

CHAPTER 84—H.F.No. 1428

An act relating to occupations and professions; dentistry; modifying a certain exception to the licensing requirements; establishing faculty, resident dentist, and specialty licenses; modifying a certain ground for disciplinary action; amending Minnesota Statutes 1992, sections 150A.01, by adding subdivisions; 150A.05, subdivision 2; 150A.06, by adding subdivisions; and 150A.08, subdivision 1.

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

Section 1. Minnesota Statutes 1992, section 150A.01, is amended by adding a subdivision to read:

Subd. 6a. FACULTY DENTIST. "Faculty dentist" means a person who is licensed to practice dentistry as a faculty member of a school of dentistry.

Sec. 2. Minnesota Statutes 1992, section 150A.01, is amended by adding a subdivision to read:

Subd. 8a. RESIDENT DENTIST. "Resident dentist" means a person who is licensed to practice dentistry as an enrolled graduate student or student of an advanced education program accredited by the American Dental Association Commission on Accreditation.

Sec. 3. Minnesota Statutes 1992, section 150A.05, subdivision 2, is amended to read:

Subd. 2. EXEMPTIONS AND EXCEPTIONS OF CERTAIN PRACTICES AND OPERATIONS. Sections 150A.01 to 150A.12 do not apply to:

(1) ~~A duly licensed physician and surgeon unless the licensee 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, colleges or schools of dental hygiene, or schools of dental assisting approved by the board of dentistry, and~~

(2) The practice of dentistry, dental hygiene, or dental assisting by undergraduate dental students, dental hygiene students, and dental assisting students in dental schools or colleges, graduate dental programs of the University of Minnesota or the Mayo Foundation, schools of dental hygiene, or schools of dental assisting approved by the board, when acting under the direction and supervision of a licensed dentist or a licensed dental hygienist acting as instructors an instructor;

(4) (3) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians under the auspices of a duly approved dental

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school or college, or a reputable dental society, or a reputable dental study club composed of dentists;

(5) (4) The actions of persons while they are taking examinations for licensure or registration administered or approved by the board pursuant to section 150A.03, subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

(6) (5) The practice of dentistry by dentists and dental hygienists licensed by other states during their functioning as examiners responsible for conducting licensure or registration examinations administered by regional and national testing agencies with whom the board is authorized to affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry by the regional and national testing agencies during their administering examinations pursuant to section 150A.03, subdivision 1;

(7) (6) ~~The use of roentgens or other rays for making roentgenograms or similar records of dental or oral tissues~~ X-rays or other diagnostic imaging modalities for making radiographs or other similar records in a hospital under the supervision of a physician or dentist or by a person who is credentialed to use diagnostic imaging modalities or X-ray machines for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other than the board of dentistry; or

(8) (7) 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 according to a written work order from a licensed dentist in accordance with section 150A.10, subdivision 3.

Sec. 4. Minnesota Statutes 1992, section 150A.06, is amended by adding a subdivision to read:

Subd. 1a. FACULTY DENTISTS. Faculty members of a school of dentistry must be licensed or registered in order to practice dentistry as defined in section 150A.05. The board may issue to members of the faculty of a school of dentistry a license designated as a "faculty license" entitling the holder to practice dentistry within the school and its affiliated teaching facilities, but only for the purposes of instructing or conducting research. The practice of dentistry at a school facility for purposes other than instruction or research is not allowed unless the faculty member is licensed under subdivision 1 or is a faculty member on the effective date of this section. The dean of the school of dentistry shall certify to the board those members of the school's faculty who practice dentistry but are not licensed to practice dentistry in Minnesota. A faculty member who practices dentistry as defined in section 150A.05, before beginning duties in the school of dentistry, shall apply to the board for a faculty license. The license expires the next July 1 and may, at the discretion of the board, be renewed on a yearly basis. The faculty applicant shall pay a nonrefundable fee set by the board for issuing and renewing the faculty license. The faculty license is valid during the time the holder remains a member of the faculty of a school of dentistry and

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subjects the holder to this chapter. This subdivision takes effect on September 1 following the date that the rules adopted under this subdivision become effective.

Sec. 5. Minnesota Statutes 1992, section 150A.06, is amended by adding a subdivision to read:

Subd. 1b. RESIDENT DENTISTS. A person who is a graduate of a dental school and is an enrolled graduate student or student of an accredited advanced dental education program and who is not licensed to practice dentistry in the state shall obtain from the board a license to practice dentistry as a resident dentist. The license must be designated "resident dentist license" and authorizes the licensee to practice dentistry only under the supervision of a licensed dentist. A resident dentist license must be renewed annually pursuant to the board's rules. An applicant for a resident dentist license shall pay a nonrefundable fee set by the board for issuing and renewing the license. The requirements of sections 150A.01 to 150A.21 apply to resident dentists except as specified in rules adopted by the board. A resident dentist license does not qualify a person for licensure under subdivision 1. This subdivision takes effect on September 1 following the date that the rules adopted under this subdivision become effective.

Sec. 6. Minnesota Statutes 1992, section 150A.06, is amended by adding a subdivision to read:

Subd. 1c. SPECIALTY DENTISTS. (a) The board may grant a specialty license in the following areas of dentistry:

- (1) endodontics;
- (2) oral and maxillofacial surgery;
- (3) oral pathology;
- (4) orthodontics;
- (5) pediatric dentistry;
- (6) periodontics;
- (7) prosthodontics; and
- (8) public health.

(b) Notwithstanding section 147.081, subdivision 3, a person practicing in the specialty area of oral and maxillofacial surgery must either be licensed by the board under subdivision 1, or have a specialty license in the oral and maxillofacial surgery specialty area. Notwithstanding paragraph (c), an oral and maxillofacial surgery specialty license may be issued to a person not licensed under subdivision 1.

(c) An applicant for a specialty license shall:

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(1) have successfully completed an advanced education program approved by the commission on accreditation in one of the specialty areas;

(2) have announced a limitation of practice before 1967; or

(3) have been certified by a specialty examining board approved by the board.

The board shall also require the applicant to be licensed under subdivision 1 or have an equivalent license in another state as determined by the board, meet all other requirements prescribed by the board, and pay a nonrefundable fee set by the board.

(d) A dentist with an equivalent license in another state and a specialty license in Minnesota is limited in Minnesota to practicing only in the specialty license area as defined by the board.

Sec. 7. Minnesota Statutes 1992, section 150A.06, is amended by adding a subdivision to read:

Subd. 4b. APPEAL OF DENIAL OF APPLICATION. A person whose application for licensure by credentials has been denied may appeal the decision to the board. The board shall establish an appeals process and inform a denied candidate of the right to appeal and the process for filing the appeal.

Sec. 8. Minnesota Statutes 1992, section 150A.08, subdivision 1, is amended to read:

Subdivision 1. **GROUND.** The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, any license to practice dentistry or dental hygiene or the registration of any dental assistant upon any of the following grounds:

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

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

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

(4) Habitual overindulgence in the use of intoxicating liquors;

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

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(6) 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 of the board;

(7) Gross immorality;

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

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

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

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

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

(13) Violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12, the rules of the board of dentistry, or any disciplinary order issued by the board, section 144.335 or 595.02, subdivision 1, paragraph (d), or for any other just cause related to the practice of dentistry. Suspension, revocation, modification or limitation of any license 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;

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

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

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

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

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

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

Presented to the governor May 3, 1993

Signed by the governor May 5, 1993, 6:25 p.m.

CHAPTER 85—S.F.No. 737

An act relating to motor vehicles; requiring vehicle owner to transfer certificate of title upon gaining ownership to motor vehicle; allowing registrar to research records before responding to phone request; amending Minnesota Statutes 1992, sections 168.10, subdivision 1; 168.34; and 168A.30, subdivision 2.

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

Section 1. Minnesota Statutes 1992, section 168.10, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION.** Except as provided in subdivisions 1a, 1b, 1c, 1d, 1g, and 1h, every ~~registered~~ owner of any motor vehicle in this state, not exempted by section 168.012 or 168.26, shall as soon as registered ownership of a motor vehicle is acquired and annually thereafter during the period provided in section 168.31, file with the commissioner of public safety on a blank provided by the commissioner a listing for taxation and application for the registration of such vehicle, stating the first, middle and last names, the date of birth, and the address of the primary residence of each registered owner thereof who is a natural person or mailing address if the address of the primary residence has been classified as private data under this chapter, the full name and address of any other registered owner, the name and address of the person from whom purchased, make of motor vehicle, year and number of the model, manufacturer's identification number or serial number, type of body, the weight of the vehicle in pounds, for trailers only, its rated load carrying capacity and for buses only, its seating capacity, and such other information as the commissioner may require. Any false statement willfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly. The listing and application for registration by dealers or manufacturers' agents within the state, of motor vehicles received for sale or use within the state shall be accepted as compliance with the requirements of this chapter, imposed upon the manufacturer.

Registration shall be refused a motor vehicle if the original identification or serial number has been destroyed, removed, altered, covered, or defaced. How-

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