

CHAPTER 3100
BOARD OF DENTISTRY
DENTISTS, HYGIENISTS, AND ASSISTANTS

3100 0100	DEFINITIONS	3100 1850	REINSTATEMENT OF LICENSURE OR REGISTRATION
3100 1150	LICENSE TO PRACTICE DENTISTRY AS A FACULTY DENTIST	3100 2000	FEES
3100 1160	LICENSE TO PRACTICE DENTISTRY AS A RESIDENT DENTIST	3100 3600	TRAINING AND EDUCATIONAL REQUIREMENTS TO ADMINISTER ANESTHESIA AND SEDATION
3100 1300	APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT	3100 4200	CDE SPONSORS
3100 1400	APPLICATION FOR LICENSURE BY CREDENTIALS	3100 6300	ADEQUATE SAFETY AND SANITARY CONDITIONS FOR DENTAL OFFICES
3100 1700	TERMS AND RENEWAL OF LICENSURE AND REGISTRATION, GENERAL	3100 7000	ADVERTISING DENTAL SPECIALTY PRACTICE ASSISTANTS
3100 1750	TERMS AND RENEWAL OF LICENSURE, FACULTY AND RESIDENT DENTISTS	3100 8400	REGISTERED DENTAL ASSISTANTS
		3100 8500	DENTAL HYGIENISTS
		3100 9300	REVOCAION OF REGISTRATION

3100.0100 DEFINITIONS.

[For text of subs 1 to 11, see M.R.]

Subp. 11a. **Faculty dentist.** "Faculty dentist" has the meaning given it in Minnesota Statutes, section 150A.01, subdivision 6a.

[For text of subs 12a to 18, see M.R.]

Subp. 18a. **Resident dentist.** "Resident dentist" has the meaning given it in Minnesota Statutes, section 150A 01, subdivision 8a.

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

Statutory Authority: *MS s 150A.04; 214.06*

History: *20 SR 2623*

NOTE Subparts 11a and 18a are effective August 31, 1997

3100.1150 LICENSE TO PRACTICE DENTISTRY AS A FACULTY DENTIST.**Subpart 1. Licensure.**

A. In order to practice dentistry, a faculty member must be licensed by the board.

B. The board must license a person to practice dentistry as a faculty dentist if:

(1) the person completes and submits to the board an application furnished by the board;

(2) the person is not otherwise licensed to practice dentistry in Minnesota;

(3) the dean of a school of dentistry accredited by the Commission on Accreditation certifies to the board, in accordance with the requirements of item C, that the person is a member of the school's faculty and practices dentistry; and

(4) the person has not engaged in behavior for which licensure may be suspended, revoked, limited, modified, or denied on any of the grounds specified in Minnesota Statutes, sections 150A.08, 214.17 to 214.25, 214.33, subdivision 2, or part 3100 6100, 3100.6200, or 3100 6300.

C The board must accept an applicant as a faculty dentist if the dean of a school of dentistry accredited by the Commission on Accreditation provides to the board the following information:

(1) the applicant's full name;

(2) the applicant's social security number;

(3) the applicant's home and work address;

(4) a statement that the applicant is a member of the faculty and practices dentistry within the school or its affiliated teaching facilities, but only for purposes of instruction or research;

(5) the dates of the applicant's employment by the school of dentistry;

(6) a statement that the applicant has been notified of the need to be licensed by the board as a faculty dentist; and

(7) a statement that the information provided is accurate and complete.

Subp. 2. Termination of licensure.

A. A person's license to practice dentistry as a faculty dentist is terminated when the person is no longer practicing dentistry as a member of the faculty of a school of dentistry.

B. A person licensed to practice dentistry as a faculty dentist must inform the board when the licensee is no longer practicing dentistry as a member of the faculty of a school of dentistry.

C. A person who fails to inform the board as required in item B is deemed to have committed fraud or deception within the meaning of Minnesota Statutes, section 150A.08, subdivision 1, clause (1).

Statutory Authority: *MS s 150A.04; 214.06*

History: *20 SR 2623*

NOTE: This part is effective August 31, 1997

3100.1160 LICENSE TO PRACTICE DENTISTRY AS A RESIDENT DENTIST.

Subpart 1. Licensure.

A. In order to practice dentistry as directly related to a respective graduate or advanced educational clinical experience, an enrolled graduate student or a student of an advanced education program must be licensed by the board.

B. The board must license a person to practice dentistry as a resident dentist if:

(1) the person completes and submits to the board an application furnished by the board;

(2) the person is not otherwise licensed to practice dentistry in Minnesota;

(3) the person provides evidence of having graduated from a dental school;

(4) the person provides evidence of being an enrolled graduate student or a student of an advanced dental education program accredited by the Commission on Accreditation; and

(5) the person has not engaged in behavior for which licensure may be suspended, revoked, limited, modified, or denied on any of the grounds specified in Minnesota Statutes, section 150A.08.

Subp. 2. Termination of licensure.

A. A person's license to practice dentistry as a resident dentist is terminated when the person is no longer an enrolled graduate student or a student of an advanced dental education program accredited by the Commission on Accreditation.

B. A person licensed to practice dentistry as a resident dentist must inform the board when the licensee is no longer an enrolled graduate student or a student of an advanced dental education program accredited by the Commission on Accreditation.

C. A person who fails to inform the board as required in item B is deemed to have committed fraud or deception within the meaning of Minnesota Statutes, section 150.08, subdivision 1, clause (1).

Statutory Authority: *MS s 150A.04; 214.06*

History: *20 SR 2623*

NOTE: This part is effective August 31, 1997

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:

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

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, subparts 1 to 1b.

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

Statutory Authority: *MS s 150A.04; 150A.10*

History: *20 SR 2474*

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, in order to demonstrate the person's knowledge of dental subjects and ability to practice dentistry or dental hygiene in Minnesota, comply with the requirements in items A to N.

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

N. An applicant may apply for licensure by credentials only once within any five-year period of time.

Statutory Authority: *MS s.150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.15; 319A.18*

History: *20 SR 2316*

3100.1700 TERMS AND RENEWAL OF LICENSURE AND REGISTRATION; GENERAL.

Subpart 1. Requirements. The requirements of this part apply to the terms and renewal of licensure or registration of an applicant other than a faculty or resident dentist. The requirements for the terms and renewal of licensure as a faculty or resident dentist are specified in part 3100.1750.

Subp. 1a. Terms. An 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. An 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.

[For text of subps 2 to 5, see M.R.]

Statutory Authority: *MS s 150A.04; 214.06*

History: *20 SR 2623*

NOTE: The amendment to subpart 1 is effective August 31, 1997. Subpart 1a is effective August 31, 1997.

3100.1750 TERMS AND RENEWAL OF LICENSURE; FACULTY AND RESIDENT DENTISTS.

Subpart 1. Requirements. The requirements of this part apply to the terms and renewal of licensure as a faculty or resident dentist.

Subp. 2. Terms. An initial license issued by the board is valid from the date issued until renewed or terminated in accordance with the procedures specified in this part. An annually renewed license issued by the board is valid from July 1 of the year for which it was issued until renewed no later than the following June 30 or terminated in accordance with the procedures specified in this part.

Subp. 3. Renewal applications.

A. A faculty or resident dentist must complete and submit to the board an application form furnished by the board, together with the applicable annual renewal fee, no later than June 30 for the 12-month period for which licensure renewal is requested. Applications for renewal will be considered timely if received by the board no later than June 30 or postmarked on June 30. 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 June 30.

B. An applicant must submit on the application form the following:

- (1) the applicant's signature;
- (2) the applicant's institutional addresses;
- (3) the applicant's license number; and
- (4) any additional information requested by the board.

Statutory Authority: *MS s 150A.04; 214.06*

History: *20 SR 2623*

NOTE: This part is effective August 31, 1997

3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.

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

3100.1850 DENTISTS, HYGIENISTS, AND ASSISTANTS

4

Subp. 4. [Repealed, 20 SR 2316]

*[For text of subp 5, see M.R.]***Statutory Authority:** *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.15; 319A.18***History:** 20 SR 2316**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 or for a limited registration as a dental assistant under part 3100.8500, subpart 3, shall submit with a license or registration application a fee in the following amounts:

- A. dentist application, \$140;
- B. faculty dentist application, \$140;
- C. dental hygienist application, \$55;
- D. resident dentist application, \$55;
- E. dental assistant application, \$35; and
- F. limited registration application, \$15.

Subp. 2. Annual license or registration fees. Each dentist, dental hygienist, registered dental assistant, and dental assistant with a limited registration under part 3100.8500, subpart 3, 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, \$168;
- B. dental hygienist, \$59;
- C. registered dental assistant, \$40; and
- D. dental assistant with a limited registration, \$12.

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

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 or 3100.1750 are subject to a late fee equal to 50 percent of the annual renewal fee.

*[For text of subps 5 to 10, see M.R.]***Statutory Authority:** *MS s 16A.1285; 150A.04; 214.06.***History:** 20 SR 1163; 20 SR 2623

NOTE: The amendments to subparts 1 and 4 are effective August 31, 1997. Subpart 2 was also amended at 20 SR 2623, effective August 31, 1997, as follows

Subp 2 Annual license or registration fees. Each dentist, dental hygienist, and registered dental assistant, and dental assistant with a limited registration under part 3100 8500, subpart 3, 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, \$168,
- B. faculty dentist, \$168,
- C. dental hygienist, \$59,
- D. resident dentist, \$59,
- E. registered dental assistant, \$40, and
- F. dental assistant with a limited registration, \$12

3100.3600 TRAINING AND EDUCATIONAL REQUIREMENTS TO ADMINISTER ANESTHESIA AND SEDATION.

Subpart 1. Prohibitions. Dental assistants may not administer general anesthesia, conscious sedation, or nitrous oxide inhalation analgesia. Dental hygienists may not administer general anesthesia or conscious sedation.

Subp. 2. General anesthesia. A dentist may administer a pharmacological agent for the purpose of general anesthesia only pursuant to items A to C.

A. Beginning January 1, 1993, a dentist may administer a pharmacological agent for the purpose of general anesthesia only after satisfactorily completing the requirements in subitem (1) or (2) in addition to the requirements in subitem (3).

[For text of subitems (1) and (2), see M.R.]

(3) an advanced cardiac life support course and, at least every two years, an advanced or basic cardiac life support course recognized by the American Heart Association, the American Red Cross, or other agencies whose courses are equivalent to the American Heart Association or American Red Cross courses.

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

Subp. 3. Conscious sedation. A dentist may administer a pharmacological agent for the purpose of conscious sedation only pursuant to items A to C.

A. Beginning January 1, 1993, a dentist may administer a pharmacological agent for the purpose of conscious sedation of a patient only after satisfactorily completing:

[For text of subitem (1), see M.R.]

(2) an advanced cardiac life support course and, at least every two years, complete an advanced or basic cardiac life support course recognized by the American Heart Association, the American Red Cross, or other agencies whose courses are equivalent to the American Heart Association or American Red Cross courses.

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

Subp. 4 Nitrous oxide inhalation analgesia. A dentist may administer nitrous oxide inhalation analgesia only pursuant to items A to D and subpart 5, items A to C. A dental hygienist may administer nitrous oxide inhalation analgesia only pursuant to items C to E and subpart 5, item D.

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

C. A dentist or dental hygienist must, at least every two years, complete an advanced or basic cardiac life support course recognized by the American Heart Association, the American Red Cross, or another agency whose courses are equivalent to the American Heart Association or American Red Cross courses.

D. A dentist or dental hygienist may only use fail-safe anesthesia equipment capable of positive pressure respiration.

E. A dental hygienist may administer nitrous oxide inhalation analgesia only after satisfactorily completing a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation. The course must include a minimum of 16 hours of didactic instruction and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

Subp. 5. Notice to board. A dentist who administers a pharmacological agent for the purpose of general anesthesia, conscious sedation, or nitrous oxide inhalation analgesia shall submit to the board the information in items A to C.

[For text of item A, see M.R.]

B. Beginning January 1, 1993, a dentist may administer pharmacological agents for the purpose of general anesthesia or conscious sedation only if the dentist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dentist took the program or residency that complies with subparts 2, item A, subitem (1) or (2); and 3, item A, subitem (1), a certified copy of the dentist's transcript or other official record from the institution verifying that the dentist satisfactorily completed the program, residency, or course; and the name, address, and telephone number of the institution or other agency at which the dentist successfully completed the advanced cardiac life support course required by subparts 2, item A, subitem (3); and 3, item A, subitem (2). After this initial submission, dentists shall every year submit on their license renewal application or other form provided by the board a statement of the most recent course completed in advanced or basic cardiac life support.

C. Beginning January 1, 1993, a dentist not previously registered with the board pursuant to subpart 5, item A, may administer nitrous oxide inhalation analgesia only after the dentist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dentist took the course that complies with subpart 4, item B; a certified copy of the dentist's transcript or other official record from the institution verifying that the dentist has successfully completed an advanced or basic cardiac life support course as required by subpart 4, item C. After this initial

3100.3600 DENTISTS, HYGIENISTS, AND ASSISTANTS

submission, a dentist shall every year submit on the license renewal application or other form provided by the board a statement of the most recent course completed in advanced cardiac life support or basic cardiac life support.

D. A dental hygienist may administer nitrous oxide inhalation analgesia only after the dental hygienist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dental hygienist successfully completed the course required by subpart 4, item E; and a certified copy of the dental hygienist's transcript or other official record from the institution verifying that the dental hygienist has successfully completed the advanced or basic cardiac life support course as required by subpart 4, item E. After this initial submission, the dental hygienist shall every year submit on the license renewal application or other form provided by the board a statement of the most recent course completed in advanced or basic cardiac life support.

[For text of subps 6 and 7, see M.R.]

Subp. 8. Reporting of incidents required. A dentist or dental hygienist shall report to the board any incident that arises from the administration of nitrous oxide inhalation analgesia or of a pharmacological agent for the purpose of general anesthesia, conscious sedation, local anesthesia, analgesia, or anxiolysis that results in a serious or unusual outcome that produces a temporary or permanent physiological injury, harm, or other detrimental effect to one or more of a patient's body systems. The report shall be submitted to the board on forms provided by it within ten days of the incident.

Statutory Authority: *MS s 150A.04*

History: *20 SR 1196*

3100.4200 CDE SPONSORS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. Denial or revocation of approval. The board shall state in writing its reasons for denying any sponsor application.

The board may deny approval of a specific course offered by an approved sponsor if such a course does not meet the standards of courses as specified by part 3100.4300, subpart 3.

The board may revoke its approval of any sponsor for failure to comply with provisions of subparts 4, 5, and 6, for falsification of any information requested or required by the board relating to the application for approval as a sponsor or to the administration of courses of a sponsor, or for other just cause.

Statutory Authority: *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.15; 319A.18*

History: *20 SR 2316*

3100.6300 ADEQUATE SAFETY AND SANITARY CONDITIONS FOR DENTAL OFFICES.

[For text of subps 1 to 12, see M.R.]

Subp. 13. CPR training. A minimum of one person who has completed, within the previous two years, an advanced cardiac life support or basic cardiac life support educational program provided by the American Heart Association, the American Red Cross, or another agency whose courses are equivalent to the American Heart Association or American Red Cross courses must be present in the dental office when dental services are provided.

[For text of subps 14 and 15, see M.R.]

Statutory Authority: *MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.15; 319A.18*

History: *20 SR 2316*

3100.7000 ADVERTISING DENTAL SPECIALTY PRACTICE.

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

Subp. 2. Postdoctoral course completion. Only licensed dentists who have successfully completed a postdoctoral course approved by the Commission on Accreditation in one

of the specialty areas, or who announced a limitation of practice prior to 1967, or who have been approved by one of the following specialty examining boards, may announce specialty practice and may advertise as a specialist: American Board of Dental Public Health, American Board of Endodontics, American Board of Oral and Maxillofacial Surgery, American Board of Oral Pathology, American Board of Orthodontics, American Board of Pediatric Dentistry, American Board of Periodontology, and American Board of Prosthodontics.

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

Statutory Authority: MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.15; 319A.18.

History: 20 SR 2316

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 part 3100.8700.

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

Statutory Authority: MS s 150A.04; 150A.06; 150A.08; 150A.10; 150A.11; 214.15; 319A.18

History: 20 SR 2316

3100.8500 REGISTERED DENTAL ASSISTANTS.

Subpart 1. **Duties under general supervision.** A registered dental assistant may perform the following duties if a dentist has authorized the procedures and the registered dental assistant performs the procedures in accordance with the dentist's diagnosis and treatment plan: cut arch wires, remove loose bands, or remove loose brackets on orthodontic appliances to provide palliative treatment.

Subp. 1a. **Duties under indirect supervision.** A registered dental assistant, in addition to the services performed by the assistant, may perform the following services if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

A. take radiographs;

B. take impressions for casts and appropriate bite registration. Dental assistants shall not take impressions and bite registrations for final construction of fixed and removable prostheses;

C. apply topical medications that are physiologically reversible, topical fluoride, bleaching agents, and cavity varnishes prescribed by dentists;

D. place and remove rubber dam;

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 a dentist or dental hygienist before mechanical polishing;

G. preselect orthodontic bands;

H. place and remove periodontal dressings;

I. remove sutures;

J. monitor a patient who has been induced by a dentist into nitrous oxide inhalation analgesia;

K. place and remove elastic orthodontic separators;

L. remove and place ligature ties and arch wires on orthodontic appliances. A dentist must select and, if necessary, adjust arch wires prior to placement;

M. dry root canals with paper points; and

N. place cotton pellets and temporary restorative materials into endodontic access openings.

Subp. 1b. Duties under direct supervision. A registered dental assistant may perform the following services if a dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the auxiliary before dismissing the patient:

A. remove excess bond material from orthodontic appliances with hand instruments only;

B. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist;

C. etch appropriate enamel surfaces and apply pit and fissure sealants. Before the application of pit and fissure sealants, a registered dental assistant must have successfully completed a course in pit and fissure sealants at a dental school, dental hygiene school, or dental assisting school that has been accredited by the Commission on Accreditation;

D. make preliminary adaptation of temporary crowns; and

E. remove temporary crowns with hand instruments only.

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

Statutory Authority: *MS s 150A.04; 150A.10*

History: *20 SR 2474*

3100.8700 DENTAL HYGIENISTS.

Subpart 1. Duties under general supervision. A dental hygienist may perform the following services if a dentist has authorized them and the hygienist carries them out in accordance with the dentist's diagnosis and treatment plan:

A. all services permitted under parts 3100.8400 to 3100.8500, subparts 1 and 1a;

B. complete prophylaxis to include scaling, root planing, and polishing of restorations;

C. preliminary charting of the oral cavity and surrounding structures to include case histories, and periodontal charting (this does not infer the making of a diagnosis);

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

E. application of pit and fissure sealants;

F. removal of excess bond material from orthodontic appliances; and

G. replacement of intact temporary crowns or restorations with temporary restorative materials prior to the placement of a permanent restoration. Replacement of restorations does not include the construction of temporary crowns.

Subp. 2. Duties under indirect supervision. A dental hygienist may perform the following procedures if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

A. remove marginal overhangs;

B. administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia; and

C. administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5.

Subp. 2a. Duties under direct supervision. A dental hygienist may perform the following procedures if a dentist is in the office, personally diagnoses the condition to be

treated, personally authorizes the procedure, and evaluates the performance of the dental hygienist before dismissing the patient:

A. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist;

B. make preliminary adaptation of temporary crowns; and

C. remove temporary crowns with hand instruments only.

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

Statutory Authority: *MS s 150A.04; 150A.10*

History: *20 SR 1196; 20 SR 2474*

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 1400.8401.

Statutory Authority: *MS s 150A.04; 150A 06; 150A.08; 150A 10; 150A 11; 214.15; 319A 18*

History: *20 SR 2316*