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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 279

01/11/2023 Authored by Her
The bill was read for the first time and referred to the Committee on Health Finance and Policy
01/23/2023 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to health; adding dentistry mailing list services fee; making corrections
1.3 to dentistry licensing requirements; amending Minnesota Statutes 2022, sections
1.4 150A.08, subdivisions 1, 5; 150A.091, by adding a subdivision; 150A.13,
1.5 subdivision 10.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 150A.08, subdivision 1, is amended to read:

1.8 Subdivision 1. Grounds. The board may refuse or by order suspend or revoke, limit or
1.9 modify by imposing conditions it deems necessary, the license of a dentist, dental therapist,
1.10 dental hygienist, or dental assisting assistant upon any of the following grounds:

1.11 (1) fraud or deception in connection with the practice of dentistry or the securing of a
1.12 license certificate;

1.13 (2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no
1.14 contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice
1.15 of dentistry as evidenced by a certified copy of the conviction;

1.16 (3) conviction, including a finding or verdict of guilt, an admission of guilt, or a no
1.17 contest plea, in any court of an offense involving moral turpitude as evidenced by a certified
1.18 copy of the conviction;

1.19 (4) habitual overindulgence in the use of intoxicating liquors;

1.20 (5) improper or unauthorized prescription, dispensing, administering, or personal or
1.21 other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter
1.22 151, or of any controlled substance as defined in chapter 152;

2.1 (6) conduct unbecoming a person licensed to practice dentistry, dental therapy, dental
2.2 hygiene, or dental assisting, or conduct contrary to the best interest of the public, as such
2.3 conduct is defined by the rules of the board;

2.4 (7) gross immorality;

2.5 (8) any physical, mental, emotional, or other disability which adversely affects a dentist's,
2.6 dental therapist's, dental hygienist's, or dental assistant's ability to perform the service for
2.7 which the person is licensed;

2.8 (9) revocation or suspension of a license or equivalent authority to practice, or other
2.9 disciplinary action or denial of a license application taken by a licensing or credentialing
2.10 authority of another state, territory, or country as evidenced by a certified copy of the
2.11 licensing authority's order, if the disciplinary action or application denial was based on facts
2.12 that would provide a basis for disciplinary action under this chapter and if the action was
2.13 taken only after affording the credentialed person or applicant notice and opportunity to
2.14 refute the allegations or pursuant to stipulation or other agreement;

2.15 (10) failure to maintain adequate safety and sanitary conditions for a dental office in
2.16 accordance with the standards established by the rules of the board;

2.17 (11) employing, assisting, or enabling in any manner an unlicensed person to practice
2.18 dentistry;

2.19 (12) failure or refusal to attend, testify, and produce records as directed by the board
2.20 under subdivision 7;

2.21 (13) violation of, or failure to comply with, any other provisions of sections 150A.01 to
2.22 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the board,
2.23 sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any other just
2.24 cause related to the practice of dentistry. Suspension, revocation, modification or limitation
2.25 of any license shall not be based upon any judgment as to therapeutic or monetary value of
2.26 any individual drug prescribed or any individual treatment rendered, but only upon a repeated
2.27 pattern of conduct;

2.28 (14) knowingly providing false or misleading information that is directly related to the
2.29 care of that patient unless done for an accepted therapeutic purpose such as the administration
2.30 of a placebo; or

2.31 (15) aiding suicide or aiding attempted suicide in violation of section 609.215 as
2.32 established by any of the following:

3.1 (i) a copy of the record of criminal conviction or plea of guilty for a felony in violation
3.2 of section 609.215, subdivision 1 or 2;

3.3 (ii) a copy of the record of a judgment of contempt of court for violating an injunction
3.4 issued under section 609.215, subdivision 4;

3.5 (iii) a copy of the record of a judgment assessing damages under section 609.215,
3.6 subdivision 5; or

3.7 (iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.
3.8 The board shall investigate any complaint of a violation of section 609.215, subdivision 1
3.9 or 2.

3.10 Sec. 2. Minnesota Statutes 2022, section 150A.08, subdivision 5, is amended to read:

3.11 Subd. 5. **Medical examinations.** If the board has probable cause to believe that a dentist,
3.12 dental therapist, dental hygienist, dental assistant, or applicant engages in acts described in
3.13 subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8), it
3.14 shall direct the dentist, dental therapist, dental hygienist, dental assistant, or applicant to
3.15 submit to a mental or physical examination or a substance use disorder assessment. For the
3.16 purpose of this subdivision, every dentist, dental therapist, dental hygienist, or dental assistant
3.17 licensed under this chapter or person submitting an application for a license is deemed to
3.18 have given consent to submit to a mental or physical examination when directed in writing
3.19 by the board and to have waived all objections in any proceeding under this section to the
3.20 admissibility of the examining physician's testimony or examination reports on the ground
3.21 that they constitute a privileged communication. Failure to submit to an examination without
3.22 just cause may result in an application being denied or a default and final order being entered
3.23 without the taking of testimony or presentation of evidence, other than evidence which may
3.24 be submitted by affidavit, that the licensee or applicant did not submit to the examination.
3.25 A dentist, dental therapist, dental hygienist, dental assistant, or applicant affected under this
3.26 section shall at reasonable intervals be afforded an opportunity to demonstrate ability to
3.27 start or resume the competent practice of dentistry or perform the duties of a dental therapist,
3.28 dental hygienist, or dental assistant with reasonable skill and safety to patients. In any
3.29 proceeding under this subdivision, neither the record of proceedings nor the orders entered
3.30 by the board is admissible, is subject to subpoena, or may be used against the dentist, dental
3.31 therapist, dental hygienist, dental assistant, or applicant in any proceeding not commenced
3.32 by the board. Information obtained under this subdivision shall be classified as private
3.33 pursuant to the Minnesota Government Data Practices Act.

4.1 Sec. 3. Minnesota Statutes 2022, section 150A.091, is amended by adding a subdivision
4.2 to read:

4.3 Subd. 23. **Mailing list services.** Each licensee must submit a nonrefundable \$5 fee to
4.4 request a mailing address list.

4.5 Sec. 4. Minnesota Statutes 2022, section 150A.13, subdivision 10, is amended to read:

4.6 Subd. 10. **Failure to report.** ~~On or after August 1, 2012,~~ Any person, institution, insurer,
4.7 or organization that fails to report as required under subdivisions 2 to 6 shall be subject to
4.8 civil penalties for failing to report as required by law.