

**Board of Dentistry****Proposed Permanent Rules Relating to Licensing and Administration of Sedation and Anesthesia****3100.0100 DEFINITIONS.**

*[For text of subparts 1 and 2, see Minnesota Rules]*

Subp. 2a. **Advanced cardiac life support or ACLS.** "Advanced cardiac life support" or "ACLS" refers to an advanced educational course and certification for a health care provider that teaches a detailed medical protocol for the provision of lifesaving cardiac care in settings ranging from the prehospital environment to the hospital setting. The course must include advanced airway management skills, cardiac drug usage, defibrillation, and arrhythmia interpretation. ~~An ACLS certificate must be obtained through the American Heart Association.~~

*[For text of subparts 2b to 9, see Minnesota Rules]*

Subp. 9a. **CPR.** "CPR" refers to a ~~comprehensive, hands-on~~ course and certification for a health care provider that ~~includes: cardiopulmonary resuscitation on an adult, child, and infant; two-person rescuer; barrier mask or bag for ventilation; foreign body airway obstruction; and automated external defibrillation.~~ The CPR course and certificate must be for health care professionals through the American Heart Association or the American Red Cross teaches basic life support for adults, children, and infants. The course must include both hands-on practice and written examination and must address the following topics:

A. rapid assessment of the patient and provision of emergency care based upon the patient's condition;

B. relief of foreign-body airway obstruction or choking;

C. basic life support giving chest compressions and delivering appropriate ventilations;

D. early use of an automated external defibrillator (AED); and

E. effective coordination of multiple rescuers performing basic life support.

*[For text of subparts 9b to 15b, see Minnesota Rules]*

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

Subp. 15d. **Pediatric patient.** During the administration of general anesthesia, deep sedation, or moderate sedation, "pediatric patient" means a dental patient who is eight years old or younger.

*[For text of subparts 16 to 22, see Minnesota Rules]*

### **3100.1100 GENERAL DENTIST.**

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice general dentistry in Minnesota must provide the board:

A. a completed application;

B. a form of current government-issued identification;

~~B. C.~~ the fees fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~ subdivision 2 and 3;

~~C. D.~~ evidence of having graduated from a school of dentistry accredited by the Commission on Dental Accreditation;

~~D. E.~~ evidence of passing all parts of a national board examination for the practice of dentistry within the past five years;

~~E. F.~~ evidence of passing a board-approved clinical examination within the past five years;

~~F. G.~~ evidence of passing the board's jurisprudence examination within the past five years;

~~G. H.~~ documentation of current CPR certification; and

~~H. I.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 1a to 6, see Minnesota Rules]*

### **3100.1120 SPECIALTY DENTIST.**

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice as a specialty dentist in Minnesota must provide the board:

A. a completed application;

B. a form of current government-issued identification;

~~B. C.~~ the fees fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~ subdivision 2 and 3;

~~C. D.~~ evidence of having graduated from a school of dentistry;

~~D. E.~~ evidence of having graduated from a postdoctoral specialty program accredited by the Commission on Dental Accreditation;

~~E. F.~~ evidence of certification from a board-approved specialty board or evidence of passing a board-approved clinical examination;

~~F. G.~~ evidence of passing all parts of a national board examination for the practice of dentistry;

~~G.~~ H. evidence of completing a postdoctoral specialty program or evidence of completing at least 2,000 hours within the past 36 months of active practice in another United States jurisdiction, Canadian province, or United States government service;

~~H.~~ I. evidence of passing the board's jurisprudence examination within the past five years;

~~I.~~ J. documentation of current CPR certification; and

~~J.~~ K. a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 2 to 6, see Minnesota Rules]*

### **3100.1130 LIMITED GENERAL DENTIST.**

**Subpart 1. Credential review to determine educational equivalency and eligibility to take a board-approved clinical examination for limited licensure.**

A. A person who is a graduate of a nonaccredited dental program seeking a limited license to practice general dentistry in Minnesota must submit to a onetime credential review by the board to determine educational equivalency and eligibility to take a board-approved clinical examination. For the credential review, the applicant must provide the board:

*[For text of subitem (1), see Minnesota Rules]*

(2) a completed board-approved evaluation of ~~all~~ any international education in the applicant's graduating dental degree training program;

*[For text of subitems (3) to (7), see Minnesota Rules]*

~~(8) proof of clinical practice in dentistry;~~

~~(9)~~ (8) an original or notarized copy of other credentials in dentistry and, if necessary, professional translation;

~~(10)~~ (9) completed board-approved infection control training; and

~~(11)~~ (10) evidence of passing all parts of a national board examination for the practice of dentistry.

*[For text of items B to E, see Minnesota Rules]*

*[For text of subpart 1a, see Minnesota Rules]*

Subp. 1b. **Limited general license application and examination requirements.** After passing a board-approved clinical examination, an applicant may apply for a limited general license. The applicant must provide the board:

A. a completed application;

B. a form of current government-issued identification;

~~B.~~ C. the application fee in Minnesota Statutes, section 150A.091, subdivision 9b, clause (1);

~~C.~~ D. evidence of passing a board-approved clinical examination within the past five years;

~~D.~~ E. evidence of passing the board's jurisprudence examination within the past five years;

~~E.~~ F. a written agreement between the applicant and a board-approved Minnesota licensed supervising dentist. The written agreement must include:

(1) all information requested by the board relating to the applicant's written agreement;

(2) any practice limitations; and

(3) an acknowledgment that the applicant agrees to practice clinical dentistry at least 1,100 hours annually for a period of three consecutive years after beginning clinical practice in Minnesota;

~~F. G.~~ documentation of current CPR certification; and

~~G. H.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

**Subp. 2. Terms of limited licensure.**

A. Throughout the three consecutive years while practicing general dentistry in Minnesota under the general supervision of a Minnesota licensed dentist, the limited license dentist must maintain and comply with the requirements in this subpart:

*[For text of subitems (1) to (5), see Minnesota Rules]*

(6) maintain a professional development portfolio containing:

~~(a) documentation of required hours in professional development activities; and~~

~~(b) at least two different fundamental courses as part of the fundamental activities.~~

*[For text of item B, see Minnesota Rules]*

C. A limited general dentist may administer nitrous oxide inhalation analgesia under part 3100.3600, subpart 12. A limited general dentist must not administer general anesthesia, deep sedation, moderate sedation, or minimal sedation.

*[For text of subpart 3, see Minnesota Rules]*

Subp. 4. **Requirements for licensure.**

A. Upon completion of the three consecutive years, a dentist with a limited license to practice general dentistry in Minnesota shall be prohibited from practicing general dentistry in Minnesota due to expiration of the limited license. A dentist who has an expired or nearly expired limited license may apply for a dental license to practice general dentistry in Minnesota by providing the board:

*[For text of subitem (1), see Minnesota Rules]*

(2) a form of current government-issued identification;

~~(2)~~(3) the ~~fees~~ fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~ subdivision 2 and 3;

~~(3)~~(4) documentation of current CPR certification;

~~(4)~~(5) a professional development portfolio for the three consecutive years preceding the license application date as described in subpart 2, item A, subitem (6); and

~~(5)~~(6) a written performance evaluation from each supervising dentist regarding the applicant while practicing as a limited license dentist.

*[For text of items B and C, see Minnesota Rules]*

**3100.1150 FACULTY DENTIST; FULL OR LIMITED.**

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice as a faculty dentist who is not already licensed to practice dentistry in Minnesota must provide the board:

A. a completed application;

B. a form of current government-issued identification;

~~B. C.~~ the ~~fees~~ fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~ subdivision 2 and 3;

~~C. D.~~ evidence of passing the board's jurisprudence examination within the past five years;

~~D. E.~~ documentation of current CPR certification;

~~E. F.~~ a criminal background check as required by Minnesota Statutes, section 214.075; and

~~F. G.~~ a letter from the dean or program director of a school of dentistry, dental therapy, dental hygiene, or dental assisting or of a residency training program accredited by the Commission on Dental Accreditation certifying that the person seeking licensure is a faculty member of the school's faculty school or residency program and practices dentistry. The original letter must include:

(1) the applicant's full name;

(2) a statement that the applicant is a faculty member of the faculty school or residency program and practices dentistry within the school or residency program, or its within affiliated teaching facilities of the school or residency program, but only for purposes of instruction or research; and

(3) the dates of the applicant's employment by the school of dentistry, dental therapy, dental hygiene, or dental assisting or by the residency program.

Subp. 2. **Termination of licensure.** The board shall terminate a person's license to practice dentistry as a faculty dentist when the person is no longer practicing dentistry as a faculty member of the faculty of a school of dentistry, dental therapy, dental hygiene, or dental assisting or of a residency program.

*[For text of subparts 3 to 7, see Minnesota Rules]*



**3100.1160 RESIDENT DENTIST.**

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice as a resident dentist who is not already licensed to practice dentistry in Minnesota must provide the board:

- A. a completed application;
- B. a form of current government-issued identification;
- ~~B. C.~~ C. the application fee in Minnesota Statutes, section 150A.091, subdivision 2;
- ~~C. D.~~ D. evidence of having graduated from a dental school ~~accredited by the Commission on Dental Accreditation;~~
- ~~D. E.~~ E. evidence of being an enrolled graduate student or a student of an advanced dental education program accredited by the Commission on Dental Accreditation;
- ~~E. F.~~ F. evidence of passing the board's jurisprudence examination within the past five years;
- ~~F. G.~~ G. documentation of current CPR certification; and
- ~~G. H.~~ H. a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 2 to 5, see Minnesota Rules]*

Subp. 6. **Anesthesia and sedation.** A resident dentist may administer a pharmacological agent for the purpose of general anesthesia, deep sedation, or moderate sedation as a part of their residency program without further general anesthesia or sedation certification required from the board. The resident dentist remains subject to the requirements of part 3100.3600, subparts 1a and 22.

**3100.1170 RESIDENT DENTAL THERAPIST OR RESIDENT DENTAL HYGIENIST.**

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice either as a resident dental therapist or resident dental hygienist must provide the board:

- A. a completed application;
- B. a form of current government-issued identification;
- ~~B. C.~~ the application fee in Minnesota Statutes, section 150A.091, subdivision 2;
- ~~C. D.~~ evidence of being an enrolled graduate student or a student of an advanced dental education program approved by the board or accredited by the Commission on Dental Accreditation or another board-approved national accreditation organization;
- ~~D. E.~~ evidence of passing the board's jurisprudence examination within the past five years;
- ~~E. F.~~ documentation of current CPR certification; and
- ~~F. G.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 2 to 5, see Minnesota Rules]*

**3100.1180 DENTAL THERAPIST AND ADVANCED DENTAL THERAPIST.**

Subpart 1. **Dental therapist; licensure application and examination requirements.** A person seeking licensure to practice dental therapy in Minnesota must provide the board:

- A. a completed application;
- B. a form of current government-issued identification;

~~B. C.~~ the ~~fees~~ fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~  
subdivision 2 and 3;

~~C. D.~~ evidence of having graduated with a baccalaureate degree or a master's degree from a dental therapy education program that has been approved by the board or accredited by the Commission on Dental Accreditation or another board-approved national accreditation organization;

~~D. E.~~ evidence of passing a board-approved clinical examination in dental therapy within the past five years;

~~E. F.~~ evidence of passing the board's jurisprudence examination within the past five years;

~~F. G.~~ documentation of current CPR certification; and

~~G. H.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 2 to 9, see Minnesota Rules]*

### **3100.1200 DENTAL HYGIENIST.**

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice dental hygiene in Minnesota must provide the board:

A. a completed application;

B. a form of current government-issued identification;

~~B. C.~~ the ~~fees~~ fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~  
subdivision 2 and 3;

~~C. D.~~ evidence of passing a national board examination for the practice of dental hygiene within the past five years;

~~D. E.~~ evidence of passing a board-approved clinical examination within the past five years;

~~E. F.~~ evidence of having graduated from a school of dental hygiene accredited by the Commission on Dental Accreditation;

~~F. G.~~ evidence of passing the board's jurisprudence examination within the past five years;

~~G. H.~~ documentation of current CPR certification; and

~~H. I.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 2 to 8, see Minnesota Rules]*

### **3100.1300 LICENSED DENTAL ASSISTANT.**

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice dental assisting in Minnesota must provide the board:

A. a completed application;

B. a form of current government-issued identification;

~~B. C.~~ the ~~fees~~ fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~ subdivision 2 and 3;

~~C. D.~~ evidence of having graduated from a school of dental assisting accredited by the Commission on Dental Accreditation. ~~If the curriculum of the school does not include training in the expanded procedures specified in part 3100.8500, the applicant must successfully complete a board-approved course in these procedures;~~

~~D. E.~~ evidence of passing the board's state licensing examination within the past five years;

~~E. F.~~ evidence of passing a national board examination for the practice of dental assisting within the past five years;

~~F. G.~~ evidence of passing the board's jurisprudence examination within the past five years;

~~G. H.~~ documentation of current CPR certification; and

~~H. I.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 2 to 8, see Minnesota Rules]*

### **3100.1320 LIMITED RADIOLOGY REGISTRATION.**

Subpart 1. **Registration application and examination requirements.** A person seeking registration in Minnesota to take dental radiographs under general supervision of a dentist must provide the board:

A. a completed application;

B. a form of current government-issued identification;

~~B. C.~~ the ~~fees~~ fee in Minnesota Statutes, section 150A.091, ~~subdivisions~~ subdivision 2 and 3;

~~C. D.~~ evidence of having completed a board-approved course on dental radiology offered through a school accredited by the Commission on Dental Accreditation;

~~D. E.~~ evidence of passing a board-approved nationally recognized radiation examination within the past five years;

~~E. F.~~ evidence of passing the board's jurisprudence examination within the past five years;

~~F. G.~~ documentation of current CPR certification; and

~~G. H.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subparts 2 and 3, see Minnesota Rules]*

Subp. 4. **Reinstatement requirements.**

*[For text of item A, see Minnesota Rules]*

B. If the license was terminated six months ago or less, the person must provide the board:

- ~~(1) evidence of completing the professional development requirements in subpart 6 within 24 months prior to the board's receipt of the application; and~~
- ~~(2) documentation of current CPR certification.~~

C. If the license was terminated more than six months but less than 24 months ago, the person must provide the board:

- ~~(1) evidence of completing the professional development requirements in subpart 6 within 24 months prior to the board's receipt of the application;~~
- ~~(2) (1) documentation of current CPR certification;~~
- ~~(3) (2) evidence of passing the board's jurisprudence examination within 12 months prior to the board's receipt of the application; and~~
- ~~(4) (3) a criminal background check if terminated more than one year ago as required by Minnesota Statutes, section 214.075.~~

D. If the license was terminated 24 months or more ago, the person must provide the board:

- ~~(1) evidence of completing the professional development requirement in subpart 6 within 24 months prior to the board's receipt of the application;~~

~~(2)~~ (1) documentation of current CPR certification;

~~(3)~~ (2) evidence of passing the board's jurisprudence examination within 12 months prior to the board's receipt of the application;

~~(4)~~ (3) a criminal background check if terminated more than one year ago as required by Minnesota Statutes, section 214.075; and

~~(5) evidence of successfully completing the dental radiology course described in subpart 1, item C, within 24 months prior to the board's receipt of the application; and~~

~~(6)~~ (4) evidence of passing the radiation examination described in subpart 1, item D, within 24 months prior to the board's receipt of the application.

*[For text of subpart 5, see Minnesota Rules]*

Subp. 6. **~~Professional development~~ Compliance with infection control**. A person with a limited radiology registration must ~~complete two hours of infection control education~~ and maintain compliance with the most current infection control practices for a dental setting.

### **3100.1340 EMERITUS INACTIVE.**

#### **Subpart 1. Licensure application requirements.**

A. A person licensed to practice dentistry, dental therapy, dental hygiene, or dental assisting in Minnesota who retires from active practice may apply for an emeritus inactive license by providing the board:

(1) a completed application; ~~and~~

(2) a form of current government-issued identification; and

~~(2)~~ (3) the onetime application fee in Minnesota Statutes, section 150A.091, subdivision 19.

*[For text of item B, see Minnesota Rules]*

*[For text of subpart 2, see Minnesota Rules]*

### **3100.1350 EMERITUS ACTIVE.**

#### **Subpart 1. Licensure application requirements.**

A. A person licensed to practice dentistry, dental therapy, dental hygiene, or dental assisting in Minnesota who retires from active practice may apply for an emeritus active license by providing the board:

(1) a completed application; ~~and~~

(2) a form of current government-issued identification; and

~~(2)~~ (3) the application fee in Minnesota Statutes, section 150A.091, subdivision 20.

*[For text of item B, see Minnesota Rules]*

*[For text of subpart 2, see Minnesota Rules]*

#### **Subp. 3. Renewal and prohibition on reinstatement.**

A. An emeritus active license is renewed biennially and continues on with the licensee's same renewal cycle according to Minnesota Statutes, section 150A.06, subdivision 11. ~~If the licensee fails to renew an emeritus active license by the deadline, the license expires and the board shall terminate the licensee's right to practice~~ board shall send a notice to the licensee. The notice must state the amount of the renewal and late fees. The licensee must renew the emeritus active license within 30 days of the expiration date of the license or the board shall administratively terminate the license and the right to practice. The board must not consider an administrative termination of a license as a disciplinary action against the licensee.

*[For text of item B, see Minnesota Rules]*



Subp. 4. **Professional development.** For each biennial professional development cycle, the licensee must comply with the professional development requirements including a portfolio audit described in parts 3100.5100 to 3100.5300, with the following modifications:

*[For text of item A, see Minnesota Rules]*

B. Fundamental activities for each biennial cycle must include:

- (1) ~~at least two different fundamental courses; and~~
- (2) an infection control course.

Subp. 5. **Anesthesia, sedation, and nitrous oxide.**

A. If an emeritus active licensee was licensed immediately prior to obtaining emeritus active licensure to administer a pharmacological agent for the purpose of general anesthesia, deep sedation, or moderate sedation, the emeritus active licensee may continue to administer such treatment in compliance with the applicable requirements of part 3100.3600. If the emeritus active licensee was not licensed to administer such treatment immediately prior to obtaining emeritus active licensure, an emeritus active licensee must not administer general anesthesia, deep sedation, or moderate sedation.

B. An emeritus active licensee may administer nitrous oxide inhalation analgesia under part 3100.3600, subpart 12.

### **3100.1370 GUEST LICENSE.**

Subpart 1. **Licensure application requirements.** A person who is currently a licensed dentist, dental therapist, dental hygienist, or dental assistant in good standing and engaged in the practice of dentistry in another United States jurisdiction may apply for a guest license by providing the board:

- A. a completed application;
- B. a form of current government-issued identification;

~~B. C.~~ the application fee in Minnesota Statutes, section ~~150A.06, subdivision 2e~~ 150A.091, subdivision 2;

~~E. D.~~ evidence of having graduated from either a school of dentistry, dental therapy, dental hygiene, or dental assisting accredited by the Commission on Dental Accreditation;

~~D. E.~~ evidence that the clinic at which the licensee practices is a nonprofit organization that is a public health setting;

~~E. F.~~ documentation of current CPR certification; and

~~F. G.~~ a criminal background check as required by Minnesota Statutes, section 214.075.

Subp. 2. **Terms of license renewal.** A guest license may be renewed annually at the end of the calendar year according to Minnesota Statutes, section 150A.06, subdivision 2c. The board shall send a notice to a licensee who has not renewed their guest license. The notice must state the amount of the guest license renewal fee. The licensee must renew their guest license within 30 days of the expiration date of the license or the board shall administratively terminate the guest license and the right to practice. The board must not consider an administrative termination of a guest license as a disciplinary action against the licensee.

*[For text of subparts 3 and 4, see Minnesota Rules]*

### **3100.1380 GUEST VOLUNTEER LICENSE.**

Subpart 1. **Licensure application requirements.** A person who is currently a licensed dentist, dental therapist, dental hygienist, or dental assistant in good standing in another United States jurisdiction may apply for a guest volunteer license without compensation by providing the board:

- A. a completed application;
- B. a form of current government-issued identification;
- ~~B. C.~~ evidence of having graduated from either a school of dentistry, dental therapy, dental hygiene, or dental assisting accredited by the Commission on Dental Accreditation;
- ~~C. D.~~ evidence that the clinic at which the licensee practices is a nonprofit organization that is a public health setting; and
- ~~D. E.~~ documentation of current CPR certification.

Subp. 2. **Terms and renewal of license.** A person issued a guest volunteer license must not practice more than ten days in a calendar year. ~~The license expires December 31.~~ A guest volunteer license may be renewed annually after the end of the calendar year according to Minnesota Statutes, section 150A.06, subdivision 2c, and cannot be renewed. The board shall send a notice to a licensee who has not renewed their guest volunteer license. The licensee must renew their guest volunteer license within 30 days of the expiration date of the license or the board shall administratively terminate the guest volunteer license and the right to practice. The board must not consider an administrative termination of a guest volunteer license as a disciplinary action against the licensee.

*[For text of subparts 3 to 5, see Minnesota Rules]*

### **3100.1400 LICENSURE BY CREDENTIALS.**

Subpart 1. **Licensure application requirements for a dentist, dental therapist, or dental hygienist.** A person who is currently a licensed dentist, dental therapist, or dental hygienist in another United States jurisdiction or Canadian province seeking to be licensed to practice dentistry, dental therapy, or dental hygiene in Minnesota must provide the board:

- A. a completed application;
- B. a form of current government-issued identification;

~~B. C.~~ the fee in Minnesota Statutes, section 150A.091, subdivision 9;

~~C. D.~~ evidence of having graduated ~~from~~ either:

(1) from a school of dentistry or dental hygiene accredited by the Commission on Dental Accreditation; or

~~D. (2) evidence of having graduated~~ with a baccalaureate degree or a master's degree from a dental therapy education program that has been approved by the board or accredited by the Commission on Dental Accreditation or another board-approved national accreditation organization;

~~E. evidence of having graduated from a master's advanced dental therapy education program;~~

~~F. E.~~ proof of completing at least 2,000 hours within the past 36 months in active practice in another United States jurisdiction, Canadian province, or United States government service;

~~G. F.~~ evidence of passing a clinical examination for licensure in another United States jurisdiction or Canadian province;

~~H. G.~~ evidence of passing all parts of a national board examination for the practice of dentistry, dental therapy, or dental hygiene;

~~I. H.~~ evidence of passing the board's jurisprudence examination within the past five years; ~~and~~

~~J. I.~~ documentation of current CPR certification; and

J. a criminal background check as required by Minnesota Statutes, section 214.075.

*[For text of subpart 2, see Minnesota Rules]*

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

*[For text of subparts 1 to 11, see Minnesota Rules]*

Subp. 12. **Nitrous oxide inhalation analgesia requirement for a dentist, a limited general dentist, or an emeritus active licensee.** A dentist licensed by the board, a limited general dentist under the general supervision of a supervising dentist, or an emeritus active licensee is allowed to administer nitrous oxide inhalation analgesia.

Subp. 13. **Nitrous oxide inhalation analgesia; application and educational training requirements for a dental therapist.**

*[For text of items A and B, see Minnesota Rules]*

C. A dental therapist who graduated from a board-approved dental therapy program in Minnesota prior to August 1, 2013, or graduated from another United States jurisdiction or Canadian province may administer nitrous oxide inhalation analgesia after providing the board:

(1) a completed application;

(2) evidence of having completed a course in administering nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be at least 12 hours total and contain didactic instruction, ~~personal~~ administration and management of at least three individual ~~supervised~~ cases of analgesia, and ~~supervised~~ clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; and

(3) documentation of current CPR certification.

Subp. 14. **Nitrous oxide inhalation analgesia; application and educational training requirements for a dental hygienist.**

*[For text of items A and B, see Minnesota Rules]*

C. A dental hygienist who graduated from a dental hygiene program in Minnesota prior to September 2, 2004, or graduated from another United States jurisdiction or Canadian province may administer nitrous oxide inhalation analgesia after providing the board:

(1) a completed application;

(2) evidence of having completed a course in administering nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be at least 12 hours total and contain didactic instruction, ~~personal~~ administration and management of at least three individual ~~supervised~~ cases of analgesia, and ~~supervised~~ clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; and

(3) documentation of current CPR certification.

Subp. 15. **Nitrous oxide inhalation analgesia; application and educational training requirements for a licensed dental assistant.**

*[For text of items A and B, see Minnesota Rules]*

C. A licensed dental assistant who graduated from a dental assisting program in Minnesota prior to September 2, 2004, or graduated from another United States jurisdiction or Canadian province may administer nitrous oxide inhalation analgesia after providing the board:

(1) a completed application;

(2) evidence of having completed a course in administering nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be at least 12 hours total and contain didactic instruction, ~~personal~~ administration and management of at least three individual ~~supervised~~ cases of analgesia, and ~~supervised~~ clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; and

- (3) documentation of current CPR certification.

**Subp. 16. Initial certification for general anesthesia or deep sedation; application and educational training requirements for a dentist.**

A. A dentist may administer general anesthesia or deep sedation only after providing the board:

*[For text of subitems (1) to (4), see Minnesota Rules]*

- (5) documentation of current CPR certification; and
- (6) attestation of compliance with the practice and equipment requirements in subpart 22; and
- ~~(7) attestation of compliance with an on-site inspection described in subpart 23.~~

*[For text of items B and C, see Minnesota Rules]*

**Subp. 16a. Initial and renewal endorsement for pediatric general anesthesia or deep sedation; application and educational training requirements for a dentist.**

A. A dentist may administer general anesthesia or deep sedation to a pediatric patient who is eight years old or younger only after providing the board:

- (1) a completed initial application;
- (2) evidence of holding a current general anesthesia or deep sedation certificate under subpart 16; and
- (3) attestation of completing at least 12 cases of general anesthesia or deep sedation on patients who are eight years old or younger within 12 months prior to the board's receipt of the application for a pediatric endorsement.

B. A dentist administering general anesthesia or deep sedation to a pediatric patient must have two additional licensed personnel who are currently certified in CPR and allied sedation monitoring present during the administration.

C. Once a dentist possesses a valid endorsement for pediatric general anesthesia, the dentist is not required to possess an additional endorsement for pediatric deep or pediatric moderate sedation.

D. To renew an endorsement for pediatric general anesthesia, the dentist must provide the board:

(1) a completed renewal application; and

(2) attestation of completing at least 12 cases of general anesthesia or deep sedation on patients who are eight years old or younger within 12 months prior to the board's receipt of the renewal application. The dentist must maintain proof of these cases upon request by the board for up to two renewal periods.

E. A dentist who administers general anesthesia or deep sedation on patients who are eight years old or younger without a pediatric general anesthesia endorsement is subject to disciplinary proceedings by the board on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

**Subp. 17. Initial certification for moderate sedation; application and educational training requirements for a dentist.**

A. A dentist may administer moderate sedation only after providing the board:

*[For text of subitems (1) to (4), see Minnesota Rules]*

(5) documentation of current CPR certification; and

(6) attestation of compliance with the practice and equipment requirements in subpart 22; and.



~~(7) attestation of compliance with an on-site inspection described in subpart 23.~~

*[For text of item B, see Minnesota Rules]*

**Subp. 17a. Initial and renewal endorsement for pediatric moderate sedation; application and educational training requirements for a dentist.**

A. A dentist may administer moderate sedation to a pediatric patient who is eight years old or younger only after providing the board:

(1) a completed initial application;

(2) evidence of holding a current moderate sedation certificate under subpart 17;

(3) evidence of completing a pediatric program accredited by the Commission on Dental Accreditation or an equivalent residency program that requires clinical competency in the administration of moderate sedation on pediatric patients; and

(4) attestation of completing at least 12 cases of moderate sedation on patients who are eight years old or younger within 12 months prior to the board's receipt of the application for a pediatric endorsement.

B. A dentist administering moderate sedation to a pediatric patient must have two additional licensed personnel who are currently certified in CPR and allied sedation monitoring present during administration.

C. To renew an endorsement for pediatric moderate sedation, a dentist must provide the board:

(1) a completed application; and

(2) attestation of completing at least 12 cases of moderate sedation on patients who are eight years old or younger within 12 months prior to the board's receipt of the

application. A dentist must maintain proof of these cases upon request by the board for up to two renewal periods.

D. A dentist who administers moderate sedation on patients who are eight years old or younger without a pediatric moderate sedation endorsement is subject to disciplinary proceedings by the board on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 18. **Board-issued certificates for general anesthesia and moderate sedation.**

*[For text of items A to C, see Minnesota Rules]*

D. To renew a general anesthesia or moderate sedation certificate, the dentist must provide the board:

*[For text of subitems (1) to (4), see Minnesota Rules]*

(5) attestation of compliance with the practice and equipment requirements in subpart 22; ~~and~~

(6) attestation of compliance with an on-site inspection described in subpart 23; and

(7) attestation of compliance with the professional development requirement in part 3100.5100, subpart 2, item C.

E. A dentist's general anesthesia or moderate sedation certificate expires if the completed application and fee are not received by the board by the dentist's license renewal date. Immediately upon expiration, the dentist is prohibited from administering general anesthesia, deep sedation, or moderate sedation in the practice of dentistry until the board issues a current general anesthesia or moderate sedation certificate to the dentist described in subpart 19. ~~After 30 days~~ If a dentist does not obtain a current general anesthesia or

moderate sedation certificate within 30 days of the dentist's certificate expiring, the board shall terminate the dentist's general anesthesia or moderate sedation certificate.

**Subp. 19. Expiration or termination of general anesthesia or moderate sedation certificate; requirements.**

A. A dentist requesting renewal or recertification of a general anesthesia or moderate sedation certificate following expiration or termination must comply with the requirements for the applicable interval specified in subitem (1) or (2) and the requirements of this subpart.

(1) ~~A dentist whose anesthesia or moderate sedation certificate that, within 30 calendar days, expired or was terminated by the board~~ If a dentist applies less than 30 calendar days after the dentist's general anesthesia or moderate sedation certificate renewal date, the dentist must provide the board:

*[For text of units (a) to (e), see Minnesota Rules]*

(f) attestation of compliance with the practice and equipment requirements in subpart 22; ~~and~~

(g) attestation of compliance with an on-site inspection described in subpart 23; and

(h) attestation of compliance with the professional development requirement in part 3100.5100, subpart 2, item C.

(2) ~~A dentist whose anesthesia or moderate sedation certificate that, for more than 30 calendar days prior, expired or was terminated by the board~~ If a dentist applies more than 30 calendar days after the dentist's general anesthesia or moderate sedation certificate renewal date, the dentist must provide the board:

*[For text of units (a) to (d), see Minnesota Rules]*

(e) documentation of current CPR certification; ~~and~~

(f) attestation of compliance with the practice and equipment requirements in subpart 22-; and

(g) attestation of compliance with the professional development requirement in part 3100.5100, subpart 2, item C.

*[For text of items B and C, see Minnesota Rules]*

**Subp. 20. Initial certification to provide dentistry with contracted sedation provider; application requirements for a dentist.**

A. A dentist must not provide dental services to a patient who is under general anesthesia, deep sedation, or moderate sedation at any location other than a hospital or ambulatory surgery center, unless the dentist possesses the applicable contracted sedation services certificate for general anesthesia or moderate sedation issued by the board.

B. If a dentist possesses a moderate sedation certificate described in subpart 18 and desires to provide dental services to a patient under general anesthesia or deep sedation at any location other than a hospital or ambulatory surgery center, the dentist must contract with a sedation provider and obtain a contracted sedation services certificate for general anesthesia.

*[For text of item C, see Minnesota Rules]*

D. To apply for a contracted sedation services certificate, the dentist must provide the board:

*[For text of subitems (1) to (5), see Minnesota Rules]*

(6) documentation of the dentist's current CPR certification; and

(7) attestation of compliance with the practice and equipment requirements in subpart 22-; ~~and~~.

~~(8) attestation of compliance with an on-site inspection described in subpart 23.~~

*[For text of item E, see Minnesota Rules]*

*[For text of subpart 21, see Minnesota Rules]*

**Subp. 22. Practice and equipment requirements.**

A. Dentists who administer general anesthesia, deep sedation, or moderate sedation or who provide dental services to patients under general anesthesia, deep sedation, or moderate sedation must ensure that the practice requirements in this item are followed.

(1) A dentist must be prepared and competent to diagnose, resolve, and prevent any untoward reaction or medical emergency that may develop any time after the administration of general anesthesia, deep sedation, or moderate sedation. A dentist must apply the current standard of care to continuously monitor and evaluate a patient's blood pressure, pulse, respiratory function, and cardiac activity. The current standard of care to assess respiratory function requires the monitoring of tissue oxygenation or ventilation by using equipment that monitors end-tidal carbon dioxide or auscultation of breath sounds.

*[For text of subitems (2) to (4), see Minnesota Rules]*

*[For text of item B, see Minnesota Rules]*

**Subp. 23. On-site inspection; requirements and procedures.** All offices in which general anesthesia, deep sedation, or moderate sedation is conducted under the terms of this part must be in compliance with this subpart.

*[For text of items A to D, see Minnesota Rules]*

E. A dentist must make available all office equipment and emergency medications and the record of at least one patient who received general anesthesia or moderate sedation care within the past 12 months for evaluation by the sedation inspector.

~~E. F.~~ The board must notify the dentist if an on-site inspection is required. The board shall provide the dentist with the name of a sedation inspector or organization to arrange and perform the on-site inspection. The dentist may have an on-site inspection performed by another board-approved individual or board-approved organization. The dentist must ensure that the inspection is completed within 30 calendar days of the board's notice.

~~F. G.~~ Within 30 calendar days following an on-site inspection, the dentist must direct the individual or organization conducting the inspection to provide the board with the written results of the inspection.

~~G. H.~~ If a dentist fails or refuses an on-site inspection, the board shall suspend the dentist's general anesthesia or moderate sedation certificate and subject the dentist to disciplinary proceedings.

**3100.5100 PROFESSIONAL DEVELOPMENT; DENTISTS, DENTAL THERAPISTS, DENTAL HYGIENISTS, AND LICENSED DENTAL ASSISTANTS.**

*[For text of subpart 1, see Minnesota Rules]*

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

*[For text of items A and B, see Minnesota Rules]*

C. In addition to the 50 hours required for a dentist under item B, a dentist with a certificate to administer general anesthesia, deep sedation, or moderate sedation under part 3100.3600, subpart 18, must earn at least 15 hours of professional development in any of the following areas:

- (1) moderate sedation or general anesthesia and deep sedation;
- (2) medications and physical evaluation;
- (3) anesthesia emergencies and complications;

- (4) monitoring equipment and monitoring during anesthesia;
- (5) pharmacology of anesthetic drugs;
- (6) infection control related to anesthesia procedures; and
- (7) simulation courses involving anesthesia emergencies.

~~€.~~ D. Professional development is credited on an hour-for-hour basis.

~~Đ.~~ E. If a licensee fails to meet the professional development requirements because of extenuating circumstances, the licensee may request to the board in writing an extension of time at least seven days before the end of the licensee's biennial cycle. The licensee's written request must explain the circumstances, the renewal period, and the licensee's plan for completing the requirement. If the board grants the extension, the board shall notify the licensee of the extension. If the licensee fails to submit a written extension request to the board by the seven-day deadline or fails to complete the professional development requirements by the end of the extension period, the board shall administratively terminate the licensee's license. A licensee may reinstate a license that has been terminated under this subpart according to part 3100.1850.

Subp. 3. **Professional development activities.** Professional development activities are categorized as fundamental or elective activities as described in items A and B.

A. Fundamental activities for an initial or biennial cycle must directly relate to clinical dental services to patients. Fundamental activities include:

*[For text of subitem (1), see Minnesota Rules]*

~~(2) other fundamental courses listed in units (a) to (f) that are offered through seminars, webinars, symposiums, lectures, or programs. Each licensee must complete at least two courses out of the following list for each initial or biennial cycle:~~

- ~~(a) record keeping;~~

- ~~(b) ethics;~~
- ~~(c) patient communications;~~
- ~~(d) management of medical emergencies;~~
- ~~(e) treatment and diagnosis; and~~
- ~~(f) Health Insurance Portability and Accountability Act (HIPAA);~~

~~(3)~~ (2) an infection control course. An infection control course is mandatory for each licensee to maintain licensure. The course must primarily address patient safety and health issues as referenced in part 3100.6300 and chapter 6950; and

~~(4)~~ (3) activities approved by the board. Fundamental activities under this subitem shall be approved by the board only if the board finds the activity contents are directly related to dental care and treatment to patients or public safety and professionalism.

*[For text of item B, see Minnesota Rules]*

*[For text of subparts 4 and 5, see Minnesota Rules]*

### **3100.5300 AUDIT PROCESS OF PORTFOLIO.**

*[For text of subparts 1 and 2, see Minnesota Rules]*

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

##### A. Deficiencies causing audit failure include the following:

- (1) lack of proof of documentation or participation;
- (2) credit hours earned outside of renewal period being audited;
- (3) excess of earned hours in a category having a maximum if a deficiency exists;



(4) lack of earned hours in a category having a minimum if a deficiency exists;

(5) failure to submit the portfolio;

(6) unacceptable professional development sources; or

(7) fraudulently earned or reported hours.

~~A. B.~~ Upon failure of an audit, the ~~appropriate board committee must impose one or both of the following options:~~ board must

~~(1) grant the licensee up to six~~ three months to comply with written requirements to resolve deficiencies in professional development compliance; ~~or~~

~~(2) If the licensee fails to comply with the professional development requirements by the end of the three months, the board must initiate disciplinary proceedings against the licensee on grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1. Deficiencies causing audit failure may include, but are not limited to, the following:~~

~~(a) lack of proof of documentation or participation;~~

~~(b) credit hours earned outside of renewal period being audited;~~

~~(c) excess of earned hours in a category having a maximum if a deficiency exists;~~

~~(d) lack of earned hours in a category having a minimum if a deficiency exists;~~

~~(e) failure to submit the portfolio;~~

~~(f) unacceptable professional development sources; or~~

~~(g) fraudulently earned or reported hours.~~

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

*[For text of subparts 4 to 6, see Minnesota Rules]*

### **3100.6300 ADEQUATE SAFETY AND SANITARY CONDITIONS FOR DENTAL OFFICES.**

*[For text of subparts 1 to 10, see Minnesota Rules]*

Subp. 11. **Infection control.** Dental health care personnel shall comply with the most current infection control recommendations, guidelines, precautions, procedures, practices, strategies, and techniques specified by the United States Department of Health and Human Services, Public Health Service, and the Centers for Disease Control and Prevention. Infection control standards are subject to frequent change.

*[For text of subparts 12 to 15, see Minnesota Rules]*

### **3100.8400 ASSISTANTS WITHOUT A LICENSE.**

Subpart 1. **Permissible Procedures under personal supervision.** Assistants An assistant without a license may perform the following supportive procedures if the dentist or dental therapist is personally treating a patient and concurrently authorizes the assistant without a license to aid in treatment:

*[For text of items A and B, see Minnesota Rules]*

C. remove debris or water that is created during treatment rendered by a dentist or dental therapist using suction devices; and

D. provide any assistance, including the placement of articles and topical medication in a patient's oral cavity during dental treatment ~~under the personal supervision of a dentist or dental therapist;~~

~~E. aid dental hygienists and licensed dental assistants in the performance of their delegated procedures defined in parts 3100.8500 and 3100.8700; and~~

~~F. apply fluoride varnish in a community setting under the authorization and direction of a licensed practitioner with prescribing authority such as a dentist or physician, as long as the licensed practitioner authorizing the service or the facility at which the fluoride varnish is administered maintains appropriate patient records of the treatment.~~

Subp. 1a. ~~**Compliance with minimal requirements**~~ **Procedures under general supervision.** ~~The dentist is responsible for ensuring that any assistant working under the dentist's or dental therapist's supervision as defined in subpart 1:~~ An assistant without a license may apply fluoride varnish without the dentist or physician being present in the dental office or facility or on the premises if the licensed practitioner with prescribing authority has prior knowledge of and has consented to the procedure being performed and maintains appropriate patient records of the treatment.

~~A. completes a CPR certification course and maintains current CPR certification thereafter; and~~

~~B. complies with the most current infection control practices for a dental setting.~~

Subp. 1b. **Procedures under direct supervision.** An assistant without a license may perform the following services if a dentist or dental therapist is in the dental office, personally authorizes the procedure, and evaluates the performance of the assistant before dismissing the patient:

A. take digital impressions;

B. take photographs extraorally or intraorally; and

C. aid dental hygienists and licensed dental assistants in the performance of their delegated procedures defined in parts 3100.8500 and 3100.8700.

Subp. 1c. **Compliance with minimal requirements.** The dentist is responsible for ensuring that any assistant working under the dentist's or dental therapist's supervision pursuant to subparts 1 to 1b:

A. completes a CPR certification course and maintains current CPR certification thereafter; and

B. complies with the most current infection control practices for a dental setting.

*[For text of subparts 2 and 3, see Minnesota Rules]*

### **3100.8500 LICENSED DENTAL ASSISTANTS.**

*[For text of subparts 1 and 1a, see Minnesota Rules]*

Subp. 1b. **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:

A. remove excess bond material from orthodontic appliances;

B. remove bond material from teeth with rotary instruments after removal of orthodontic appliances. ~~Before utilizing rotary instruments for the removal of bond material, a licensed dental assistant must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth through a school accredited by the Commission on Dental Accreditation;~~

*[For text of items C to I, see Minnesota Rules]*

J. initiate and place an intravenous 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 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 be certified by the board; ~~and~~

~~K. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a licensed dental assistant must have successfully completed a course in nonsurgical retraction material for gingival displacement at a school accredited by the Commission on Dental Accreditation.; and~~

L. administer local anesthesia limited to supraperiosteal and field block injections as prescribed by a dentist. Before administering local anesthesia, a licensed dental assistant must provide the board:

(1) evidence of at least one year of experience in general chairside dental assisting;

(2) evidence of completing a board-approved didactic and clinical course at a school accredited by the Commission on Dental Accreditation that requires clinical competency in the administration of local anesthesia;

(3) evidence of passing a board-approved, nationally recognized local anesthetic examination; and

(4) evidence of application for local anesthesia certification through the board.

*[For text of subparts 1c to 3, see Minnesota Rules]*

### **3100.8700 DENTAL HYGIENISTS.**

Subpart 1. **Principal procedures under general supervision.** A dental hygienist may, under general supervision as defined in part 3100.0100, subpart 21, item D:

*[For text of items A to Y, see Minnesota Rules]*

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 school accredited by the Commission on Dental Accreditation.~~

*[For text of subparts 2 to 3, see Minnesota Rules]*

### **3100.9600 RECORD KEEPING.**

*[For text of subparts 1 to 5, see Minnesota Rules]*

Subp. 6. **Clinical examinations.** When a limited examination is performed, items A to C pertain only to the area treated. When a comprehensive examination is performed, dental records must include:

- A. recording of existing oral health care status;
- B. any radiographs and photographs used with the date the image is taken and the patient's name; and
- C. the results of any other diagnostic aids used.

*[For text of subparts 7 to 14, see Minnesota Rules]*