

## CHAPTER 150A

## DENTISTRY

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**150A.01 DEFINITIONS.** Subdivision 1. As used in sections 150A.01 to 150A.12, the following terms shall have the meanings given them.

Subd. 2. "Board" means the state board of dentistry.

Subd. 3. "Dental technician" means a person performing acts authorized under section 150A.10, subdivision 3.

Subd. 4. "Dental hygienist" means a person licensed pursuant to sections 150A.01 to 150A.12 to perform the services authorized pursuant to section 150A.10, subdivision 1, or any other services authorized by sections 150A.01 to 150A.12.

Subd. 5. "Dental assistant" means a person performing acts authorized under section 150A.10, subdivision 2.

Subd. 6. "Dentist" means a dentist licensed pursuant to sections 150A.01 to 150A.12.

Subd. 7. "Person" includes an individual, corporation, partnership, association or any other legal entity.

Subd. 8. "Registered dental assistant" means a person registered pursuant to section 150A.06.

[ 1969 c 974 s 1; 1976 c 263 s 1 ]

**150A.02 BOARD OF DENTISTRY.** Subdivision 1. There is hereby created a board of dentistry whose duty it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to 150A.12. The board shall consist of two public members as defined by section 214.02, five qualified resident dentists, one qualified resident registered dental assistant, and one qualified resident dental hygienist appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of board complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7. Each board member who is a dentist, registered dental assistant, or dental hygienist shall have been lawfully in active practice in this state for five years immediately preceding his appointment; and no board member shall be eligible for appointment to more than two consecutive four year terms, and members serving on the board at the time of the enactment hereof shall be eligible to reappointment provided they shall not have served more than nine consecutive years at the expiration of the term to which they are to be appointed. At least 90 days prior to the expiration of the terms of dentists, registered dental assistants, or dental hygienists, the Minnesota dental association, Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor for each term expiring not less than two dentists, two registered dental assistants, or two dental hygienists, respectively, who are qualified to serve on the board, and from the list so recommended the governor may appoint members to the board for the term of four years, the appointments to be made within 30 days after the expiration of the terms. Within 60 days after the occurrence of a dentist, registered dental assistant or dental hygienist vacancy, prior to the expiration of the term, in the board, the Minnesota dental association, the Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor not less than two dentists, two registered dental assistants, or two dental hygienists, who are qualified to serve on the board and from the list so recommended the governor, within 30 days after receiving such list of dentists, may appoint one

member to the board for the unexpired term occasioned by such vacancy. Any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy. The first four year term of the dental hygienist and of the registered dental assistant shall commence on the first Monday in January, 1977.

Subd. 2. [ Repealed, 1975 c 136 s 77 ]

[ 1969 c 974 s 2; 1973 c 638 s 25; 1975 c 136 s 25; 1976 c 222 s 73; 1976 c 239 s 57; 1976 c 263 s 2 ]

**150A.03 OFFICERS; SALARIES; EQUIPMENT AND SUPPLIES.** Subdivision 1. The board of dentistry shall elect from its members a president, a vice-president, and a secretary-treasurer. The board shall have a common seal. It may hold meetings at such times as may be necessary and as it may determine. The board may hold special meetings outside of the state for the purpose of conducting examinations in conjunction with the boards of dentistry of other states, provided that the cost of such examinations be borne entirely by those persons wishing to have the board of dentistry conduct such examinations.

Subd. 2. The board shall appoint an executive secretary who shall not be a member of the board and who shall be in the unclassified civil service. The board may accept any funds which may be made available to the board from any source. All funds received by the board under sections 150A.01 to 150A.12 shall be paid to the executive secretary thereof. The expenses of administering sections 150A.01 to 150A.12 shall be paid from the appropriation made to the board of dentistry.

Subd. 3. The board may expend the necessary funds for its offices and furniture, fixtures, and supplies. The board may affiliate with the American association of dental examiners as an active member and pay regular annual dues to this association, and send members of the board as delegates to the meetings of the American association of dental examiners.

[ 1969 c 974 s 3; 1973 c 507 s 45; 1973 c 638 s 26; 1975 c 136 s 26-28; 1976 c 222 s 74 ]

**150A.04 RULES AND REGULATIONS OF THE BOARD.** Subdivision 1. [ Repealed, 1976 c 222 s 209 ]

Subd. 2. [ Repealed, 1976 c 222 s 209 ]

Subd. 3. [ Repealed, 1976 c 222 s 209 ]

Subd. 4. [ Repealed, 1976 c 222 s 209 ]

Subd. 5. **Rules and regulations.** The board may promulgate such rules as are necessary to carry out and make effective the provisions and purposes of sections 150A.01 to 150A.12, in accordance with sections 15.0411 to 15.0422.

[ 1969 c 974 s 4; 1976 c 222 s 75 ]

**150A.05 PRACTICE OF DENTISTRY.** Subdivision 1. **Definition.** A person shall be deemed to be practicing dentistry within the meaning of sections 150A.01 to 150A.12:

(1) Who uses a dental degree, or designation, or card, device, directory, sign, or other media whereby he represents himself as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw, or adjacent or associated structures; or

(2) Who is a manager, proprietor, operator or conductor of a place where dental operations are performed; or

(3) Who performs dental operations of any kind gratuitously, or for a fee, gift, compensation or reward, paid or to be paid, either to himself or to another person or agency; or

(4) Who uses a roentgen or x-ray machine for dental treatment, roentgenograms or for dental diagnostic purposes; or

(5) Who extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or

(6) Who offers and undertakes, by any means or method, to diagnose, treat or remove stains or accretions from human teeth or jaws; or

(7) Who takes impressions of the human tooth, teeth, or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, a crown, a bridge, a denture or other appliance; or

(8) Who furnishes, supplies, constructs, reproduces, or repairs, or offers to furnish, supply, construct, reproduce or repair prosthetic dentures or plates, bridges or other substitutes for natural teeth, to the user or prospective user thereof; or

(9) Who performs any clinical operation included in the curricula of recognized dental schools and colleges.

Subd. 2. **Exemptions and exceptions of certain practices and operations.** Sections 150A.01 to 150A.12 shall not apply to:

(1) A duly licensed physician and surgeon unless he practices dentistry as a specialty;

(2) The practice of dentistry in any branch of the armed services of the United States, the United States public health service, or the United States veterans administration;

(3) Dental schools or colleges or schools of dental hygiene as now approved, or as may be approved, by the board of dentistry, and the practice of dentistry or dental hygiene by students in dental schools or colleges or schools of dental hygiene approved by the board, when acting under the direction and supervision of licensed dentists acting as instructors;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians under the auspices of a duly approved dental school or college, or a reputable dental society, or a reputable dental study club composed of dentists;

(5) The use of roentgens or other rays for making roentgenograms or similar records of dental or oral tissues in a hospital or under the supervision of a physician or dentist;

(6) The service, other than service performed directly upon the person of a patient, of constructing, altering, repairing or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic or other dental appliance, when performed pursuant to a written work order from a licensed dentist in accordance with section 150A.10, subdivision 3.

[ 1969 c 974 s 5 ]

**150A.06 LICENSURE.** Subdivision 1. **Dentists.** A person not already a licensed dentist of the state, desiring to practice dentistry herein, shall apply to the state board of dentistry for examination and pay the fee established by the board for the first examination, and the same fee for each subsequent examination, which in no case shall be refunded. At the time and place designated by the board the applicant may present himself for examination and shall produce his diploma or equivalent from a dental college of good standing, of which standing the board shall be the sole judge, also satisfactory evidence showing that the applicant is of good moral character. The board shall give the applicant such an examination as to test thoroughly his fitness for the practice of dentistry. Said examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the state board of dentistry. An applicant who successfully passes the examination shall be licensed to practice dentistry and supplied with a license by the board.

Subd. 2. **Dental hygienists.** A person of good moral character not already a licensed dental hygienist of this state, being a graduate of an accredited high school or its equivalent, who is a graduate of a training school for dental hygienists or equivalent approved by the board, may, upon payment of the fee established by the board, be examined by the board in such manner as to thoroughly test the applicant's fitness to practice dental hygiene. Each applicant shall also be examined on the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules and regulations of the state board of dentistry. An applicant who successfully passes the examination shall be licensed as a dental hygienist and supplied with a license by the board.

Subd. 2a. **Registered dental assistant.** Application for registration as a registered dental assistant shall be made in writing to the board upon a form furnished by the board, accompanied by satisfactory evidence that the applicant is of good moral character and is a graduate of a training program approved by the board by rule. The

application shall be accompanied by a fee set by the board by rule. Upon filing the application, the board, if satisfied, shall examine the applicant on his skills, and his knowledge of the laws of Minnesota relating to dentistry and the rules of the board. An applicant who successfully passes the examination shall be registered as a dental assistant.

**Subd. 2b. Examination.** When the examination of persons applying for licensure or registration is given by board members, it shall be administered by those board members qualified for the particular examination being given.

**Subd. 3. Waiver of examination.** All or any part of the examination for dentists or dental hygienists, except that pertaining to the law of Minnesota relating to dentistry and the rules and regulations of the board, may, at the discretion of the board, be waived for an applicant who shall present a certificate of qualification from the national board of dental examiners or evidence of having maintained an adequate scholastic standing in dental school as to dentists, or dental hygiene school as to dental hygienists, of which standing the board shall be the sole judge.

**Subd. 4. Reciprocity.** Any person who is lawfully practicing dentistry or dental hygiene in another state having and maintaining a standard of examination for licensure and of laws regulating such practice within that state, substantially equivalent to Minnesota, of which fact the board shall be the sole judge, and who is a reputable dentist or dental hygienist of good moral character and desirous of removing to this state, and deposits, in person, with the board of dentistry a certificate from the board of dentistry of the state in which he is licensed, certifying to the fact of his licensure and that he is of good moral character and professional attainments, may, upon payment of the fee for examination, and at the discretion of the board be granted a license to practice in this state without further examination, provided that he shall be examined in the laws of Minnesota relating to dentistry and the rules and regulations of the board of dentistry.

**Subd. 5. Fraud in securing licenses.** Every person implicated in employing fraud or deception in applying for or securing a license to practice dentistry or dental hygiene or in the annual registration of such license under sections 150A.01 to 150A.12 shall be guilty of a gross misdemeanor.

**Subd. 6. Display of name and certificates.** Every licensed dentist, dental hygienist, or registered dental assistant shall post and keep conspicuously displayed his name, license certificate and annual registration certificate in every office wherein he practices, in plain sight of his patients and if there is more than one dentist, dental hygienist, or registered dental assistant practicing or employed in any office the manager or proprietor of such office shall post and display or cause to be posted and displayed, in like manner the name, license certificate and annual registration certificate of each dentist, dental hygienist, or registered dental assistant so practicing or employed therein. In addition there shall be posted or displayed near or upon the entrance door to every office wherein dentistry is practiced, the name of each and every dentist practicing therein and such names shall be the name of the person inscribed upon the license certificate and annual registration certificate of each dentist.

[ 1969 c 974 s 6; 1976 c 222 s 76; 1976 c 263 s 3-5 ]

**150A.07** [ Repealed, 1976 c 222 s 209 ]

**150A.08 SUSPENSION OR REVOCATION OF LICENSES AND REGISTRATION CERTIFICATES.** Subdivision 1. **Grounds.** The board may by order suspend or revoke, in the manner hereinafter provided, any license to practice dentistry or dental hygiene or the registration of any dental assistant issued heretofore or hereunder upon any of the following grounds:

(1) Fraud or deception in connection with the securing of such license or annual registration certificate;

(2) Conviction of the holder in any court of a felony;

(3) Conviction of the holder in any court of an offense involving moral turpitude;

(4) Habitual indulgence in the use of narcotics or habitual overindulgence in the use of intoxicating liquors;

(5) Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct contrary to the best interest of the public, as such conduct is defined by the rules and regulations of the board;

- (6) Gross immorality;
- (7) Advanced physical or mental disability;
- (8) Failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules and regulations of the board;
- (9) Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry; or
- (10) Violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12 or the rules and regulations of the board of dentistry. Suspension or revocation shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct.

Subd. 2. [ Repealed, 1976 c 222 s 209 ]

NOTE: Subdivision 2 was also amended by Laws 1976, Chapter 263, to read:

"Subd. 2. **Procedure.** Before the board shall order any such suspension or revocation it shall on its own motion cause an investigation to be made and a citation to issue under the seal of the board, signed by the secretary-treasurer, requiring the holder to show cause on a certain date why his license to practice dentistry or dental hygiene or registration as a dental assistant should not be suspended or revoked on the grounds specified therein. The holder of such license shall have 20 days' notice of the hearing and be entitled to be represented by an attorney.

A stenographic record shall be kept of all such proceedings. A certified copy of the conviction of any licensee shall be conclusive evidence as to the conviction in any proceeding before the board. The action of the board in suspending or revoking a license shall be subject to a review by a writ of certiorari brought in the district court of Ramsey county. The action of the board shall stand until otherwise directed by the district court or by the supreme court upon appeal."

Subd. 3. **Reinstatement.** Any licensee or registrant whose license or registration has been suspended or revoked may have his license or registration reinstated or a new license or registration issued, as the case may be, when in the discretion of the board such action is warranted and the board may require the licensee or registrant to pay all costs of proceedings resulting in his suspension or revocation of license or registration and reinstatement or new license and, in addition thereto, the fee for reinstatement established by the board.

Subd. 4. **Records.** The executive secretary of the board shall keep a record of all licenses and registration certificates issued, suspended, or revoked.

[ 1969 c 974 s 8; 1976 c 222 s 77; 1976 c 263 s 6 ]

**150A.09 REGISTRATION OF LICENSES AND REGISTRATION CERTIFICATES.** Subdivision 1. **Registration information and procedure.** On or before the first day of January each year every licensed dentist, dental hygienist, and registered dental assistant shall transmit to the secretary of the board, upon a form prescribed by the board, his signature, office address or addresses, the number of his license or registration certificate, whether such person has been engaged during the preceding year in active practice, whether within or without the state, and such other pertinent information as may be required by the board, together with the fee established by the board and, in default of providing such information or payment of such fee, the board may, upon hearing and upon 30 days' notice, suspend or revoke the license or registration during such default, but the providing of such information as requested by the board and the payment of such fee on or before the date of hearing, with an additional sum equal to that of the renewal fee, shall excuse the default and the suspension proceeding shall thereupon terminate. The board may collect such fee by civil action. At least 30 days before January 1, the board shall cause a written notice stating the amount and due date of the fee and the information to be provided, to be sent to every licensed dentist, dental hygienist, and registered dental assistant.

NOTE: Subdivision 1 was also amended by Laws 1976, Chapter 222, Section 78 to read:

"Subdivision 1. **Renewal information and procedure.** On or before the license expiration date every licensed dentist and dental hygienist shall transmit to the executive secretary of the board, such pertinent information as may be required by the board, together with the fee established by the board. At least 30 days before a license date expiration, the board shall cause a written notice stating the amount and due date of the fee and the information to be provided by the licensee, to be sent to the licensed dentist and dental hygienist."

Subd. 2. [ Repealed, 1976 c 222 s 209 ]

Subdivision 2 was also amended by Laws 1976, Chapter 263, Section 8 to read:

"Subd. 2. Five years from June 6, 1969 or upon the fifth anniversary of the issuance of his license, whichever

occurs last, and each five years thereafter, each person licensed to practice dentistry or dental hygiene or registered as a dental assistant in this state shall provide the state board of dentistry evidence, of a nature suitable to the board, that such licensed person has attended, or participated in such amount of continuing education in dentistry as shall be required by the board; however, for dentists this requirement shall be not less than 75 hours during the preceding five years of licensure. The board may accept for compliance with this requirement any of the following which, in the opinion of the board, contributes directly to the dental education of the licensee or registrant:

- (1) Attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and
- (2) Research, graduate study, teaching, or service as a clinician; and
- (3) Any other such evidence of continuing education the board may approve.

Any licensed person who shall fail to comply with this requirement shall, at the discretion of the board, be re-examined to determine his competency to continue licensure. If, in the opinion of the board, such licensed person does not qualify for further licensed practice, the board shall suspend such license until such time as the dentist or dental hygienist shall provide acceptable evidence to the board of his competency to practice."

**Subd. 3. Change of location of practice and duplicate certificates.** Every licensed dentist upon changing his location of practice shall, within ten days thereafter, furnish the board with his new address. Duplicate licenses or duplicate annual certificates of license renewal may be issued by the board upon satisfactory proof being furnished to the board of the need for such duplicates and upon the payment of the fee established by the board.

[ 1969 c 974 s 9; 1976 c 222 s 78,79; 1976 c 263 s 7,8 ]

**150A.10 DENTAL AUXILIARIES.** Subdivision 1. **Dental hygienists.** Any licensed dentist, public institution, or school authority may use the services of a licensed dental hygienist. Such licensed dental hygienist may perform those services which are educational, diagnostic, therapeutic, or preventive in nature and are authorized by the board of dentistry. Such services shall not include the establishment of a final diagnosis or treatment plan for a dental patient. Such services shall be performed under supervision of a licensed dentist. Any licensed dentist who shall permit the performance of any dental service by a dental hygienist other than those authorized by the board of dentistry, shall be deemed to be violating the provisions of sections 150A.01 to 150A.12, and performance of such unauthorized dental service by a dental hygienist shall constitute a violation of sections 150A.01 to 150A.12.

**Subd. 2. Dental assistants.** Every licensed dentist who uses the services of any unlicensed person for the purpose of assisting him in the practice of dentistry shall be responsible for the acts of such unlicensed person while engaged in such assistance. Such dentist shall permit such unlicensed assistant to perform only those acts which he is authorized to delegate to unlicensed assistants by the board of dentistry. Such acts shall be performed under supervision of a licensed dentist. The board may permit differing levels of dental assistance based upon recognized educational standards, approved by the board, for the training of dental assistants. The board may also define by rule the scope of practice of registered and non-registered dental assistants. The board by rule may require continuing education for differing levels of dental assistants, as a condition to their registration or authority to perform their authorized duties. Any licensed dentist who shall permit such unlicensed assistant to perform any dental service other than that authorized by the board shall be deemed to be enabling an unlicensed person to practice dentistry, and commission of such an act by such unlicensed assistant shall constitute a violation of sections 150A.01 to 150A.12.

**Subd. 3. Dental technicians.** Every licensed dentist who uses the services of any unlicensed person, other than under the dentist's supervision and within such dentist's own office, for the purpose of constructing, altering, repairing or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic or other dental appliance, shall be required to furnish such unlicensed person with a written work order in such form as shall be prescribed by the rules of the board; said work order shall be made in duplicate form, a duplicate copy to be retained in a permanent file in the dentist's office for a period of two years, and the original to be retained in a permanent file for a period of two years by such unlicensed person in his place of business. Such permanent file of work orders to be kept by such dentist or by such unlicensed person shall be open to inspection at any reasonable time by the board or its duly constituted agent.

[ 1969 c 974 s 10; 1976 c 263 s 9 ]

**150A.11 UNLAWFUL ACTS.** Subdivision 1. **Unlawful practice.** It shall be unlawful for any person to: enable an unlicensed person to practice dentistry; or to practice or attempt to practice dentistry without a license; or to practice dentistry under the name of a corporation, company, association, or trade name, or under any name except his own proper name, which shall be the name used in his license as issued by the state board of dentistry. No corporation shall practice dentistry or engage therein, or hold itself out as being entitled to practice dentistry, or furnish dental services or dentists, or advertise under or assume the title of dentists or dental surgeons or equivalent title. No corporation shall furnish dental advice, or advertise or hold itself out with any other person or alone, that it has or owns a dental office or can furnish dental service, dentists, or dental surgeons, or solicit, through itself, or its agents, officers, employees, directors or trustees, dental patronage for any dentist or dental surgeon. The provisions of this section:

(1) Shall not apply to any licensee while acting as an instructor in or under the University of Minnesota including the Mayo graduate school of medicine, or any other school in the state recognized by the state board of dentistry;

(2) Shall not prohibit any dentist from incorporating his practice of dentistry for business purposes under the special provisions of a corporate practice act for dentistry;

(3) Shall not be construed to change or amend the right of licensed dentists to provide dental care under any form of organization that is now or hereafter lawful under the laws of this state, or to contract to sell their services in any manner that is now or hereafter lawful under the laws of this state.

Subd. 2. **Professional advertising.** Public advertising by dentists may be controlled by reasonable rules and regulations of the board. Such rules and regulations shall include permission for such things as publication of a professional card, reasonable signs on or about the place of business, announcements of changes or opening of offices and telephone listings.

Subd. 3. **Advertising or use of dental services and appliances.** No person shall advertise in any manner that he can or will sell, supply, furnish, construct, reproduce, reline, or repair without a written work order by a licensed dentist, prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth, or for the regulation thereof. All such advertisements shall contain the words "A written work order from a licensed dentist is required" in at least 10-point type size. Except for advertising permitted under this subdivision, a person not licensed to practice dentistry in this state shall not sell or offer any such service or products to other than the dental profession or its ancillary trades, provided, however that the mere delivery of such products to an ultimate consumer or person acting in his behalf for the purpose of transporting such products to the licensed dentist who provided the work order shall not violate this subdivision. This subdivision shall not apply to mailings, displays, and advertisements the primary distribution of which is to the dental profession or its ancillary trades.

Subd. 4. **Dividing fees.** It shall be unlawful for any dentist to divide fees with or promise to pay a part of his fee to, or to pay a commission to, any dentist or other person who calls him in consultation or who sends patients to him for treatment, or operation, but nothing herein shall prevent licensed dentists from forming a bona fide partnership for the practice of dentistry, nor to the actual employment by a licensed dentist of a licensed dental hygienist or another licensed dentist.

[ 1969 c 974 s 11 ]

**150A.12 VIOLATION AND DEFENSES.** Every person who violates any of the provisions of sections 150A.01 to 150A.12 for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor; and, upon conviction, punished by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. In the prosecution of any person for violation of sections 150A.01 to 150A.12, it shall not be necessary to allege or prove lack of a valid license to practice dentistry or dental hygiene but such matter shall be a matter of defense to be established by the defendant.

[ 1969 c 974 s 12 ]