
29.26 of a certificate, the dentist is prohibited from providing dental services to patients under
30.1 general anesthesia, deep sedation, or moderate sedation until the board issues a current
30.2 contracted sedation provider certificate to the dentist as described in item C. After 60 days
30.3 from the renewal application deadline, the board will terminate the dentist's contracted
30.4 sedation provider certificate and send a notice of termination to the dentist.

30.5 (3) The dentist must comply with the practice and equipment requirements
30.6 in subpart 10.

30.7 (4) The dentist must comply with having an on-site inspection described
30.8 in subpart 11.

30.9 (5) If a dentist possesses a moderate sedation certificate described in
30.10 subpart 9 and desires to provide dental services to a patient under general anesthesia or
30.11 deep sedation, at any location other than a hospital, the dentist must obtain a contracted
30.12 sedation provider certificate for general anesthesia.

30.13 (6) A request for issuance of a duplicate contracted sedation provider
30.14 certificate must be accompanied by the applicable nonrefundable fee specified in
30.15 Minnesota Statutes, section 150A.091, subdivision 12.

30.16 (7) A certificate issued by the board must be conspicuously displayed in
30.17 plain sight of patients in every office in which the dentist provides dental services to
30.18 patients under general anesthesia, deep sedation, or moderate sedation.

30.19 C. A dentist desiring renewal of a contracted sedation provider certificate
30.20 following expiration or termination by the board under item B, subitem (2), or who

30.21 voluntarily terminated the certificate must comply with subitems (1) to (5). The dentist
30.22 must:

30.23 (1) submit to the board a completed board-approved renewal application
30.24 form for an appropriate contracted sedation provider certificate;

31.1 (2) submit with the renewal application the applicable nonrefundable
31.2 renewal fee described in Minnesota Statutes, section 150A.091, subdivision 11;

31.3 (3) submit payment to the board of the nonrefundable late fee specified in
31.4 Minnesota Statutes, section 150A.091, subdivision 11a;

31.5 (4) provide required documentation of current CPR certification; and

31.6 (5) not provide dental services to patients under general anesthesia, deep
31.7 sedation, or moderate sedation until the board issues an appropriate contracted sedation
31.8 provider certificate to the dentist.

31.9 After successful completion of all requirements, the board shall issue an appropriate
31.10 contracted sedation provider certificate to the dentist.

31.11 **Subp. 10. Practice and equipment requirements.**

31.12 **A. Dentists who administer general anesthesia, deep sedation, or ~~conscious~~**
31.13 **moderate sedation or who provide dental services to patients under general anesthesia,**
31.14 **deep sedation, or ~~conscious~~ moderate sedation must ensure that the practice requirements**
31.15 **in subitems (1) to (3) are followed.**

31.16 **(1) A dentist who employs or contracts another licensed health care**
31.17 **professional, such as a dentist, nurse anesthetist, or physician anesthesiologist, with the**
31.18 **qualified training and legal qualification to administer general anesthesia, deep sedation, or**
31.19 **~~conscious~~ moderate sedation must notify the board that these services are being provided**
31.20 **in the office facility. The dentist is also responsible for maintaining the appropriate**

31.21 facilities, equipment, emergency supplies, and a record of all general anesthesia, deep
31.22 sedation, or ~~conscious~~ moderate sedation procedures performed in the facility.

31.23 (2) An individual qualified to administer general anesthesia, deep sedation,
31.24 or ~~conscious~~ moderate sedation, who is in charge of the administration of the anesthesia
31.25 or sedation, must remain in the operatory room to continuously monitor the patient once
32.1 general anesthesia, deep sedation, or ~~conscious~~ moderate sedation is achieved and until
32.2 all dental services are completed on the patient. Thereafter, an individual qualified to
32.3 administer anesthesia or sedation must ensure that the patient is appropriately monitored
32.4 and discharged as described in subparts 2, items B and C, and 3, items B and C.

32.5 (3) A dentist administering general anesthesia, deep sedation, or ~~conscious~~
32.6 moderate sedation to a patient must have in attendance personnel who are currently
32.7 certified in CPR.

32.8 B. Dentists who administer general anesthesia, deep sedation, or ~~conscious~~
32.9 moderate sedation or who provide dental services to patients under general anesthesia,
32.10 deep sedation, or ~~conscious~~ moderate sedation must ensure that the offices in which it is
32.11 conducted have the following equipment:

32.12 [For text of subitems (1) to (8), see M.R.]

32.13 Subp. 11. **On-site inspection; requirements and procedures.** All offices in which
32.14 general anesthesia, deep sedation, or ~~conscious~~ moderate sedation is conducted under the
32.15 terms of this part must be in compliance with ~~the requirements in~~ items A to C. Besides
32.16 these requirements, each office must be in compliance with the practice and equipment
32.17 requirements ~~described~~ in subpart 10. The dentist is responsible for all costs associated
32.18 with an on-site inspection.

32.19 A. Requirements for on-site inspections are as described in subitems (1) to (3).

32.20 (1) ~~Each~~ A dentist who applies for an initial general anesthesia or ~~conscious~~
 32.21 moderate sedation certificate or who provides dental services to patients under general
 32.22 anesthesia, deep sedation, or moderate sedation must have an on-site inspection conducted
 32.23 at one primary office facility within 12 months following receipt of a certificate from the
 32.24 board. Thereafter, ~~each~~ a dentist must have an on-site inspection conducted at one primary
 32.25 office facility at least once every five years.

33.1 (2) ~~Each~~ A dentist who holds an existing certificate must have an on-site
 33.2 inspection conducted at one primary office facility or provide proof to the board of
 33.3 having an inspection conducted within two years of March 19, ~~2007~~ 2010. Thereafter,
 33.4 each dentist must have an on-site inspection conducted at one primary office facility at
 33.5 least once every five years.

33.6 (3) A dentist must have an on-site inspection conducted at one primary
 33.7 office facility if the board receives a complaint alleging violation of this part and the board
 33.8 finds the complaint warrants further investigation ~~according to disciplinary action~~.

33.9 [For text of item B, see M.R.]

33.10 C. On-site inspection procedures are as described in subitems (1) to (3).

33.11 [For text of subitems (1) and (2), see M.R.]

33.12 (3) A dentist who fails an on-site inspection shall have the general
 33.13 anesthesia or ~~conscious~~ moderate sedation certificate suspended or be subject to
 33.14 disciplinary proceedings.

33.15 **3100.5100 PROFESSIONAL DEVELOPMENT.**

33.16 Subpart 1. **Professional development cycles.**

33.17 A. The initial professional development cycle must coincide with the initial
 33.18 licensure ~~and registration~~ period for each dentist, dental hygienist, or ~~registered~~ licensed
 33.19 dental assistant. The initial cycle for each licensee ~~or registrant~~ begins on the date of

33.20 initial licensure ~~or registration~~ and ends on the last day of the licensee's ~~or registrant's~~
33.21 birth month in either an even-numbered or odd-numbered year that corresponds with the
33.22 licensee's ~~or registrant's~~ year of birth. The initial cycle varies in the number of months
33.23 depending on the date of initial licensure ~~or registration~~ for each licensee ~~or registrant~~.

33.24 B. A biennial professional development cycle coincides with the biennial
33.25 licensure ~~or registration~~ periods for each dentist, dental hygienist, or ~~registered~~ licensed
34.1 dental assistant. Each biennial renewal cycle consists of a 24-month period beginning on
34.2 the first day of the month following expiration of the previous professional development
34.3 cycle. An established biennial cycle continues to apply even if the license ~~or registration~~
34.4 is revoked, suspended, conditioned, or not renewed for any reason for any length of time.

34.5 Subp. 2. **Professional development requirements.**

34.6 A. For the initial professional development requirements, each dentist, dental
34.7 hygienist, and ~~registered~~ licensed dental assistant shall establish a portfolio to record,
34.8 monitor, and retain acceptable documentation of fundamental and elective professional
34.9 development activities, CPR certification, and self-assessments.

34.10 B. The minimum number of required hours of fundamental and elective
34.11 professional development for each biennial cycle is 50 hours for dentists and 25 hours for
34.12 dental hygienists and ~~registered~~ licensed dental assistants. Each dentist, dental hygienist,
34.13 and ~~registered~~ licensed dental assistant shall establish a portfolio to record, monitor, and
34.14 retain acceptable documentation of fundamental and elective professional development
34.15 activities, CPR certification, and self-assessments. Any professional development hours
34.16 earned in excess of the required hours for a biennial cycle must not be carried forward
34.17 to the subsequent biennial cycle. The requirements for the fundamental and elective
34.18 professional development activities are described in subitems (1) and (2).

34.19 (1) Each dentist, dental hygienist, and ~~registered~~ licensed dental assistant
34.20 must complete a minimum of 60 percent of the required biennial hours in fundamental

34.21 activities directly related to the provision of clinical dental services as follows: a minimum
34.22 of 30 hours for dentists and a minimum of 15 hours for dental hygienists and ~~registered~~
34.23 licensed dental assistants. A licensee ~~or registrant~~ may earn all required biennial hours in
34.24 fundamental activities only.

34.25 (2) Dentists, dental hygienists, and ~~registered~~ licensed dental assistants are
34.26 allowed a maximum of 40 percent of the required biennial hours in elective activities
35.1 directly related to, or supportive of, the practice of dentistry, dental hygiene, or dental
35.2 assisting as follows: a maximum of 20 hours for dentists and a maximum of ten hours for
35.3 dental hygienists and ~~registered~~ licensed dental assistants.

35.4 C. Professional development is credited on an hour-for-hour basis.

35.5 D. If a licensee ~~or registrant~~ fails to meet the professional development
35.6 requirements because of extenuating circumstances, the licensee ~~or registrant~~ may apply
35.7 for an extension of time to complete the requirements by making a written request to the
35.8 board. The written request shall include a complete explanation of the circumstances, the
35.9 renewal period, the number of hours earned, and the licensee's ~~or registrant's~~ plan for
35.10 completing the balance of the requirement. If an extension is granted after review, the
35.11 board shall establish the length of the extension to obtain the professional development
35.12 requirements which must be completed concurrently with the subsequent renewal period.

35.13 Subp. 3. **Professional development activities.** Professional development activities
35.14 include, but are not limited to, continuing education, community services, publications,
35.15 and career accomplishments throughout a professional's life. Professional development
35.16 activities are categorized as fundamental or elective activities as described in items
35.17 A and B.

35.18 A. Fundamental activities include, but are not limited to, clinical subjects,
35.19 core subjects, ~~and~~ CPR training, and the self-assessment examination. Examples of

35.20 fundamental activities for an initial or biennial cycle are as described in subitems (1)
35.21 to ~~(4)~~ (5).

35.22 (1) Clinical subjects are those seminars, symposiums, lectures, college
35.23 courses pertaining to basic sciences, or programs whose contents directly relate to the
35.24 provision of dental care and treatment to patients.

35.25 (2) Core subjects are those seminars, symposiums, lectures, or programs
35.26 that relate to public safety and professionalism. Each licensee ~~or registrant~~ shall complete
36.1 a minimum of two of the categories of core subjects for each biennial cycle. Examples
36.2 of core subject categories include, but are not limited to:

36.3 [For text of units (a) to (f), see M.R.]

36.4 (3) A CPR certification course is mandatory for each licensee ~~or registrant~~
36.5 to maintain licensure ~~or registration~~. The CPR course must be equivalent to the American
36.6 Heart Association healthcare provider course or the American Red Cross professional
36.7 rescuer course. The licensee must hold a current CPR certificate when renewing a license
36.8 or permit each biennial term.

36.9 (4) A licensee must complete one self-assessment examination obtainable
36.10 through the board for each cycle.

36.11 ~~(4)~~ (5) The board shall approve other additional fundamental activities
36.12 if the board finds the activity to be a seminar, symposium, lecture, or program whose
36.13 contents are directly related to dental care and treatment to patients or public safety and
36.14 professionalism.

36.15 B. Elective activities for an initial or biennial cycle include, but are not limited
36.16 to, the examples as described in subitems (1) to (6):

36.17 [For text of subitems (1) to (4), see M.R.]

36.18 (5) dental practice management ~~and communication~~ courses include, but
36.19 are not limited to, ~~stress management, patient or staff motivation,~~ computer, insurance
36.20 claims or billing, ~~foreign language, sign language, transferring patient records,~~ and Health
36.21 Insurance Portability and Accountability Act (HIPAA) training, ~~and patient abandonment;~~
36.22 or

36.23 (6) the board shall approve other additional elective activities if the board
36.24 finds the contents of the activity to be directly related to, or supportive of, the practice of
36.25 dentistry, dental hygiene, or dental assisting.

37.1 Subp. 4. **Acceptable documentation of professional development activities.**

37.2 ~~Each~~ A licensee ~~or registrant~~ must record or obtain acceptable documentation of hours in
37.3 professional development activities for the licensee's ~~or registrant's~~ portfolio. Acceptable
37.4 documentation includes, but is not limited to, the following:

37.5 A. ~~completion of all~~ a completed self-assessment examinations ~~provided by the~~
37.6 ~~board~~ examination;

37.7 B. a copy of the front and back of a completed CPR card or certificate from the
37.8 American Heart Association, the American Red Cross, or other equivalent organization;

37.9 C. confirming documentation from the presenting organization that provides the
37.10 attendee's name, license ~~or registration~~ number, name of organization or presenter, course
37.11 date, number of credit hours, subject matter, or program title; and

37.12 D. a personal log of published articles read by the licensee ~~or registrant~~
37.13 including title of the article, name of author, name of journal or periodical, and date
37.14 of published article.

37.15 Subp. 5. **Retention of documentation.** ~~Each~~ A licensee ~~or registrant~~ must keep
37.16 acceptable documentation for each fundamental and elective activity as required to
37.17 meet professional development requirements. The licensee ~~or registrant~~ must retain the

37.18 documentation for 24 months after each biennial renewal period has ended for purposes of
37.19 an audit by the appropriate board committee.

37.20 **3100.5200 PORTFOLIO CONTENTS.**

37.21 ~~Each~~ A licensee ~~or registrant~~ must establish a professional portfolio. The professional
37.22 portfolio must be used to record, monitor, and retain acceptable documentation of
37.23 professional development activities. Upon completion of an initial or biennial professional
37.24 development cycle, ~~each~~ a licensee ~~or registrant~~ must have the required number of hours,
37.25 if applicable, and proof of acceptable documentation as described under part 3100.5100,
37.26 subpart 4, contained within the portfolio.

38.1 **3100.5300 AUDIT PROCESS OF PORTFOLIO.**

38.2 Subpart 1. **Auditing for compliance.** The board shall perform random audits of the
38.3 portfolios. Besides random audits, the board may conduct a designated portfolio audit for
38.4 a licensee ~~or registrant~~ who is the subject of any complaint, investigation, or proceeding
38.5 under Minnesota Statutes, sections 150A.08 and 214.10. The licensee ~~or registrant~~ shall
38.6 receive notification of being audited. ~~Those licensees or registrants~~ A licensee who are is
38.7 selected for an audit shall provide ~~their~~ a portfolio to the appropriate board committee
38.8 within 60 days from the notification date. Failure to comply with the audit documentation
38.9 request or failure to supply acceptable documentation within 60 days may result in
38.10 disciplinary action. After completion of an audit, the appropriate board committee shall
38.11 officially notify the licensee ~~or registrant~~ by indicating the determination made regarding
38.12 professional development compliance. ~~All licensees or registrants are~~ A licensee is
38.13 considered to be actively licensed ~~or registered~~ during the audit process.

38.14 Subp. 2. **Appropriate documentation.** The licensee ~~or registrant~~ shall submit true,
38.15 complete, and accurate documentation. Falsification of any evidence for any renewal
38.16 period or falsification or omission of documentation may result in disciplinary action.

38.17 Subp. 3. **Failure of an audit.**

38.18 A. Upon failure of an audit, the appropriate board committee ~~shall~~ may either
38.19 grant the licensee ~~or registrant~~ up to six months to comply with written requirements
38.20 to resolve deficiencies in professional development compliance or initiate disciplinary
38.21 proceedings against the licensee ~~or registrant~~ on grounds specified in parts 3100.6100 and
38.22 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1. Deficiencies causing
38.23 audit failure may include, but are not limited to, the following:

38.24 [For text of subitems (1) to (7), see M.R.]

38.25 B. Failing to comply with the board committee's requirements by the end of
38.26 the grace period shall result in the expiration of the person's license ~~or registration~~ and
39.1 termination of the right to practice. A license ~~or registration~~ which that has expired
39.2 pursuant according to this part may be reinstated pursuant according to part 3100.1850.

39.3 Subp. 4. **Audit appeal.** Upon failure of an audit, the licensee ~~or registrant~~ has the
39.4 option to appeal the decision to the board.

39.5 Subp. 5. **Mandatory audit.** The licensee ~~or registrant~~ must submit to a mandatory
39.6 audit of the next renewal period by the appropriate board committee when the previous
39.7 audit was failed by the licensee ~~or registrant~~.

39.8 **3100.5400 PROFESSIONAL DEVELOPMENT TRANSITION.**

39.9 After January 1, 2005, the board shall notify in writing each licensee ~~or registrant~~
39.10 regarding the number of continuing education credits earned during their current five-year
39.11 CDE cycle as of that date. Each licensee ~~or registrant~~ shall apply the number of credits
39.12 earned towards the applicable professional development requirements described in part
39.13 3100.5100 when establishing that person's biennial professional development portfolio.
39.14 The CDE notification from the board serves as acceptable documentation as proof
39.15 of credits earned and must be retained in the licensee's ~~or registrant's~~ professional
39.16 development portfolio.

39.17 A full faculty dentists dentist may apply previous continuing education credits
 39.18 towards the applicable professional development requirements described in part 3100.5100
 39.19 when establishing a biennial professional development portfolio. The full faculty dentist
 39.20 must have earned the ~~CE~~ continuing education credit hours within the five-year period
 39.21 prior to January 1, 2005, and must be able to obtain acceptable documentation of the hours
 39.22 ~~pursuant~~ according to part 3100.5100, subpart 4.

39.23 **3100.6100 STATUTORY GROUNDS FOR DISCIPLINE.**

39.24 In general terms, the grounds for suspension or revocation of licenses of dentists
 39.25 ~~and~~₂ dental hygienists₂ and ~~of the registration of licensed~~ dental assistants are set forth in
 39.26 Minnesota Statutes, section 150A.08, subdivision 1 ~~of the act.~~

40.1 **3100.6200 CONDUCT UNBECOMING A LICENSEE ~~OR REGISTRANT.~~**

40.2 "Conduct unbecoming a person licensed to practice dentistry ~~or~~₂ dental hygiene
 40.3 ~~or registered as a~~, or dental assistant assisting, or conduct contrary to the best interests
 40.4 of the public," as used in Minnesota Statutes, section 150A.08, subdivision 1, clause (6),
 40.5 shall include the act of a dentist, dental hygienist, ~~registered~~ licensed dental assistant,
 40.6 or applicant in:

40.7 A. engaging in personal conduct ~~which~~ that brings discredit to the profession of
 40.8 dentistry;

40.9 B. gross ignorance or incompetence in the practice of dentistry ~~and/or~~ or
 40.10 repeated performance of dental treatment ~~which fall~~ that falls below accepted standards;

40.11 C. making suggestive, lewd, lascivious, or improper advances to a patient;

40.12 D. dentists charging a patient an unconscionable fee or charging for services
 40.13 not rendered (~~applicable to dentists only~~);

40.14 E. performing unnecessary services;

40.15 F. hygienists or licensed dental assistants performing services not authorized by
40.16 the dentist, ~~the act, or these rules (applicable to hygienist or registered dental assistants~~
40.17 ~~only)~~ under this chapter or Minnesota Statutes, chapter 150A;

40.18 G. accepting rebates, split fees, or, applicable to dentists only, commissions
40.19 from any source associated with the service rendered to a patient; provided, however,
40.20 that the sharing of profits in a dental partnership or association, or dental professional
40.21 ~~corporation~~ firm approved by and registered with the board, shall not be construed as
40.22 splitting fees nor shall compensating allied dental auxiliaries personnel on the basis of a
40.23 percentage of the fee received for the overall service be deemed accepting a commission;

41.1 H. falsifying records relating to payment for services rendered, participation
41.2 in a CDE course; or other records with respect to licensure, ~~registration~~, CDE, and the
41.3 practice of dentistry;

41.4 I. perpetrating fraud upon patients, third-party payers, or others relating to
41.5 the practice of dentistry;

41.6 J. failing to cooperate with the board, its agents, or those working on behalf of
41.7 the board as required by part 3100.6350;

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

41.10 L. failing to provide access to and transfer of medical and dental records as
41.11 prescribed by Minnesota Statutes, sections 144.291 to 144.298.

41.12 **3100.6300 ADEQUATE SAFETY AND SANITARY CONDITIONS FOR DENTAL**
41.13 **OFFICES.**

41.14 Subpart 1. **Minimum conditions.** Subparts 2 to 15 are minimum safety and sanitary
41.15 conditions.

41.16 Subp. 2. **Premises.** The premises ~~shall~~ must be kept neat and clean, and free of
41.17 ~~accumulations~~ of rubbish, ponded water, or other conditions of similar nature ~~which~~ that
41.18 would have a tendency to create a public health nuisance.

41.19 Subp. 3. **Housekeeping facilities and services.** Housekeeping facilities and services
41.20 necessary to ~~assure~~ ensure comfortable and sanitary conditions for patients and employees
41.21 ~~shall~~ must be utilized.

41.22 Subp. 4. **Control of insects and vermin.** The premises ~~shall~~ must be kept free
41.23 of ants, flies, roaches, rodents, and other insects or vermin. Proper methods for their
41.24 eradication or control shall be utilized.

42.1 Subp. 5. **Refuse disposal.** Refuse ~~shall~~ must be kept in approved containers and
42.2 emptied at frequent intervals.

42.3 Subp. 6. **Heating, lighting, and other service equipment.** The heating of offices
42.4 ~~shall~~ must be by heating systems conforming to state and local heating codes and
42.5 regulations. Individual room heaters ~~shall~~ must be so located as to avoid direct contact
42.6 with any combustible material. Installation and maintenance of electric wiring, motors,
42.7 and other electrical equipment ~~shall~~ must be in ~~accordance~~ compliance with applicable
42.8 state and local electric codes and regulations.

42.9 Subp. 7. **Water supply.** An ample supply of water of a safe, sanitary quality, from a
42.10 source that is approved by the agent of a board of health ~~as authorized under Minnesota~~
42.11 ~~Statutes, section 145A.04,~~ ~~shall~~ must be piped under pressure, and in an approved manner,
42.12 to all equipment and fixtures where the use of water is required.

42.13 Subp. 8. **Plumbing.** Plumbing ~~shall~~ must be in ~~accordance~~ compliance with all
42.14 applicable plumbing codes. Adequate hand washing facilities, of an approved type, ~~shall~~
42.15 must be provided convenient to the work area. Hand washing facilities ~~shall~~ must be
42.16 equipped with soap and towels, and the drain from such facility shall be properly trapped
42.17 and connected directly to the waste disposal system.

42.18 Subp. 9. **Disposal of liquid and human waste.** All liquid and human waste,
42.19 including floor wash water, ~~shall~~ must be disposed of through trap drains into a public
42.20 sanitary sewer system in localities where ~~such~~ a system is available. In localities where
42.21 a public sanitary sewer system is not available, liquid and human waste ~~shall~~ must be
42.22 disposed of through trapped drains and in a manner approved by the authorized agent.

42.23 Subp. 10. **Clean rooms.** Floors, walls, and ceilings of all rooms, including store
42.24 rooms, ~~shall~~ must be clean and free of any ~~accumulation~~ of rubbish.

42.25 Subp. 11. **Infection control.** Dental health care personnel shall comply with the
42.26 most current infection control recommendations, guidelines, precautions, procedures,
43.1 practices, strategies, and techniques specified in the United States Department of Health
43.2 and Human Services, Public Health Service, Centers for Disease Control publications of
43.3 the Morbidity and Mortality Weekly Report (MMWR). The current infection control
43.4 techniques ~~set forth~~ in the MMWR dated December 19, 2003, volume 52, number RR-17,
43.5 are hereby incorporated by reference. The MMWR is available at the Minnesota State
43.6 Law Library, by interlibrary loan, or by subscription from the United States Department
43.7 of Health and Human Services, Public Health Service, Centers for Disease Control. The
43.8 infection control standards in the MMWR are subject to frequent change.

43.9 Subp. 12. **Sharps and infectious waste.** Sharp items and infectious wastes must
43.10 be disposed of ~~in accordance with~~ according to Minnesota Statutes, sections 116.76 to
43.11 116.83, and any adopted rules ~~adopted under them~~, and requirements established by local
43.12 government agencies.

43.13 Subp. 13. [See repealer.]

43.14 Subp. 14. **Hazardous waste.** Dentists, dental hygienists, and registered licensed
43.15 dental assistants shall comply with the requirements ~~on~~ for hazardous waste in chapter
43.16 7045.

43.17 Subp. 15. **Ionizing radiation.** Dentists, dental hygienists, and ~~registered~~ licensed
 43.18 dental assistants shall comply with the requirements ~~on~~ for ionizing radiation in chapter
 43.19 ~~4730~~ 4732.

43.20 **3100.6325 VOLUNTARY TERMINATION OF ~~LICENSURE OR REGISTRATION~~**
 43.21 **LICENSE.**

43.22 The board may refuse to accept a licensee's ~~or registrant's~~ voluntary termination of
 43.23 license ~~or registration~~ if the board has reason to believe that the licensee ~~or registrant~~ has
 43.24 violated ~~any of the~~ provisions of this chapter or Minnesota Statutes, chapter 150A ~~or~~
 43.25 ~~board rules~~, and has determined that allegations are serious enough to warrant resolution
 43.26 other than by voluntary termination.

44.1 **3100.6350 REQUIRED COOPERATION.**

44.2 ~~Any~~ A licensee, ~~registrant~~, or applicant who is the subject of an investigation or
 44.3 proceeding under ~~these parts~~ this chapter or ~~under~~ Minnesota Statutes, sections 150A.08
 44.4 and 214.10₂ shall cooperate with the board, its agents, or those working on behalf of the
 44.5 board by complying with any reasonable request including requests to:

44.6 A. furnish designated papers, documents, or tangible objects;

44.7 B. furnish in writing a full and complete explanation covering the matter under
 44.8 consideration;

44.9 C. appear for conferences and hearings at the time and places designated.

44.10 Violation of this part is conduct unbecoming a licensee ~~or registrant~~ or conduct
 44.11 contrary to the best interests of the public. Good faith challenges to requests of the board
 44.12 will not be deemed a failure to cooperate. These challenges shall be brought before the
 44.13 appropriate agency or court.

44.14 **3100.6400 IMPROPER AND UNJUSTIFIED NAMES.**

44.15 ~~Any~~ A name used for a dental practice ~~which~~ that connotes unusual or superior
 44.16 dental ability, or ~~which~~ is likely to create a false or unjustified expectation of favorable

44.17 results ~~shall be~~ is in violation of Minnesota Statutes, sections 150A.11, subdivision 1, and
 44.18 ~~319A.07~~ 319B.05.

44.19 **3100.6500 COMMUNICATING DECEPTIVE STATEMENT OR CLAIM.**

44.20 A person shall not, on behalf of ~~himself or herself~~ the person, a partner, an associate,
 44.21 or any other dentist with whom the person is affiliated through a ~~corporation~~ firm or
 44.22 association, use or participate in the use of any form of public communication containing
 44.23 a false, fraudulent, misleading, or deceptive statement or claim.

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

44.25 [For text of items A to G, see M.R.]

45.1 **3100.6700 NAME AND ADDRESS IN ADVERTISEMENT.**

45.2 Any advertising must include the ~~corporation~~ firm's, ~~partnership~~ partnership's, or
 45.3 individual dentist's name and address.

45.4 **3100.7000 ADVERTISING DENTAL SPECIALTY PRACTICE.**

45.5 [For text of subp 1, see M.R.]

45.6 Subp. 2. **Postdoctoral course completion.** Only licensed dentists who have
 45.7 successfully completed a postdoctoral course approved by the Commission on
 45.8 Accreditation in one of the specialty areas, or who announced a limitation of practice
 45.9 prior to 1967, or who have ~~been approved~~ successfully completed certification by one of
 45.10 the following specialty examining boards, may announce specialty practice and may
 45.11 advertise as a specialist: American Board of Dental Public Health, American Board of
 45.12 Endodontics, American Board of Oral and Maxillofacial Radiology, American Board of
 45.13 Oral and Maxillofacial Surgery, American Board of Oral Pathology, American Board of
 45.14 Orthodontics, American Board of Pediatric Dentistry, American Board of Periodontology,
 45.15 and American Board of Prosthodontics.

45.16 Subp. 3. **Restricting practice.** Subpart 2 does not prohibit a dentist who does not
45.17 meet the above education or experience criteria from restricting a practice to one or
45.18 more specific areas of dentistry. ~~Such individuals~~ These dentists may not use the terms
45.19 "specialist," "specialty," "specializing," or "limited to." The advertising must state that the
45.20 services are being provided by a general dentist.

45.21 **3100.7200 FAILURE TO RESPOND TO ADVERTISING COMPLAINT.**

45.22 Failing to respond within 30 days to written communications from the Board of
45.23 Dentistry or failure to make available to the board any relevant records with respect to an
45.24 inquiry or complaint about the licensee's advertising practices shall constitute a violation
45.25 of parts 3100.6500 to 3100.7200 and Minnesota Statutes, section 150A.08, subdivision 1,
45.26 ~~clause (5) of the act and parts 3100.6500 to 3100.7200 (6).~~ The period of 30 days shall
46.1 commence on the date when ~~such~~ the communication was sent from the board by certified
46.2 mail with return receipt requested to the address appearing in the last registration.

46.3 **3100.8100 EMPLOYING, ASSISTING, OR ENABLING UNLICENSED**
46.4 **PRACTICE.**

46.5 "Employing, assisting, or enabling in any manner an unlicensed person to practice
46.6 dentistry," is defined: in items A to C.

46.7 A. The phrase "employing, assisting, or enabling in any manner an unlicensed
46.8 person to practice dentistry" as found in Minnesota Statutes, section 150A.08, subdivision
46.9 1, clause (11), ~~shall include~~ includes the practice by a licensed dentist in the same premises
46.10 occupied by a dental laboratory or technician if ~~such~~ the dental laboratory or technician
46.11 advertises, solicits, represents, or holds itself out in any manner to the general public that
46.12 it will sell, supply, furnish, construct, repair, or alter prosthodontic, orthodontic, or other
46.13 devices or structures to be used as substitutes for, or as a part of natural teeth or jaws or
46.14 associated structures or for correction of malocclusions or deformities, or who in any way
46.15 violates the provisions of Minnesota Statutes, section 150A.11, subdivision 3.

46.16 B. "In the same premises" as used in item A ~~shall mean~~ means public facilities
 46.17 used in common, such as office door, reception room, receptionist, files, telephone,
 46.18 telephone number, address, and post office box, ~~etc.~~

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

46.21 **3100.8200 UNLAWFUL PRACTICE BY AUXILIARY ALLIED DENTAL**
 46.22 **PERSONNEL.**

46.23 ~~Any~~ An assistant, hygienist, or dental technician who assists a dentist in practicing
 46.24 dentistry in any capacity other than as an employee or independent contractor, who
 46.25 directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, or
 46.26 director of a dental office as a guise or subterfuge to enable ~~such~~ the assistant, hygienist, or
 47.1 dental technician to engage directly in acts defined by the act as the "practice of dentistry,"
 47.2 or who performs dental services within the meaning of Minnesota Statutes, section
 47.3 150A.11, subdivision 1, ~~of the act~~ for members of the public, other than as an employee
 47.4 or independent contractor for an employing dentist, shall be deemed to be practicing
 47.5 dentistry without a license.

47.6 **3100.8300 RESPONSIBILITIES OF LICENSED DENTIST.**

47.7 Nothing ~~contained in these rules~~ this chapter relating to the scope of services rendered
 47.8 by assistants, technicians, or hygienists shall diminish or abrogate the professional and
 47.9 legal responsibilities of employing dentists to their patients, to their profession, and to the
 47.10 state of Minnesota. Dentists employing assistants, technicians, or hygienists shall be fully
 47.11 responsible for all acts or omissions of ~~such~~ these personnel performed or omitted if the
 47.12 acts or omissions are within the normal scope of their employment; ~~i.e.,~~ Acts or omissions
 47.13 of ~~such~~ personnel means whether or not omitted or committed by ~~such~~ personnel at the
 47.14 instance and request of the employing dentist if the omission or commission ~~thereof~~ is
 47.15 within the normal scope of their employment.

47.16 **3100.8400 ASSISTANTS WITHOUT A LICENSE OR PERMIT.**47.17 Subpart 1. **Permissible duties.** Assistants under this subpart may:47.18 A. perform all those duties not directly related with performing dental treatment
47.19 or services on patients;47.20 B. retract a patient's cheek, tongue, or other parts of tissue during a dental
47.21 operation;47.22 C. assist with the placement or removal of a rubber dam and accessories used
47.23 for its placement and retention, as directed by an operating dentist during the course of
47.24 a dental operation;48.1 D. remove ~~such debris as~~ by the use of vacuum devices, compressed air,
48.2 mouthwash, and water that is normally created or accumulated during the course of
48.3 treatment being rendered by a licensed dentist during or after operative procedures by the
48.4 dentist by the use of vacuum devices, compressed air, mouthwash, and water;48.5 E. provide any assistance, including the placement of articles and topical
48.6 medication in a patient's oral cavity, in response to a specific direction ~~to do so~~ by a
48.7 licensed dentist who is ~~then and there actually~~ physically engaged in performing a dental
48.8 operation as defined in the act and who is ~~then actually~~ physically in a position to give
48.9 personal supervision to the ~~rendition of this assistance~~ assistant; and48.10 F. aid dental hygienists and ~~registered~~ licensed dental assistants in the
48.11 performance of their duties as defined in ~~subpart 2 and part~~ parts 3100.8500 and 3100.8700.48.12 Subp. 1a. **Compliance with minimal requirements.** The dentist is responsible for
48.13 ensuring that any assistant working under the dentist's supervision as defined in subpart
48.14 1 complies with items A and B:48.15 A. completing a CPR certification course and maintaining current CPR
48.16 certification thereafter; and

48.17 B. compliance with the most current infection control recommendations,
 48.18 guidelines, precautions, procedures, practices, strategies, and techniques specified in the
 48.19 United States Department of Health and Human Services, Public Health Service, Centers
 48.20 for Disease Control publications of the Morbidity and Mortality Weekly Report (MMWR).

48.21 Subp. 2. [Repealed, 10 SR 1612]

48.22 Subp. 3. **Other duties prohibited.** ~~No~~ An assistant may not perform any ~~other~~ dental
 48.23 treatment or procedure on patients not otherwise authorized by ~~these rules~~ this chapter.

48.24 **3100.8500 ~~REGISTERED~~ LICENSED DENTAL ASSISTANTS.**

49.1 Subpart 1. **Duties under general supervision.** A ~~registered~~ licensed dental assistant
 49.2 may perform the following procedures without the dentist being present in the dental
 49.3 office or on the premises if the procedures being performed are with prior knowledge
 49.4 and consent of the dentist:

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

49.6 G. take impressions for casts and appropriate bite registration, not to include
 49.7 impressions and bite registrations for final construction of fixed and removable prostheses;
 49.8 ~~and~~

49.9 H. deliver vacuum-formed orthodontic retainers; and

49.10 I. place and remove elastic orthodontic separators.

49.11 Subp. 1a. **Duties under indirect supervision.** A ~~registered~~ licensed dental assistant,
 49.12 in addition to the services performed by an assistant as described in part 3100.8400,
 49.13 subpart 1, may perform the following services if a dentist is in the office, authorizes the
 49.14 procedures, and remains in the office while the procedures are being performed:

49.15 A. apply topical medications such as, but not limited to, topical fluoride,
 49.16 bleaching agents, and cavity varnishes in appropriate dosages or quantities as prescribed
 49.17 by a dentist;

- 49.18 [For text of items B to H, see M.R.]
- 49.19 ~~I. place and remove elastic orthodontic separators;~~
- 49.20 ~~J. I.~~ remove and place ligature ties and arch wires on orthodontic appliances. A
49.21 dentist must select and, if necessary, adjust arch wires prior to placement;
- 49.22 ~~K. J.~~ dry root canals with paper points;
- 49.23 ~~L. K.~~ place cotton pellets and temporary restorative materials into endodontic
49.24 access openings;
- 50.1 ~~M. L.~~ etch appropriate enamel surfaces, apply and adjust pit and fissure sealants.
50.2 Before the application of pit and fissure sealants, a ~~registered~~ licensed dental assistant
50.3 must have successfully completed a course in pit and fissure sealants at a dental, dental
50.4 hygiene, or dental assisting school accredited by the Commission on Accreditation; ~~and~~
- 50.5 ~~N. M.~~ restorative procedures as permitted in Minnesota Statutes, section
50.6 150A.10, subdivision 4~~;~~₂
- 50.7 N. maintain and remove intravenous lines while under indirect supervision
50.8 of a dentist who holds a valid general anesthesia or moderate sedation certificate.
50.9 Before managing and removing intravenous lines, a licensed dental assistant must have
50.10 successfully completed board-approved allied dental personnel courses comprised of
50.11 intravenous access and general anesthesia and moderate sedation training; and
- 50.12 O. monitor a patient during preoperative, intraoperative, and postoperative
50.13 phases of general anesthesia or moderate sedation using noninvasive instrumentation
50.14 including, but not limited to, pulse oximeters, electrocardiograms, blood pressure
50.15 monitors, and capnography while under indirect supervision of a dentist who holds a
50.16 valid general anesthesia or moderate sedation certificate. Before monitoring a sedated
50.17 patient, a licensed dental assistant must have successfully completed board-approved

50.18 allied dental personnel courses comprised of intravenous access and general anesthesia
50.19 and moderate sedation training.

50.20 Subp. 1b. **Duties under direct supervision.** A ~~registered~~ licensed dental assistant
50.21 may perform the following services if a dentist is in the dental office, personally diagnoses
50.22 the condition to be treated, personally authorizes the procedure, and evaluates the
50.23 performance of the ~~auxiliary~~ licensed dental assistant before dismissing the patient:

50.24 A. remove excess bond material from orthodontic appliances;

50.25 B. remove bond material from teeth with rotary instruments after removal
50.26 of orthodontic appliances. Before utilizing rotary instruments for the removal of bond
51.1 material, a ~~registered~~ licensed dental assistant must have successfully completed a course
51.2 in the use of rotary instruments for the express purpose of the removal of bond material
51.3 from teeth. The course must be one that is presented by a dental, dental hygiene, or dental
51.4 assisting school accredited by the Commission on Accreditation;

51.5 [For text of items C to F, see M.R.]

51.6 G. administer nitrous oxide inhalation analgesia ~~in accordance with~~ according
51.7 to part 3100.3600, subparts 4 and 5;

51.8 H. attach prefit and preadjusted orthodontic appliances; ~~and~~

51.9 I. remove fixed orthodontic bands and brackets; ~~and~~

51.10 J. initiate and place an intravenous infusion line in preparation for intravenous
51.11 medications and sedation while under direct supervision of a dentist who holds a valid
51.12 general anesthesia or moderate sedation certificate. Before initiating and placing an
51.13 intravenous infusion line, a licensed dental assistant must have successfully completed
51.14 board-approved allied dental personnel courses comprised of intravenous access and
51.15 general anesthesia and moderate sedation training.

51.16 Subp. 1c. **Duties under personal supervision.** A licensed dental assistant may
 51.17 concurrently perform supportive services if the dentist holds a valid general anesthesia or
 51.18 moderate sedation certificate, is personally treating a patient, and authorizes the licensed
 51.19 dental assistant to aid in treatment including the administration of medications into an
 51.20 existing intravenous line, an enteral agent, or emergency medications in an emergent
 51.21 situation. Before administering any medications or agents, a licensed dental assistant must
 51.22 have successfully completed board-approved allied dental personnel courses comprised of
 51.23 general anesthesia and moderate sedation training.

52.1 Subp. 2. **Other duties prohibited.** ~~No registered~~ A licensed dental assistant may not

52.2 perform any ~~other~~ dental treatment or procedure on patients not otherwise authorized by

52.3 ~~these rules~~ this chapter.

52.4 Subp. 3. ~~Limited registration~~ **Limited-license permit.** A dental assistant, who by
 52.5 virtue of academic achievement which is equal to or greater than that of a ~~registered~~
 52.6 ~~licensed~~ dental assistant, and is currently qualified in Minnesota in an allied health
 52.7 profession may take dental radiographs under the general supervision of a dentist if the
 52.8 person complies with the requirements of this subpart. The person shall file with the board
 52.9 a completed application furnished by the board and the fee prescribed in ~~part 3100.2000,~~
 52.10 ~~subpart 1~~ Minnesota Statutes, section 150A.091, subdivision 2. In addition, the person
 52.11 shall submit evidence of the successful completion of a course on dental radiographs and
 52.12 of passing an examination. The course must be board-approved. The course shall be
 52.13 equivalent to the dental radiograph courses offered by dental assisting courses approved
 52.14 by the board under part 3100.1300, item B. The examination must be the radiograph part
 52.15 of the examination which is required of ~~registered~~ licensed dental assistant applicants.

52.16 **3100.8700 DENTAL HYGIENISTS.**

52.17 Subpart 1. **Duties under general supervision.** A dental hygienist may perform
 52.18 the following procedures without the dentist being present in the dental office or on the

52.19 premises if the procedures being performed are with prior knowledge and consent of
 52.20 the dentist:

52.21 A. all services permitted under parts 3100.8400 ~~to~~ and 3100.8500, subparts
 52.22 1 and 1a, items A to L;

52.23 [For text of items B to K, see M.R.]

52.24 Subp. 2. **Duties under indirect supervision.** A dental hygienist may perform
 52.25 ~~restorative procedures as permitted under Minnesota Statutes, section 150A.10,~~
 53.1 ~~subdivision 4,~~ the following procedures if a dentist is in the office, authorizes the
 53.2 procedures, and remains in the office while the procedures are being performed.:

53.3 A. restorative procedures permitted under Minnesota Statutes, section 150A.10,
 53.4 subdivision 4;

53.5 B. maintain and remove intravenous lines while under indirect supervision of
 53.6 a dentist who holds a valid general anesthesia or moderate sedation certificate. Before
 53.7 managing and removing intravenous lines, a dental hygienist must have successfully
 53.8 completed board-approved allied dental personnel courses comprised of intravenous
 53.9 access and general anesthesia and moderate sedation training; and

53.10 C. monitor a patient during preoperative, intraoperative, and postoperative
 53.11 phases of general anesthesia or moderate sedation using noninvasive instrumentation
 53.12 including, but not limited to, pulse oximeters, electrocardiograms, blood pressure
 53.13 monitors, and capnography while under indirect supervision of a dentist who holds a valid
 53.14 general anesthesia or moderate sedation certificate. Before monitoring a sedated patient, a
 53.15 dental hygienist must have successfully completed board-approved allied dental personnel
 53.16 courses comprised of intravenous access and general anesthesia and moderate sedation
 53.17 training.

53.18 Subp. 2a. **Duties under direct supervision.** A dental hygienist may perform the
53.19 following procedures if a dentist is in the office, personally diagnoses the condition to
53.20 be treated, personally authorizes the procedure, and evaluates the performance of the
53.21 dental hygienist before dismissing the patient:

53.22 [For text of items A to E, see M.R.]

53.23 F. attach prefit and preadjusted orthodontic appliances; ~~and~~

53.24 G. remove fixed orthodontic bands and brackets; and

54.1 H. initiate and place an intravenous infusion line in preparation for intravenous
54.2 medications and sedation while under direct supervision of a dentist who holds a valid
54.3 general anesthesia or moderate sedation certificate. Before initiating and placing
54.4 an intravenous infusion line, a dental hygienist must have successfully completed
54.5 board-approved allied dental personnel courses comprised of intravenous access and
54.6 general anesthesia and moderate sedation training.

54.7 Subp. 2b. **Duties under personal supervision.** A dental hygienist may concurrently
54.8 perform supportive services if the dentist holds a valid general anesthesia or moderate
54.9 sedation certificate and is personally treating a patient and authorizes the dental hygienist
54.10 to aid in treatment including the administration of medications into an existing intravenous
54.11 line, an enteral agent, or emergency medications in an emergent situation. Before
54.12 administering any medications or agents, a dental hygienist must have successfully
54.13 completed board-approved allied dental personnel courses comprised of general anesthesia
54.14 and moderate sedation training.

54.15 Subp. 3. **Other duties prohibited.** ~~No~~ A dental hygienist may not perform any ~~other~~
54.16 dental treatment or procedure on patients not authorized by this chapter.

54.17 **3100.8800 DENTAL TECHNICIANS.**

54.18 Subpart 1. **Permissible duties.** As prescribed by Minnesota Statutes, section
 54.19 150A.10, subdivision 3 ~~of the act~~, dental technicians may only upon a written authorization
 54.20 prepared and signed by a licensed dentist, construct, alter, repair, reline, reproduce, or
 54.21 duplicate any prosthetic device or other structure to be used in the human mouth.

54.22 [For text of subp 2, see M.R.]

54.23 Subp. 3. **Records and inspections.** A duplicate copy of each ~~such~~ written
 54.24 authorization issued by the dentist shall be retained by the dentist for not less than two
 54.25 years.

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

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

55.6 The board or its agents may inspect any devices being fabricated by a technician or
 55.7 dental laboratory, as well as the casts, impressions, interocclusal records, other materials
 55.8 sent to the technician or dental laboratory by the dentist, and the written authorization
 55.9 accompanying ~~the same~~ them.

55.10 **PROFESSIONAL ~~CORPORATIONS~~ FIRMS**55.11 **3100.9100 ANNUAL REPORTS.**

55.12 Annual reports of professional ~~corporations~~ firms organized under Minnesota
 55.13 Statutes, sections ~~319A.01 to 319A.22~~ 319B.01 to 319B.12, inclusive, must be submitted
 55.14 upon forms furnished by the board and must require submission of the following
 55.15 information under oath:

55.16 A. name and registered office of the ~~corporation~~ firm;

55.17 B. address or addresses at which the ~~corporation~~ firm is providing dental
55.18 services;

55.19 C. name and address of each director, officer, and shareholder, and the ~~corporate~~
55.20 position title of each officer; and

55.21 D. a certification as to the licensure status of each shareholder, director, officer,
55.22 employee, and agent as required by Minnesota Statutes, section 319A.21, paragraph
55.23 ~~(b)~~ 319B.11, subdivision 4, paragraph (a).

55.24 **3100.9200 REVIEW OF ANNUAL REPORT.**

56.1 The board ~~will~~ must review its licensure records and conduct ~~such~~ any further
56.2 investigation ~~as it may deem~~ the board deems necessary and, if ~~it~~ the board finds that
56.3 the annual report does not conform to the requirements of the Minnesota Professional
56.4 ~~Corporations~~ Firms Act and the rules ~~promulgated~~ adopted thereunder, ~~it~~ the board shall
56.5 inform the applicant of the necessary requirements for conformity.

56.6 The board may delegate the review and investigation of annual reports to the executive
56.7 secretary so that annual reports will be acted upon in a timely manner in the intervals
56.8 between meetings of the board. Any annual reports ~~which~~ that are not approved by the
56.9 executive secretary must be considered by the full board at ~~its~~ the board's next meeting.

56.10 **3100.9300 REVOCATION OF REGISTRATION.**

56.11 The board shall revoke or, if appropriate, refuse to renew the registration of
56.12 any ~~corporation~~ firm which no longer meets all the requirements of the Minnesota
56.13 Professional ~~Corporations~~ Firms Act. The ~~corporation's~~ firm's eligibility to be registered
56.14 or to continue registration must be adjudicated under the applicable provisions of the
56.15 Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office
56.16 of Administrative Hearings, parts 1400.5100 to 1400.8401.

56.17 **3100.9400 NOTICE OF NEW SHAREHOLDERS OR MEMBERS.**

56.18 Whenever a professional ~~corporation~~ firm intends to admit to the ~~corporation~~ firm a
 56.19 new shareholder or member, the ~~corporation~~ firm shall, ~~at least 20 days prior thereto,~~ notify
 56.20 the board in ~~writing of its intended action,~~ the firm's annual report indicating the identity,
 56.21 licensure status, and residence address of ~~such proposed~~ each new shareholder or member.

56.22 **3100.9500 CORPORATE FIRM NAMES.**

56.23 The names of professional ~~corporations~~ firms are governed by part 3100.6400 and
 56.24 Minnesota Statutes, section 319A.07 and part 3100.6400 319B.05.

56.25 **3100.9600 RECORD KEEPING.**

57.1 Subpart 1. **Definitions.** For the purposes of this part, "patient" means a natural person
 57.2 who has received dental care services from a provider for treatment of a dental condition.
 57.3 In the case of a minor who has received dental care services pursuant to Minnesota
 57.4 Statutes, sections 144.341 to 144.347, patient includes a parent or guardian, or a person
 57.5 acting as a parent or guardian in the absence of a parent or guardian.

57.6 Subp. 2. **Dental records.** Dentists shall maintain dental records on each patient. The
 57.7 records ~~shall~~ must contain the components specified in subparts 3 to 10.

57.8 Subp. 3. **Personal data.** Dental records ~~shall~~ must include at least the following
 57.9 information:

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

57.11 Subp. 4. **Patient's reasons for visit.** When a patient presents with a chief complaint,
 57.12 dental records ~~shall~~ must include the patient's stated oral health care reasons for visiting
 57.13 the dentist.

57.14 Subp. 5. **Dental and medical history.** Dental records ~~shall~~ must include information
 57.15 from the patient or the patient's parent or guardian on the patient's dental and medical

57.16 history. The information ~~shall~~ must include a sufficient amount of data to support the
57.17 recommended treatment plan.

57.18 Subp. 6. **Clinical examinations.** When emergency treatment is performed, items
57.19 ~~A, B, and~~ C pertain only to the area treated. When a clinical examination is performed,
57.20 dental records ~~shall~~ must include:

57.21 A. recording of existing oral health care status;

57.22 B. any radiographs used; and

57.23 C. the facsimiles or results of any other diagnostic aids used.

57.24 Subp. 7. **Diagnosis.** Dental records ~~shall~~ must include a diagnosis.

58.1 Subp. 8. **Treatment plan.** Dental records ~~shall~~ must include an agreed upon written
58.2 and dated treatment plan except for routine dental care such as preventive services. The
58.3 treatment plan ~~shall~~ must be updated to reflect the current status of the patient's oral
58.4 health and treatment.

58.5 Subp. 9. **Informed consent.** Dental records ~~shall~~ must include a notation that:

58.6 A. the dentist discussed with the patient the treatment options and the prognosis,
58.7 benefits, and risks of each; and

58.8 B. the patient has consented to the treatment chosen.

58.9 Subp. 10. **Progress notes.** Dental records ~~shall~~ must include a chronology of the
58.10 patient's progress throughout the course of all treatment and postoperative visits. The
58.11 chronology ~~shall~~ must include all treatment provided, clearly identify the provider by
58.12 name or initials, and identify all medications used and materials placed.

58.13 Subp. 11. **Corrections of records.** Notations ~~shall~~ must be legible, written in ink,
58.14 and contain no erasures or "white-outs." If incorrect information is placed in the record, it
58.15 must be crossed out with one single line and initialed by a dental health care worker.

58.16 [For text of subp 12, see M.R.]

58.17 Subp. 13. **Transfer of records.** A patient's dental records ~~shall~~ must be transferred
58.18 ~~in accordance with~~ according to Minnesota Statutes, sections 144.291 to 144.298,
58.19 irrespective of the status of the patient's account.

58.20 [For text of subp 14, see M.R.]

58.21 **REPEALER.** Minnesota Rules, parts 3100.0100, subparts 2c, 8a, 17, and 18; 3100.0200;
58.22 3100.2000, subparts 1, 1a, 2, 3, 4, 5, 6, 9, 9a, and 10; and 3100.6300, subpart 13, are
58.23 repealed.