

Board of Dentistry**Proposed Permanent Rules Relating to Dentists, Dental Therapists, Licensed Dental Assistants, and Dental Hygienists****3100.1160 LICENSE TO PRACTICE DENTISTRY AS A RESIDENT DENTIST.**

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

Subp. 2. Termination of licensure.

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

C. A person who fails to inform the board as required in item B is deemed to have committed fraud or deception within the meaning of Minnesota Statutes, section ~~150.08~~ 150A.08, subdivision 1, clause (1).

3100.3600 ADMINISTRATION OF GENERAL ANESTHESIA, DEEP SEDATION, MODERATE SEDATION, MINIMAL SEDATION, AND NITROUS OXIDE INHALATION ANALGESIA.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Nitrous oxide inhalation analgesia; educational training requirements.** A dentist may administer nitrous oxide inhalation analgesia only according to items A to D and subpart 5, items A and C. A dental therapist may administer nitrous oxide inhalation analgesia only according to items C to F. A dental hygienist may administer nitrous oxide inhalation analgesia only according to items C to F and subpart 5, item D. A licensed dental assistant may administer nitrous oxide inhalation analgesia only after a maximum dosage has been prescribed by a dentist for a specific patient, and it is administered according to items C to F and subpart 5, item D.

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

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

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

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

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

(1) the name, address, and telephone number of the institution at which the dentist took the course that complies with subpart 4, item B, or the dentist's written attestation that the dentist has successfully completed the education to administer nitrous oxide inhalation analgesia through an institution accredited by the Commission on Dental Accreditation; and

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

After the initial submission, a dentist must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

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

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

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

After the initial submission, a dental hygienist or licensed dental assistant must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

E. A dental therapist who graduated from a board-approved dental therapy program in Minnesota prior to August 1, 2013, may administer nitrous oxide inhalation analgesia only after the dental therapist has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

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

(2) ~~a certified copy of the dental therapist's transcript and other official records from the institution verifying that the dental therapist has successfully completed~~ documentation of current CPR certification as required by subpart 4, item C.

After the initial submission, a dental therapist must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

[For text of subps 6 to 11, see M.R.]

3100.8500 LICENSED DENTAL ASSISTANTS.

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

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

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

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

L. take vital signs such as pulse rate and blood pressure as directed by a dentist;
and

M. obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the licensed dental assistant's scope of practice;

N. remove and place ligature ties and remove and replace existing arch wires on orthodontic appliances; and

O. apply topical fluoride, including foam, gel, or varnish.

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

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

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

I. ~~remove and place ligature ties and~~ initial arch wires on orthodontic appliances. A dentist must select and, if necessary, adjust arch wires prior to placement;

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

Subp. 1b. **Duties Procedures under direct supervision.** A licensed dental assistant may perform the following services if a dentist is in the dental office, personally diagnoses

the condition to be treated, personally authorizes the procedure, and evaluates the performance of the licensed dental assistant before dismissing the patient:

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

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

[For text of item K, see M.R.]

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

Subp. 2. **Other duties procedures prohibited.** A licensed dental assistant may not perform any dental treatment or procedure on patients not otherwise authorized by this chapter.

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

3100.8700 DENTAL HYGIENISTS.

Subpart 1. ~~Duties~~ Principal procedures under general supervision. A dental hygienist may perform the following procedures ~~without the dentist being present in the dental office or on the premises if the procedures being performed are with prior knowledge and consent of the dentist~~ under general supervision, as defined in part 3100.0100, subpart 21, item D:

A. ~~all services permitted under parts 3100.8400 and 3100.8500, subparts 1 and 1a, items A to L~~ preliminary charting of the oral cavity and surrounding structures, including case histories; initial and periodic examinations and assessments to determine periodontal status; and creation of a dental hygiene treatment plan in coordination with a dentist's treatment plan;

B. ~~complete prophylaxis to include sealing, root planing, and polishing of restorations~~ obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the dental hygienist's scope of practice;

C. ~~preliminary charting of the oral cavity and surrounding structures to include case histories, perform initial and periodic examinations and assessments to determine periodontal status, and formulate a dental hygiene treatment plan in coordination with a dentist's treatment plan~~ take photographs extraorally or intraorally;

D. ~~dietary analysis, salivary analysis, and preparation of smears for dental health purposes~~ take vital signs, including pulse rate and blood pressure;

E. make referrals to dentists, physicians, and other practitioners in consultation with a dentist;

F. complete debridement, prophylaxis, and nonsurgical periodontal therapy;

~~E. G.~~ etch appropriate enamel surfaces, application and adjustment of pit and fissure sealants;

- ~~F. removal of excess bond material from orthodontic appliances;~~
- ~~G. replacement, cementation, and adjustment of intact temporary restorations extraorally or intraorally;~~
- ~~H. removal of marginal overhangs;~~
- ~~I. make referrals to dentists, physicians, and other practitioners in consultation with a dentist;~~
- ~~J. H.~~ administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Dental Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia;
- ~~K. I.~~ administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5; ~~and~~
- J. take radiographs;
- K. apply topical medications, including topical fluoride, bleaching agents, cavity varnishes, and desensitizing agents;
- ~~L. obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the dental hygienist's scope of practice. place subgingival medicaments;~~
- M. take impressions and bite registration;
- N. fabrication and delivery of custom fitted trays;
- O. nutritional counseling;
- P. salivary analysis;

- Q. remove marginal overhangs;
- R. remove sutures;
- S. place and remove periodontal dressings;
- T. place and remove isolation devices or materials for restorative purposes;
- U. polish restorations;
- V. remove excess cement from inlays, crowns, bridges, or orthodontic appliances;
- W. fabrication, placement, replacement, cementation, and adjustment of temporary crowns or restorations;
- X. remove temporary crowns or restorations with hand instruments only;
- Y. place and remove matrix systems and wedges; and
- Z. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a dental hygienist must have successfully completed a course in nonsurgical retraction material for gingival displacement at a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation.

Subp. 2. ~~**Duties under indirect supervision. Restorative procedures under indirect supervision.**~~ A dental hygienist may perform the following procedures if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

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

~~B. maintain and remove intravenous lines while under indirect supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before managing and removing intravenous lines, a dental hygienist must have successfully~~

~~completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training; and~~

~~C. monitor a patient during preoperative, intraoperative, and postoperative phases of general anesthesia or moderate sedation using noninvasive instrumentation such as pulse oximeters, electrocardiograms, blood pressure monitors, and capnography while under indirect supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before monitoring a sedated patient, a dental hygienist must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training.~~

A dental hygienist may perform restorative procedures pursuant to Minnesota Statutes, section 150A.10, subdivision 4, and under indirect supervision, as defined in part 3100.0100, subpart 21, item C, if the dental hygienist has fulfilled either item A or B:

A. successfully graduated from a Minnesota dental hygiene program accredited by the Commission on Dental Accreditation that included training for restorative procedures and received a restorative procedures certificate from the program; or

B. successfully completed a board-approved course on restorative procedures and received a restorative procedures certificate from the course sponsor.

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

~~A. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist;~~

~~B. remove temporary crowns with hand instruments only;~~

- ~~C. fabricate, cement, and adjust temporary restorations;~~
- ~~D. place and remove matrix bands;~~
- ~~E. remove bond material from teeth with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bond material, a dental hygienist must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation;~~
- ~~F. attach prefit and preadjusted orthodontic appliances;~~
- ~~G. remove fixed orthodontic bands and brackets;~~
- ~~H. initiate and place an intravenous infusion line in preparation for intravenous medications and sedation while under direct supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before initiating and placing an intravenous infusion line, a dental hygienist must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training; and~~
- ~~I. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a dental hygienist must have successfully completed a course in nonsurgical retraction material for gingival displacement at a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation.~~

If a dental hygienist has fulfilled the requirements of item A, subitems (1), (2), or (3), the dental hygienist may perform the procedures listed in item B under the level of supervision indicated, as defined in part 3100.0100, subpart 21, items B, C, and D.

A. A dental hygienist must have:

(1) been granted a Minnesota dental hygiene license from the board prior to September 1, 2019;

(2) successfully graduated from a Minnesota dental hygiene program accredited by the Commission on Dental Accreditation after September 1, 2019, that included training for orthodontic procedures and received an orthodontic procedures certificate from the program; or

(3) successfully completed a board-approved course comprised of orthodontic procedures and received an orthodontic procedures certificate from the course sponsor.

B. The dental hygienist may perform the following procedures under:

(1) general supervision:

(a) cut arch wires on orthodontic appliances;

(b) remove loose bands on orthodontic appliances;

(c) remove loose brackets on orthodontic appliances;

(d) remove excess bond material from orthodontic appliances;

(e) preselect orthodontic bands;

(f) place and remove elastic orthodontic separators;

(g) remove and place ligature ties and remove and replace existing arch wires on orthodontic appliances; and

(h) deliver vacuum-formed orthodontic retainers;

(2) indirect supervision: place initial arch wires on orthodontic appliances.

A dentist must select and, if necessary, adjust arch wires prior to placement;

(3) direct supervision:

(a) etch enamel surfaces before bonding of orthodontic appliances by a dentist;

(b) remove bond material from teeth with rotary instruments after removal of orthodontic appliances;

(c) attach prefabricated and preadjusted orthodontic appliances; and

(d) remove fixed orthodontic bands and brackets.

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

If a dental hygienist has successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training and submitted to the board documentation of completion to receive a certificate from the board, the dental hygienist may perform the following procedures under either indirect, direct, or personal supervision, as defined in part 3100.0100, subpart 21, items A, B, and C, for a dentist who holds a valid general anesthesia or moderate sedation certificate:

A. indirect supervision:

(1) maintain and remove intravenous lines;

(2) monitor a patient during preoperative, intraoperative, and postoperative phases of general anesthesia or moderate sedation using noninvasive instrumentation, including pulse oximeters, electrocardiograms, blood pressures monitors, and capnography;

B. direct supervision: initiate and place an intravenous line in preparation for intravenous medications and sedation;

C. personal supervision: aid in the physical management of medications, including the preparation and administration of medications into an existing intravenous line.

Subp. 3. **Other ~~duties~~ procedures prohibited.** A dental hygienist may not perform any dental treatment or procedure on patients not authorized by this chapter.

3100.9600 RECORD KEEPING.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Dental and medical history.** Dental records must include information from the patient or the patient's parent or guardian on the patient's dental and medical history. The information must include a sufficient amount of data to support the recommended treatment plan. The dental and medical history must be updated to reflect the current status of the patient.

[For text of subps 6 to 9, see M.R.]

Subp. 10. **Progress notes.** Dental records must be legible and include a chronology of the patient's progress throughout the course of all treatment and postoperative visits. The chronology must include:

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

C. the treatment provider by license number, name, or initials; ~~and~~

D. when applicable, the identity of the collaborating dentist authorizing treatment by license number; and

E. administration information for nitrous oxide inhalation analgesia, including indication for use, dosage, duration of administration, posttreatment oxygenation period prior to discharge, and patient status at discharge.

[For text of subps 11 to 14, see M.R.]