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DENTISTS, HYGIENISTS, AND ASSISTANTS 3100.1100

CHAPTER 3100 BOARD OF DENTISTRY DENTISTS, HYGIENISTS, AND ASSISTANTS

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3100.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of these rules and unless the context otherwise requires, the terms in subparts 2 to 21 have the meanings given them.

[For text of subps 2 to 9, see M.R. 1985]

Subp. 9a. **Dental hygienist.** "Dental hygienist" means a person holding a license as a dental hygienist issued by the board pursuant to the act.

[For text of subps 10 and 11, see M.R. 1985]

Subp. 12. [Repealed, 10 SR 1613]

[For text of subps 13 to 18, see M.R. 1985]

Subp. 19. [Repealed, 10 SR 1613]

[For text of subps 20 and 21, see M.R. 1985]

Statutory Authority: MS s 150A 04 subd 5; 150A 08 subd 1; 319A.18

History: 10 SR 1613

3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.

[For text of subpart 1, see M.R. 1985]

Subp. 2. **Clinical skills examination.** The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

[For text of subps 3 to 5, see M.R. 1985]

Statutory Authority: MS s 150A.04 subd 5, 150A.08 subd 3; 150A 09 subd 1; 216 06 subd 2

History: 10 SR 1612

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3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.

Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the act and shall conform to the following rules of the board:

[For text of items A and B, see M R 1985]

C. The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

[For text of items D to F, see M R. 1985]

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 3; 150A.09 subd 1; 216.06 subd 2*

History: *10 SR 1612*

3100.1300 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT.

Any person desiring to be registered as a dental assistant shall submit to the board an application and credentials as prescribed by the act and shall conform to the following rules:

A. An application on a form furnished by the board shall be completely filled out.

[For text of item B, see M R 1985]

C. Submission of evidence of satisfactorily passing a board-approved registration examination designed to determine the applicant's knowledge of the clinical duties specified in part 3100.8500, subpart 1.

[For text of items D and E, see M.R 1985]

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 3; 150A.09 subd 1; 216.06 subd 2*

History: *10 SR 1612*

3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.

Any person who is already a licensed dentist or dental hygienist in another state or Canadian province desiring to be licensed to practice dentistry or dental hygiene in Minnesota shall present to the board an application and credentials as prescribed by the act. The applicant shall conform to the following rules of the board:

A. The applicant shall complete an application on forms furnished by the board.

[For text of item B, see M.R. 1985]

C. An applicant for licensure as a dentist must have been in active practice in another state or Canadian province for at least three of the four years prior to the receipt of a completed application by the board (United States governmental service may be included) and must submit at least three references from other practicing dentists.

D. An applicant for licensure as a dental hygienist must have been in active practice in another state or Canadian province for at least one of the two years prior to receipt of a completed application by the board and must submit at least two character references from dentists and two references from practicing dental hygienists.

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E. An applicant must provide evidence of having passed a clinical examination for licensure in another state or Canadian province, where the licensure requirements are substantially equivalent to that of Minnesota.

F. An applicant shall include a physician's statement attesting to the applicant's physical and mental condition and a statement from a licensed ophthalmologist or optometrist attesting to the applicant's visual acuity.

G. Each applicant must submit with the application a fee as prescribed in part 3100.2000, subpart 3.

H. For identification purposes, the applicant shall furnish one notarized unmounted passport-type photograph, three inches by three inches, taken not more than six months before the date of application.

I. An applicant must appear before the board for a personal interview to determine the applicant's fitness to practice dentistry or dental hygiene pursuant to Minnesota Statutes, section 150A.06, subdivision 4.

J. An applicant shall successfully complete an examination designed to test knowledge of Minnesota laws relating to the practice of dentistry and the rules of the board.

Statutory Authority: *MS s 150A.04 subd 5, 150A.08 subd 3, 150A.09 subd 1; 216.06 subd 2*

History: *10 SR 1612*

3100.1700 TERMS AND RENEWAL OF LICENSE AND REGISTRATION.

Subpart 1. Terms. Each initial license or registration issued by the board is valid from the date issued until renewed or terminated in accordance with the procedures specified in this part. Each annually renewed license or registration issued by the board is valid from January 1 of the year for which it was issued until renewed or terminated in accordance with the procedures specified in this part.

Subp. 2. Renewal applications. Each dentist, dental hygienist and registered dental assistant, shall submit an application for renewal of his license or registration together with the necessary fee no later than December 31 of the year preceding that for which the license or registration renewal is requested. Applications for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office via United States first class mail on the first workday after December 31. The application form must provide a place for the renewal applicant's signature and must solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether the licensee or registrant has been engaged during the year preceding the year for which renewal is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

For those licensees or registrants whose five-year CDE cycle expired the previous June 30 and who have not submitted evidence of compliance with the five-year CDE requirement set forth in part 3100.4100, the board will include in its written notice relating to annual renewal, that the licensee or registrant shall submit verified evidence of having taken the requisite number of CDE credit hours or of having passed the applicable examinations listed in part 3100.1850, subpart 4, in order to have his or her license or registration renewed.

Subp. 3. Failure to submit renewal application. The following procedure will be followed by the board for all licensees and registrants who have failed to submit the annual renewal application in accordance with subpart 2 including, if applicable, required information about CDE, and applicable fees, except as provided in subpart 5.

A. Any time after January 1, the board will send, to the last address on file with the board, a notice to all licensees or registrants who have not made application for the renewal of their license or registration. The notice will state that licensee or registrant has failed to make application for renewal; the amount of the renewal and late fees and/or the information required about CDE as specified in subpart 2 which must be submitted in order for the license or registration to be renewed; that licensee or registrant may voluntarily terminate the license or registration by notifying the board; and that failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, and/or the information required about CDE, or by notifying the board that licensee or registrant has voluntarily terminated his or her license or registration will result in the expiration of the license or registration and termination of the right to practice.

B. If the application for renewal, including required information about CDE and the applicable annual and late fees or notice of voluntary termination is not received by the board by the date specified in the notice, the license or registration will expire and the licensee's or registrant's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee or registrant.

C. Notwithstanding items A and B, the expiration date shall be extended six months when a licensee or registrant failed to meet the CDE requirements and requests permission to take the applicable examination specified in part 3100.1850, subpart 2, item A. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of having passed the examination. In those cases where a licensee or registrant was physically incapable, at the end of that person's five-year reporting cycle, of taking CDE courses, the expiration date shall also be extended six months for the purpose of giving the person an opportunity to take the necessary number of CDE course hours. The licensee or registrant must submit clear and convincing evidence of physical incapability. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of taking the number of CDE course hours necessary to comply with part 3100.4100, subpart 2. Any CDE hours accumulated during the six-month extension shall not count toward meeting the requirement of the new CDE cycle.

In either instance referenced above, a licensee or registrant may submit a request for an extension of the six-month period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of license shall not meet these standards. The burden rests on the licensee or registrant to prove that an extension should be granted, which in no case shall exceed an additional six months.

Subp. 4. Reinstatement. A license or registration which has expired pursuant to this part may be reinstated pursuant to part 3100.1850.

Subp. 5. Contested case proceedings. The board, in lieu of the process set out in subpart 3, may initiate a contested case hearing to revoke or suspend a license or registration for failure to submit the fees and CDE information requested on the renewal application, at the same time that it initiates disciplinary proceedings against the licensee or registrant for other grounds specified in Minnesota Statutes, section 150A.08, subdivision 1, and parts 3100.6100 to 3100.7200 and 3100.8100.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 3; 150A.09 subd 1; 216.06 subd 2.*

History: *10 SR 1612*

3100.1800 [Repealed, 10 SR 1612]

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3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.

Subpart 1. **Requirements.** Upon complying with the requirements specified in this part, the applicant's license or registration shall be reinstated. Any person desiring the reinstatement of a license or registration shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in part 3100.2000, subpart 6;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the applicable provisions of subparts 2 to 5. Upon reinstatement, the person shall be assigned to the CDE cycle to which the licensee or registrant was assigned prior to termination of the license or registration.

Subp. 2. **Expiration or voluntary termination of less than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration less than five years previous to the application for reinstatement must:

A. Submit evidence of having completed the CDE requirements that would have applied to them had their licenses or registration not expired. If the license or registration had expired because of failure to meet CDE requirements or if the applicant's CDE cycle concluded during the time that the license or registration was in expired status and the requirements had not been complied with, the applicant must first successfully complete part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the examination for initial registration for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of licensure or registration and filing a reinstatement application.

Subp. 3. **Expiration or voluntary termination of more than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration more than five years previous to the application for reinstatement must:

A. Submit evidence of having successfully completed part II of the national board examination and the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination and the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the registration examination specified in part 3100.1300, item C, for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the five years immediately preceding application for reinstatement.

Subp. 4. **Revoked or suspended licenses.** No license or registration which has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license or registration was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action were based in part on failure to meet CDE requirements, the license or registration may not be reinstated until the applicant has successfully completed the applicable examination specified in part 3100.1850, subparts 2 and 3.

Subp. 5. **Scope.** Nothing in this part prohibits a dentist or dental hygienist from applying for licensure pursuant to part 3100.1400.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 3, 150A.09 subd 1, 216.06 subd 2*

History: *10 SR 1612*

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3100.1900 [Repealed, 10 SR 1612]

3100.2000 FEES.

Subpart 1. **Application fees.** Each applicant for licensure as a dentist or dental hygienist or for registration as a registered dental assistant shall submit with a license or registration application a fee in the following amounts:

- A. dentist application, \$75;
- B. dental hygienist application, \$30; and
- C. dental assistant application, \$20.

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

- A. dentist, \$45;
- B. dental hygienist, \$20; and
- C. registered dental assistant, \$14.

Subp. 3. **Licensure by credentials.** Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to Minnesota Statutes, section 150A.06, subdivision 4 and part 3100.1400 shall submit with his or her license application a fee in the following amounts:

- A. dentist, \$275; and
- B. dental hygienist, \$80.

Subp. 4. **Annual license or registration late fee.** Applications for renewal of any license or registration received after the time specified in part 3100.1700 are subject to a late fee equal to 50 percent of the annual renewal fee.

Subp. 5. **Duplicate license or registration fee.** Each licensee or registrant shall submit with a request for issuance of a duplicate of his or her original license or registration or of an annual renewal thereof a fee in the following amounts:

- A. original dentist or dental hygiene license, \$8; and
- B. initial and renewal registration certificates and license renewal certificates, \$6.

Subp. 6. **Reinstatement fee.** No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his or her license or registration reinstated or a new license or registration issued until he or she has submitted to the board a fee in the following amount:

- A. dentist, \$75;
- B. dental hygienist, \$30; and
- C. registered dental assistant, \$20.

Subp. 7. **Application for permission to take dental X rays.** A person applying for permission to take dental X rays pursuant to part 3100.8500, subpart 3, shall submit with an application a fee in the amount of \$10.

Subp. 8. **Application for approval as sponsor of CDE courses.** A person applying for approval as a sponsor of CDE programs pursuant to part 3100.4200, subpart 2, shall submit with an application a fee in the amount of \$75.

Subp. 9. **Affidavit of licensure.** Each licensee or registrant shall submit with a request for an affidavit of licensure a fee in the amount of \$10.

Subp. 10. **Refunds.** No fee shall be refunded for any reason except in those cases where the applicant for licensure or registration is found to be ineligible to take the examination.

Statutory Authority: *MS s 16A.128, 150A.04 subd 5, 150A.06; 214.06 subd 1*

History: *9 SR 1098; 10 SR 955, 10 SR 1612*

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3100.3100 CONDUCT OF EXAMINATIONS.

The following rules govern the conduct of examinations given to those applicants for licensure as a dentist or dental hygienist or for registration as a registered dental assistant and must be strictly adhered to throughout the entire examination. An examinee who violates any of the rules or instructions applicable may be declared by the board to have failed the examination.

[For text of items A to M, see M.R. 1985]

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 1, 319A.18*

History: *10 SR 1613*

3100.3200 CLINICAL EXAMINATIONS.

Every dentist and dental hygienist applicant shall give a demonstration of skill in those operations appropriate for his level of licensure or registration prescribed by the board. Registered dental assistant applicants may also be so examined. All operations shall be performed in the presence of a board member qualified for the particular examination being given or consultant appointed by the board for that purpose.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 1; 319A.18*

History: *10 SR 1613*

3100.3300 EXAMINATION OF DENTISTS.

[For text of subpart 1, see M.R. 1985]

Subp. 2. National board examination. Each applicant must pass a national board examination. At the discretion of the board, any dentist who has lawfully practiced dentistry in another state for five years may be exempted from taking a national board examination.

[For text of subps 3 to 5, see M.R. 1985]

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 3; 150A.09 subd 1; 216.06 subd 2.*

History: *10 SR 1612*

3100.3400 EXAMINATION OF DENTAL HYGIENISTS.

[For text of subpart 1, see M.R. 1985]

Subp. 2. National board examination. Each applicant must pass a national board examination. At the discretion of the board, any dental hygienist duly licensed to practice as such in another state which has and maintains laws regulating the practice of dental hygiene by dental hygienists, equivalent to this state's, who is of good professional character and is desirous of licensure in this state and presents a certificate from the examining board of the state in which the applicant is licensed so certifying, may be exempted from taking a national board examination provided the applicant has been licensed for five or more years.

[For text of subps 3 and 4, see M.R. 1985]

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 3; 150A.09 subd 1; 216.06 subd 2.*

History: *10 SR 1612*

3100.4100 CONTINUING DENTAL EDUCATION.

Subpart 1. Evidence of attendance. Each licensee and registrant shall provide evidence on forms supplied by the board, that the person has attended or participated in CDE as required by parts 3100.4100 to 3100.4600.

Subp. 2. **Minimum hours.** The minimum number of hours of approved CDE for each five years shall be: for dentists, 75 hours; for dental hygienists, 40 hours, and for registered dental assistants, 25 hours. Of these hours, dentists may earn no more than 15 hours, dental hygienists no more than eight hours, and registered dental assistants no more than five hours on nonclinical subjects relating to the dental profession.

Nonclinical subjects relating to the dental profession are those which cover skills related to dental services in general which are not directly related to, but are nevertheless supportive of, the provision of clinical services. Examples of nonclinical subjects relating to the dental profession are patient management, the legal and ethical responsibilities of the dental profession, and stress management.

Examples of subjects that are not considered to be related to the dental profession are estate planning, financial planning, marketing, investments, and personal health.

[For text of subp 3, see M.R. 1985]

Subp. 4. **Exemptions.** A licensee or registrant who pays an annual license or registration renewal fee and meets any of the following conditions is exempt from complying with the CDE requirements if he or she files with the board an affidavit specifying the condition within which he or she falls:

A. resides permanently outside the state and does not practice within the state; or

B. is retired from practice and does not perform any dental services on a volunteer or free basis, or

C. is permanently disabled and unable to practice dentistry.

Subp. 5. **Expiration of exemption.** A licensee or registrant claiming exemption under subpart 4 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed CDE requirements equivalent to what the requirements would have been without the exemption for the five years immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee or registrant has not complied with the CDE requirements, the licensee or registrant must comply with part 3100.1850, subpart 2, if the licensee or registrant had been exempt from complying with CDE requirements for less than five years and with part 3100.1850, subpart 3, if exempt more than five years. The licensee or registrant may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee or registrant will be placed into the CDE cycle that he or she would have been in if the exemption was not claimed.

Statutory Authority: *MS s 150A.04 subd 5, 150A.09 subd 6; 214.06 subd 1; 214.12*

History: *10 SR 1612*

3100.4200 CDE SPONSORS.

[For text of subpart 1, see M R 1985]

Subp. 2. **Application procedure.** Persons or organizations intending to offer courses for CDE credit shall present a completed application on a form provided by the board. The form will request the submission of information which will enable the board to determine whether the applicant meets the standards for sponsor approval as specified in subpart 5. The board may require the submission of any other information it deems necessary to determine whether the applicant meets those standards. Each application for sponsor approval submitted to the board must include the application fee established in part 3100.2000 before the application will be considered. The board may use as a consultant a committee, which may include nonboard members, to evaluate sponsor applications.

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Subp. 3. [Repealed, 10 SR 1612]

Subp. 4. **Sponsor renewal.** When the board approves a sponsor, the approval will remain in effect for four years. In order to remain an approved sponsor, the sponsor must again submit an application and fee as provided for in subpart 2 and be approved before the expiration of the four-year period.

Subp. 5. **Approval standards.** The board will approve as a sponsor those applicants which meet the following standards:

A. The applicant is formally organized as a corporation (for profit or not for profit), partnership, accredited educational institution, or other formal association and has as one of its principal purposes the sponsoring of CDE courses.

B. The courses proposed by a sponsor must have significant intellectual or practical content which deal in the clinical and scientific aspect of dentistry and patient communication or in nonclinical subjects relating to the dental profession as specified in part 3100.4100, subpart 2.

[For text of subp 5, item C, see M.R. 1985]

Subp. 6. **Proof of participation.** Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they submit to the sponsor a card supplied by the board within two weeks of completion of the course. The sponsor shall submit all cards to the board within three weeks after completion of the course.

[For text of subp 7, see M.R. 1985]

Statutory Authority: MS s 150A.04 subd 5, 150A.09 subd 6; 214.06 subd 1; 214.12

History: 10 SR 1612

3100.4300 APPROVAL OF COURSES ATTENDED.

[For text of subs 1 and 2, see M.R. 1985]

Subp. 3. **Course approval standards.** The board shall grant CDE credit for any course which meets the following standards. The course shall have significant intellectual or practical content dealing in the clinical and scientific aspect of dentistry and patient communication, or in nonclinical subjects related to the dental profession as specified in part 3100.4100, subpart 2.

[For text of subs 4 to 6, see M.R. 1985]

Statutory Authority: MS s 150A.04 subd 5; 150A.09 subd 6; 214.06 subd 1, 214.12

History: 10 SR 1612

3100.4400 ESTABLISHING CREDIT HOURS FOR COURSES.

For courses presented by sponsors approved pursuant to part 3100.4200, and for courses approved pursuant to part 3100.4300, the board shall fix the number of hours of CDE credit based upon the following criteria:

A. Multiday convention-type meetings such as state or national dental conventions or their equivalent will be given three clock hours credit.

B. Scientific or educational meetings or courses or similar offerings will be credited on an hour-for-hour basis.

C. Home study with an accompanying examination will be awarded hourly credit if the examination is successfully completed based upon a determination by the board or sponsor of the reasonable amount of time necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

D. Presentation of a course made on behalf of an approved sponsor will be credited on an hour-for-hour basis.

Statutory Authority: *MS s 150A.04 subd 5; 150A.09 subd 6; 214.06 subd 1; 214.12*

History: *10 SR 1612*

3100.4600 TIME LIMITS FOR NOTICE OF ATTENDANCE.

Within two weeks after completing a course given by a sponsor approved pursuant to part 3100.4200, the licensee or registrant shall fill out the form supplied by the board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the board under part 3100.4200, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under part 3100.4300 within two weeks after completion of the course. If a licensee or registrant fails to comply with the time limits specified, the board may refuse to grant CDE credit for the applicable course.

Statutory Authority: *MS s 150A.04 subd 5; 150A.09 subd 6; 214.06 subd 1; 214.12*

History: *10 SR 1612*

3100.4700 [Repealed, 10 SR 1612]

3100.6200 CONDUCT UNBECOMING A LICENSEE OR REGISTRANT.

"Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant or conduct contrary to the best interests of the public," as used in Minnesota Statutes, section 150A.08, subdivision 1, clause (6), shall include the act of a dentist, dental hygienist, registered dental assistant, or applicant in:

[For text of items A to G, see M.R. 1985]

H. falsifying records relating to payment for services rendered, participation in a CDE course; or other records with respect to licensure, registration, CDE, and the practice of dentistry;

I. perpetrating fraud upon patients, third party payers, or others relating to the practice of dentistry;

J. failing to cooperate with the board, its agents, or those working on behalf of the board as required by part 3100.6300; and

K. failing to maintain adequate safety and sanitary conditions for a dental office as specified in part 3100.6300.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 1; 319A.18*

History: *10 SR 1613*

3100.6325 VOLUNTARY TERMINATION OF LICENSURE OR REGISTRATION.

The board may refuse to accept a licensee's or registrant's voluntary termination of license or registration if the board has reason to believe that the licensee or registrant has violated any of the provisions of Minnesota Statutes, chapter 150A or board rules, and has determined that allegations are serious enough to warrant resolution other than by voluntary termination.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 1; 319A.18*

History: *10 SR 1613*

3100.6350 REQUIRED COOPERATION.

Any licensee, registrant, or applicant who is the subject of an investigation

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or proceeding under these parts or under Minnesota Statutes, sections 150A.08 and 214.10 shall cooperate with the board, its agents, or those working on behalf of the board by complying with any reasonable request including requests to:

- A. furnish designated papers, documents, or tangible objects;
- B. furnish in writing a full and complete explanation covering the matter under consideration;
- C. appear for conferences and hearings at the time and places designated.

Violation of this part is conduct unbecoming a licensee or registrant or conduct contrary to the best interests of the public. Good faith challenges to requests of the board will not be deemed a failure to cooperate. These challenges shall be brought before the appropriate agency or court.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 1; 319A.18*

History: *10 SR 1613*

3100.6400 IMPROPER AND UNJUSTIFIED NAMES.

Any name used for a dental practice which connotes unusual or superior dental ability, or which is likely to create a false or unjustified expectation of favorable results shall be in violation of Minnesota Statutes, sections 150A.11, subdivision 1 and 319A.07.

Statutory Authority: *MS s 150A.04 subd 5; 150A.11 subd 2, 214 15*

History: *10 SR 1613*

3100.6500 COMMUNICATING DECEPTIVE STATEMENT OR CLAIM.

A person shall not, on behalf of himself, a partner, associate, or any other dentist affiliated with him through a corporation or association, use or participate in the use of any form of public communication containing a false, fraudulent, misleading, or deceptive statement or claim.

A false, fraudulent, misleading, or deceptive statement or claim is one which:

- A. contains a misrepresentation of fact;
- B. is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;
- C. is intended or is likely to create false or unjustified expectations of favorable results;
- D. appeals to an individual's anxiety in an excessive or unfair way;
- E. contains material claims of superiority that cannot be substantiated;
- F. misrepresents a dentist's credentials, training, experience, or ability;

or

G. contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or be deceived.

Statutory Authority: *MS s 150A.04 subd 5, 150A.11 subd 2, 214.15*

History: *10 SR 1613*

3100.6600 ADVERTISING DENTAL FEES AND SERVICES.

Subpart 1. **Routine services.** If the following routine dental services are advertised, either the advertised service must include the listed components or the advertisement must disclose the components which are not included.

A. Examination: a study by the dentist of all the structures of the oral cavity, including the appropriate recording or charting of the condition of all such structures and appropriate history thereof, the identification of periodontal disease and occlusal discrepancies, the detection of caries and oral abnormalities, and the development of a treatment plan. If there is a charge in addition to the

examination fee for radiographs and/or the provision to the patient of a written opinion of the items found in the examination (i.e., diagnosis) or of a written itemized treatment recommendation and itemized fee (i.e., treatment plan), such fact shall be disclosed in the advertisement.

B. Radiographs (X rays): adequate X rays of the oral structures to provide necessary radiographic study.

C. Denture: either a complete maxillary or complete mandibular replacement of the natural dentition with artificial teeth. If the service advertised is for a denture which is partially prefabricated, intended for a partial replacement of the natural dentition, intended to be used as an emergency or temporary denture, or if any advertised fee does not include a reasonable number of readjustments, such facts shall be disclosed in the advertisement.

D. Prophylaxis (cleaning): the removal of calculus (tartar) and stains from the clinically exposed surfaces of the teeth.

E. Extractions: the removal of nonimpacted teeth, including necessary X rays, anesthesia, preoperative, and postoperative care.

Subp. 2. [Repealed, 10 SR 1613]

Subp. 2a. **Set fees.** Set fees may be advertised for any service where the dentist intends to charge a standard price for the service.

Subp. 3. **Identification of related services and additional fees.** Related services which may be required in conjunction with the advertised services, and for which additional fees will be charged, must be identified as such in the advertisement.

Subp. 4. **Range of fees.** When a range of fees is advertised, the advertisement must disclose the basic factors on which the actual fees will be determined.

[For text of subp 5, see M.R. 1985]

Statutory Authority: *MS s 150A.04 subd 5, 150A.11 subd 2; 214.15*

History: *10 SR 1613*

3100.7100 PROHIBITED ADVERTISEMENTS.

Advertisements shall not:

A. reveal a patient's identity or personally identifiable facts, data, or information obtained in a professional capacity without having first obtained a written waiver of patient confidentiality; or

B. after one year, include the name of any dentists formerly practicing at or associated with any advertised location.

Statutory Authority: *MS s 150A.04 subd 5; 150A.11 subd 2; 214.15*

History: *10 SR 1613*

3100.8400 ASSISTANTS.

Subpart 1. **Permissible duties.** Assistants may: perform all those duties not directly related with performing dental treatment or services on patients; retract a patient's cheek, tongue, or other parts of tissue during a dental operation; assist with the placement or removal of a rubber dam and accessories used for its placement and retention, as directed by an operating dentist during the course of a dental operation; remove such debris as is normally created or accumulated during the course of treatment being rendered by a licensed dentist during or after operative procedures by the dentist by the use of vacuum devices, compressed air, mouthwash, and water; provide any assistance, including the placement of articles and topical medication in a patient's oral cavity, in response to a specific direction to do so by a licensed dentist who is then and there actually engaged in performing a dental operation as defined in the act and who is then actually in a position to give personal supervision to the rendition of this assistance; and aid dental hygienists and registered dental assistants in the performance of their duties as defined in subpart 2 and parts 3100.8600 and 3100.8700.

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Subp. 2. [Repealed, 10 SR 1612]

[For text of subp 3, see M R. 1985]

Statutory Authority: *MS s 150A.04 subd 5, 150A 10 subds 1,2*

History: *10 SR 1612*

3100.8500 REGISTERED DENTAL ASSISTANTS.

Subpart 1. **Permissible duties.** Registered dental assistants in addition to services performed by the assistant may perform the following services under the indirect supervision of a dentist:

[For text of subpart 1, items A to D, see M.R. 1985]

E remove excess cement from inlays, crowns, bridges, and orthodontic appliances with hand instruments only;

F. perform mechanical polishing to clinical crowns not including instrumentation. Removal of calculus by instrumentation must be done by the dentist or dental hygienist prior to performance of mechanical polishing;

[For text of subpart 1, items G to K, see M R. 1985]

[For text of subp 2, see M R 1985]

Subp 3. **Limited registration.** A dental assistant, who by virtue of academic achievement which is equal to or greater than that of a registered dental assistant, and is currently qualified in Minnesota in an allied health profession may take dental radiographs under the indirect supervision of a dentist if the person complies with the requirements of this subpart. The person shall file with the board a completed application on a form furnished by the board and the fee prescribed in part 3100.2000, subpart 7. In addition, the person shall submit evidence of the successful completion of a course on dental radiographs and of passing an examination. The course must be board-approved. The course shall be equivalent to the dental radiograph courses offered by dental assisting courses approved by the board under part 3100.1300, item B. The examination must be the radiograph part of the examination which is required of registered dental assistant applicants.

Statutory Authority: *MS s 150A 04 subd 5; 150A 10 subds 1,2*

History: *10 SR 1612*

3100.8600 [Repealed, 10 SR 1612]

3100.8700 DENTAL HYGIENISTS.

Subpart 1. **Permissible duties.** Dental hygienists may perform the following services under the general supervision of a dentist:

[For text of subpart 1, item A, see M R 1985]

B. complete prophylaxis to include scaling, root planing, soft tissue curettage, polishing of restorations, and temporary replacement of restorations;

[For text of subpart 1, item C, see M.R. 1985]

D. dietary analysis, salivary analysis, and preparation of smears for dental health purposes; and

E. application of pit and fissure sealants.

Subp 2. **Other duties.** Dental hygienists, under the indirect supervision of a licensed dentist, may remove marginal overhangs.

Subp. 3. **Other duties prohibited.** No dental hygienist may perform any other dental treatment or procedure on patients not authorized by these parts.

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Statutory Authority: *MS s 150A.04 subd 5, 150A 10 subds 1,2*

History: *10 SR 1612*

3100.9100 ANNUAL REPORTS.

Annual reports of professional corporations organized under Minnesota Statutes, sections 319A.01 to 319A.22, inclusive, must be submitted upon forms furnished by the board and must require submission of the following information under oath:

[For text of items A and B, see M.R. 1985]

C. name and address of each director, officer, and shareholder, and the corporate title of each officer; and

D. a certification as to the licensure status of each shareholder, director, officer, employee, and agent as required by Minnesota Statutes, section 319A.21, paragraph (b).

Statutory Authority: *MS's 150A 04 subd 5, 150A 08 subd 1, 319A 18*

History: *10 SR 1613*

3100.9200 REVIEW OF ANNUAL REPORT.

The board will review its licensure records and conduct such further investigation as it may deem necessary and, if it finds that the annual report does not conform to the requirements of the Minnesota Professional Corporations Act and the rules promulgated thereunder, it shall inform the applicant of the necessary requirements for conformity.

The board may delegate the review and investigation of annual reports to the executive secretary so that annual reports will be acted upon in a timely manner in the intervals between meetings of the board. Any annual reports which are not approved by the executive secretary must be considered by the full board at its next meeting.

Statutory Authority: *MS s 150A.04 subd 5, 150A.08 subd 1, 319A.18*

History: *10 SR 1613*

3100.9300 REVOCATION OF REGISTRATION.

The board shall revoke or, if appropriate, refuse to renew the registration of any corporation which no longer meets all the requirements of the Minnesota Professional Corporations Act. The corporation's eligibility to be registered or to continue registration must be adjudicated under the applicable provisions of the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 1, 319A 18*

History: *10 SR 1613*

3100.9500 CORPORATE NAMES.

The names of professional corporations are governed by Minnesota Statutes, section 319A.07 and part 3100.6400.

Statutory Authority: *MS s 150A.04 subd 5; 150A.08 subd 1; 319A 18*

History: *10 SR 1613*