

## CHAPTER 3100

### BOARD OF DENTISTRY

### DENTISTS, HYGIENISTS, AND ASSISTANTS

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#### 3100.0100 DEFINITIONS.

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

Subp. 2. **Act.** "Act" means Laws of Minnesota 1969, chapter 974, codified as Minnesota Statutes, sections 150A.01 to 150A.12.

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

Subp. 6. **Board.** "Board" means the Board of Dentistry.

*[For text of subps 7 to 9a, see M.R.]*

Subp. 10. **Dental technician.** "Dental technician" means a person other than a licensed dentist who performs any of the services described in Minnesota Statutes, section 150A.10, subdivision 3.

*[For text of subps 11 and 13, see M.R.]*

Subp. 14. **Minnesota Professional Corporations Act.** "Minnesota Professional Corporations Act" means Minnesota Statutes, sections 319A.01 to 319A.22.

Subp. 15. **National board.** "National board" means an examination administered nationally and acceptable to the board.

*[For text of subp 16, see M.R.]*

Subp. 17. **Registered dental assistant.** "Registered dental assistant" means an assistant registered by the board pursuant to Minnesota Statutes, section 150A.06, subdivision 2a.

*[For text of subps 18 and 20, see M.R.]*

Subp. 21. **Supervision.** "Supervision" means one of the following levels of supervision, in descending order of restriction:

A. "Personal supervision" means the dentist is personally operating on a patient and authorizes the auxiliary to aid in treatment by concurrently performing supportive procedures.

B. "Direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the patient, evaluates the performance of the auxiliary.

C. "Indirect supervision" means the dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed by the auxiliary.

D. "General supervision" means the dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan.

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

### 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:

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

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

*[For text of items E to J, see M.R.]*

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

### 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, \$100;
- B. dental hygienist application, \$45; and
- C. dental assistant application, \$25.

**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, \$80;
- B. dental hygienist, \$30; and
- C. registered dental assistant, \$20.

**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 the license application a fee in the following amounts:

- A. dentist, \$425; and
- B. dental hygienist, \$100.

*[For text of subp 4, see M.R.]*

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

- A. original dentist or dental hygiene license, \$10; and
- B. initial and renewal registration certificates and license renewal certificates, \$8.

**Subp. 6. Reinstatement fee.** No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have

the license or registration reinstated or a new license or registration issued until a fee has been submitted to the board in the following amount:

- A. dentist, \$100;
- B. dental hygienist, \$45; and
- C. registered dental assistant, \$25.

*[For text of subs 7 to 9, see M.R.]*

**Subp. 9a. Verification of licensure.** Each institution or corporation shall submit with a request for verification of a licensure or registration a fee in the amount of \$5 for each license or registration to be verified.

*[For text of subp 10, see M.R.]*

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

### **3100.3300 EXAMINATION OF DENTISTS.**

*[For text of subs 1 to 4, see M.R.]*

**Subp. 4a. Additional education for two failed clinical examinations.** When an applicant fails twice any part of the clinical examination required by Minnesota Statutes, section 150A.06, subdivision 1, the applicant may not take it again until the applicant successfully completes additional education provided by an institution accredited by the Commission on Accreditation. The education must cover all of the subject areas failed by the applicant in each of the two clinical examinations. The applicant may retake the examination only after the institution provides to the board information specifying the areas failed in the previous examinations and the instruction provided to address the areas failed, and certifies that the applicant has successfully completed the instruction. The applicant must take the additional instruction provided above each time the applicant fails the clinical examination twice.

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

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

### **3100.3400 EXAMINATION OF DENTAL HYGIENISTS.**

*[For text of subs 1 to 3, see M.R.]*

**Subp. 3a. Additional education for two failed clinical examinations.** When an applicant fails twice any part of the clinical examination required by Minnesota Statutes, section 150A.06, subdivision 2, the applicant may not take it again until the applicant successfully completes additional education provided by an institution accredited by the Commission on Accreditation. The education must cover all of the subject areas failed by the applicant in each of the two clinical examinations. The applicant may retake the examination only after the institution provides to the board information specifying the areas failed in the previous examinations and the instruction provided to address the areas failed, and certifies that the applicant has successfully completed the instruction. The applicant must take the additional instruction provided above each time the applicant fails the clinical examination twice.

*[For text of subp 4, see M.R.]*

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

**3100.3500 EXAMINATION OF REGISTERED DENTAL ASSISTANTS.**

*[For text of subps 1 and 2, see M.R.]*

**Subp. 2a. Additional education for two failed clinical examinations.** When an applicant fails twice any part of the clinical examination required by Minnesota Statutes, section 150A.06, subdivision 2a, the applicant may not take it again until the applicant successfully completes additional education provided by an institution accredited by the Commission on Accreditation. The education must cover all of the subject areas failed by the applicant in each of the two clinical examinations. The applicant may retake the examination only after the institution provides to the board information specifying the areas failed in the previous examinations and the instruction provided to address the areas failed, and certifies that the applicant has successfully completed the instruction. The applicant must take the additional instruction provided above each time the applicant fails the clinical examination twice.

**Subp. 3. Additional examination content.** All candidates shall be examined for general knowledge of the act and the rules of the board.

*[For text of subp 4, see M.R.]*

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

**3100.4100 CONTINUING DENTAL EDUCATION.**

*[For text of subps 1 to 3, see M.R.]*

**Subp. 4. Exemptions.** A licensee or registrant who pays an annual license or registration renewal fee is exempt from complying with the CDE requirements if he or she files with the board an affidavit specifying that the licensee or registrant does not practice, including on a volunteer or free basis, within the state.

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

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

**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 I, see M.R.]*

J. failing to cooperate with the board, its agents, or those working on behalf of the board as required by part 3100.6350;

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

L. failing to provide access to and transfer of medical and dental records as prescribed by Minnesota Statutes, section 144.335.

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

**3100.7000 ADVERTISING DENTAL SPECIALTY PRACTICE.**

Subpart 1. **Specialty areas.** The following special areas of dentistry are recognized as suitable for the announcement of specialty dental practices:

- A. endodontics (endodontist);
- B. oral and maxillofacial surgery (oral surgeon/oral maxillofacial surgeon);
- C. oral pathology (oral pathologist);
- D. orthodontics (orthodontist);
- E. pediatric dentistry (pediatric dentist);
- F. periodontics (periodontist);
- G. prosthodontics (prosthodontist); and
- H. public health.

*[For text of subps 2 and 3, see M.R.]*

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*

**3100.8700 DENTAL HYGIENISTS.**

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

- A. all services permitted under parts 3100.8400 to 3100.8500, subpart 1;
- B. complete prophylaxis to include scaling, root planing, polishing of restorations, and temporary replacement of restorations;

*[For text of items C to E, see M.R.]*

*[For text of subps 2 and 3, see M.R.]*

**Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.06*

**History:** *14 SR 1214*