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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **823**

February 16, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act  
1.2 relating to health; establishing licensure and practice limitations for dental  
1.3 therapist; establishing fees for dental therapist; amending Minnesota Statutes  
1.4 2008, sections 150A.01, by adding a subdivision; 150A.05, subdivision 2, by  
1.5 adding a subdivision; 150A.06, subdivisions 2d, 5, 6, by adding a subdivision;  
1.6 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091,  
1.7 subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 1, 2, 3; 150A.11, subdivision  
1.8 4; 150A.12; 151.01, subdivision 23; proposing coding for new law in Minnesota  
1.9 Statutes, chapter 150A; repealing Minnesota Statutes 2008, section 150A.061.

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

1.11 Section 1. Minnesota Statutes 2008, section 150A.01, is amended by adding a  
1.12 subdivision to read:

1.13 Subd. 6b. **Dental therapist.** "Dental therapist" means a person licensed under this  
1.14 chapter to perform the services authorized under section 150A.105 or any other services  
1.15 authorized under this chapter.

1.16 Sec. 2. Minnesota Statutes 2008, section 150A.05, is amended by adding a subdivision  
1.17 to read:

1.18 Subd. 1b. **Practice of dental therapy.** A person shall be deemed to be practicing  
1.19 dental therapy within the meaning of sections 150A.01 to 150A.12 who:

1.20 (1) works under the supervision of a Minnesota-licensed dentist as specified under  
1.21 section 150A.105;

1.22 (2) practices in settings that serve low-income and underserved patients or are  
1.23 located in dental health professional shortage areas; and

2.1           (3) provides oral health care services, including preventive, evaluative, and  
2.2 educational services as authorized under section 150A.105 and within the context of  
2.3 a collaborative management agreement.

2.4           Sec. 3. Minnesota Statutes 2008, section 150A.05, subdivision 2, is amended to read:

2.5           Subd. 2. **Exemptions and exceptions of certain practices and operations.**

2.6           Sections 150A.01 to 150A.12 do not apply to:

2.7           (1) the practice of dentistry or dental hygiene in any branch of the armed services of  
2.8 the United States, the United States Public Health Service, or the United States Veterans  
2.9 Administration;

2.10          (2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate  
2.11 dental students, dental therapy students, dental hygiene students, and dental assisting  
2.12 students of the University of Minnesota, schools of dental hygiene, schools with a dental  
2.13 therapy education program, or schools of dental assisting approved by the board, when  
2.14 acting under the direction and supervision of a licensed dentist, a licensed dental therapist,  
2.15 or a licensed dental hygienist acting as an instructor;

2.16          (3) the practice of dentistry by licensed dentists of other states or countries while  
2.17 appearing as clinicians under the auspices of a duly approved dental school or college, or a  
2.18 reputable dental society, or a reputable dental study club composed of dentists;

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

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

2.28          (6) the use of X-rays or other diagnostic imaging modalities for making radiographs  
2.29 or other similar records in a hospital under the supervision of a physician or dentist or  
2.30 by a person who is credentialed to use diagnostic imaging modalities or X-ray machines  
2.31 for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing  
2.32 agency other than the Board of Dentistry; or

2.33          (7) the service, other than service performed directly upon the person of a patient, of  
2.34 constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge,  
2.35 splint, orthodontic, prosthetic, or other dental appliance, when performed according

3.1 to a written work order from a licensed dentist in accordance with section 150A.10,  
3.2 subdivision 3.

3.3 Sec. 4. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision  
3.4 to read:

3.5 Subd. 1d. **Dental therapists.** A person of good moral character who has graduated  
3.6 from a dental therapy education program in a dental school or dental college accredited by  
3.7 the Commission on Dental Accreditation may apply for licensure.

3.8 The applicant must submit an application and fee as prescribed by the board and a  
3.9 diploma or certificate from a dental therapy education program. Prior to being licensed,  
3.10 the applicant must pass a comprehensive, competency-based clinical examination that is  
3.11 approved by the board and administered independently of an institution providing dental  
3.12 therapy education. The applicant must also pass an examination testing the applicant's  
3.13 knowledge of the laws of Minnesota relating to the practice of dentistry and of the rules of  
3.14 the board. An applicant is ineligible to retake the clinical examination required by the  
3.15 board after failing it twice until further education and training are obtained as specified by  
3.16 board rule. A separate, nonrefundable fee may be charged for each time a person applies.  
3.17 An applicant who passes the examination in compliance with subdivision 2b, abides by  
3.18 professional ethical conduct requirements, and meets all the other requirements of the  
3.19 board shall be licensed as a dental therapist.

3.20 Sec. 5. Minnesota Statutes 2008, section 150A.06, subdivision 2d, is amended to read:

3.21 Subd. 2d. **Continuing education and professional development waiver.** (a) The  
3.22 board shall grant a waiver to the continuing education requirements under this chapter for  
3.23 a licensed dentist, licensed dental therapist, licensed dental hygienist, or registered dental  
3.24 assistant who documents to the satisfaction of the board that the dentist, dental therapist,  
3.25 dental hygienist, or registered dental assistant has retired from active practice in the state  
3.26 and limits the provision of dental care services to those offered without compensation  
3.27 in a public health, community, or tribal clinic or a nonprofit organization that provides  
3.28 services to the indigent or to recipients of medical assistance, general assistance medical  
3.29 care, or MinnesotaCare programs.

3.30 (b) The board may require written documentation from the volunteer and retired  
3.31 dentist, dental therapist, dental hygienist, or registered dental assistant prior to granting  
3.32 this waiver.

3.33 (c) The board shall require the volunteer and retired dentist, dental therapist, dental  
3.34 hygienist, or registered dental assistant to meet the following requirements:

4.1 (1) a licensee or registrant seeking a waiver under this subdivision must complete  
4.2 and document at least five hours of approved courses in infection control, medical  
4.3 emergencies, and medical management for the continuing education cycle; and

4.4 (2) provide documentation of certification in advanced or basic cardiac life support  
4.5 recognized by the American Heart Association, the American Red Cross, or an equivalent  
4.6 entity.

4.7 Sec. 6. Minnesota Statutes 2008, section 150A.06, subdivision 5, is amended to read:

4.8 Subd. 5. **Fraud in securing licenses or registrations.** Every person implicated  
4.9 in employing fraud or deception in applying for or securing a license or registration  
4.10 to practice dentistry, dental hygiene, ~~or dental assisting, or as a dental therapist,~~ or in  
4.11 annually renewing a license or registration under sections 150A.01 to 150A.12 is guilty  
4.12 of a gross misdemeanor.

4.13 Sec. 7. Minnesota Statutes 2008, section 150A.06, subdivision 6, is amended to read:

4.14 Subd. 6. **Display of name and certificates.** The initial license and subsequent  
4.15 renewal, or current registration certificate, of every dentist, dental therapist, dental  
4.16 hygienist, or dental assistant shall be conspicuously displayed in every office in which that  
4.17 person practices, in plain sight of patients. Near or on the entrance door to every office  
4.18 where dentistry is practiced, the name of each dentist practicing there, as inscribed on the  
4.19 current license certificate, shall be displayed in plain sight.

4.20 Sec. 8. Minnesota Statutes 2008, section 150A.08, subdivision 1, is amended to read:

4.21 Subdivision 1. **Grounds.** The board may refuse or by order suspend or revoke, limit  
4.22 or modify by imposing conditions it deems necessary, ~~any the license to practice dentistry~~  
4.23 ~~or dental hygiene~~ of a dentist, dental therapist, or dental hygienist or the registration of  
4.24 any dental assistant upon any of the following grounds:

4.25 (1) fraud or deception in connection with the practice of dentistry or the securing of  
4.26 a license or registration certificate;

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

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

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

- 5.1 (5) improper or unauthorized prescription, dispensing, administering, or personal  
5.2 or other use of any legend drug as defined in chapter 151, of any chemical as defined in  
5.3 chapter 151, or of any controlled substance as defined in chapter 152;
- 5.4 (6) conduct unbecoming a person licensed to practice dentistry ~~or~~, dental therapy, or  
5.5 dental hygiene or registered as a dental assistant, or conduct contrary to the best interest of  
5.6 the public, as such conduct is defined by the rules of the board;
- 5.7 (7) gross immorality;
- 5.8 (8) any physical, mental, emotional, or other disability which adversely affects a  
5.9 dentist's, dental therapist's, dental hygienist's, or registered dental assistant's ability to  
5.10 perform the service for which the person is licensed or registered;
- 5.11 (9) revocation or suspension of a license, registration, or equivalent authority to  
5.12 practice, or other disciplinary action or denial of a license or registration application taken  
5.13 by a licensing, registering, or credentialing authority of another state, territory, or country  
5.14 as evidenced by a certified copy of the licensing authority's order, if the disciplinary action  
5.15 or application denial was based on facts that would provide a basis for disciplinary action  
5.16 under this chapter and if the action was taken only after affording the credentialed person  
5.17 or applicant notice and opportunity to refute the allegations or pursuant to stipulation  
5.18 or other agreement;
- 5.19 (10) failure to maintain adequate safety and sanitary conditions for a dental office in  
5.20 accordance with the standards established by the rules of the board;
- 5.21 (11) employing, assisting, or enabling in any manner an unlicensed person to  
5.22 practice dentistry;
- 5.23 (12) failure or refusal to attend, testify, and produce records as directed by the board  
5.24 under subdivision 7;
- 5.25 (13) violation of, or failure to comply with, any other provisions of sections 150A.01  
5.26 to 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the  
5.27 board, sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any  
5.28 other just cause related to the practice of dentistry. Suspension, revocation, modification  
5.29 or limitation of any license shall not be based upon any judgment as to therapeutic or  
5.30 monetary value of any individual drug prescribed or any individual treatment rendered,  
5.31 but only upon a repeated pattern of conduct;
- 5.32 (14) knowingly providing false or misleading information that is directly related  
5.33 to the care of that patient unless done for an accepted therapeutic purpose such as the  
5.34 administration of a placebo; or
- 5.35 (15) aiding suicide or aiding attempted suicide in violation of section 609.215 as  
5.36 established by any of the following:

- 6.1 (i) a copy of the record of criminal conviction or plea of guilty for a felony in  
6.2 violation of section 609.215, subdivision 1 or 2;
- 6.3 (ii) a copy of the record of a judgment of contempt of court for violating an  
6.4 injunction issued under section 609.215, subdivision 4;
- 6.5 (iii) a copy of the record of a judgment assessing damages under section 609.215,  
6.6 subdivision 5; or
- 6.7 (iv) a finding by the board that the person violated section 609.215, subdivision  
6.8 1 or 2. The board shall investigate any complaint of a violation of section 609.215,  
6.9 subdivision 1 or 2.

6.10 Sec. 9. Minnesota Statutes 2008, section 150A.08, subdivision 3a, is amended to read:

6.11 Subd. 3a. **Costs; additional penalties.** (a) The board may impose a civil penalty  
6.12 not exceeding \$10,000 for each separate violation, the amount of the civil penalty to  
6.13 be fixed so as to deprive a licensee or registrant of any economic advantage gained by  
6.14 reason of the violation, to discourage similar violations by the licensee or registrant or any  
6.15 other licensee or registrant, or to reimburse the board for the cost of the investigation and  
6.16 proceeding, including, but not limited to, fees paid for services provided by the Office of  
6.17 Administrative Hearings, legal and investigative services provided by the Office of the  
6.18 Attorney General, court reporters, witnesses, reproduction of records, board members'  
6.19 per diem compensation, board staff time, and travel costs and expenses incurred by board  
6.20 staff and board members.

6.21 (b) In addition to costs and penalties imposed under paragraph (a), the board may  
6.22 also:

6.23 (1) order the dentist, dental therapist, dental hygienist, or dental assistant to provide  
6.24 unremunerated service;

6.25 (2) censure or reprimand the dentist, dental therapist, dental hygienist, or dental  
6.26 assistant; or

6.27 (3) any other action as allowed by law and justified by the facts of the case.

6.28 Sec. 10. Minnesota Statutes 2008, section 150A.08, subdivision 5, is amended to read:

6.29 Subd. 5. **Medical examinations.** If the board has probable cause to believe that a  
6.30 dentist, dental therapist, dental hygienist, registered dental assistant, or applicant engages  
6.31 in acts described in subdivision 1, clause (4) or (5), or has a condition described in  
6.32 subdivision 1, clause (8), it shall direct the dentist, dental therapist, dental hygienist,  
6.33 assistant, or applicant to submit to a mental or physical examination or a chemical  
6.34 dependency assessment. For the purpose of this subdivision, every dentist, dental

7.1 therapist, hygienist, or assistant licensed or registered under this chapter or person  
7.2 submitting an application for a license or registration is deemed to have given consent  
7.3 to submit to a mental or physical examination when directed in writing by the board and  
7.4 to have waived all objections in any proceeding under this section to the admissibility  
7.5 of the examining physician's testimony or examination reports on the ground that they  
7.6 constitute a privileged communication. Failure to submit to an examination without just  
7.7 cause may result in an application being denied or a default and final order being entered  
7.8 without the taking of testimony or presentation of evidence, other than evidence which  
7.9 may be submitted by affidavit, that the licensee, registrant, or applicant did not submit to  
7.10 the examination. A dentist, dental therapist, dental hygienist, registered dental assistant,  
7.11 or applicant affected under this section shall at reasonable intervals be afforded an  
7.12 opportunity to demonstrate ability to start or resume the competent practice of dentistry or  
7.13 perform the duties of a dental therapist, dental hygienist, or registered dental assistant with  
7.14 reasonable skill and safety to patients. In any proceeding under this subdivision, neither  
7.15 the record of proceedings nor the orders entered by the board is admissible, is subject to  
7.16 subpoena, or may be used against the dentist, dental therapist, dental hygienist, registered  
7.17 dental assistant, or applicant in any proceeding not commenced by the board. Information  
7.18 obtained under this subdivision shall be classified as private pursuant to the Minnesota  
7.19 Government Data Practices Act.

7.20 Sec. 11. Minnesota Statutes 2008, section 150A.09, subdivision 1, is amended to read:

7.21 Subdivision 1. **Registration information and procedure.** On or before the license  
7.22 or registration certificate expiration date every licensed dentist, dental therapist, dental  
7.23 hygienist, and registered dental assistant shall transmit to the executive secretary of the  
7.24 board, pertinent information required by the board, together with the fee established by  
7.25 the board. At least 30 days before a license or registration certificate expiration date,  
7.26 the board shall send a written notice stating the amount and due date of the fee and the  
7.27 information to be provided to every licensed dentist, dental therapist, dental hygienist,  
7.28 and registered dental assistant.

7.29 Sec. 12. Minnesota Statutes 2008, section 150A.09, subdivision 3, is amended to read:

7.30 Subd. 3. **Current address, change of address.** Every dentist, dental therapist,  
7.31 dental hygienist, and registered dental assistant shall maintain with the board a correct  
7.32 and current mailing address. For dentists engaged in the practice of dentistry, the address  
7.33 shall be that of the location of the primary dental practice. Within 30 days after changing  
7.34 addresses, every dentist, dental therapist, dental hygienist, and registered dental assistant

8.1 shall provide the board written notice of the new address either personally or by first  
8.2 class mail.

8.3 Sec. 13. Minnesota Statutes 2008, section 150A.091, subdivision 2, is amended to read:

8.4 Subd. 2. **Application fees.** Each applicant for licensure or registration shall submit  
8.5 with a license or registration application a nonrefundable fee in the following amounts in  
8.6 order to administratively process an application:

- 8.7 (1) dentist, \$140;
- 8.8 (2) limited faculty dentist, \$140;
- 8.9 (3) resident dentist, \$55;
- 8.10 (4) dental therapist, \$100;
- 8.11 (5) dental hygienist, \$55;
- 8.12 ~~(5)~~ (6) registered dental assistant, \$35; and
- 8.13 ~~(6)~~ (7) dental assistant with a limited registration, \$15.

8.14 Sec. 14. Minnesota Statutes 2008, section 150A.091, subdivision 3, is amended to read:

8.15 Subd. 3. **Initial license or registration fees.** Along with the application fee, each of  
8.16 the following licensees or registrants shall submit a separate prorated initial license or  
8.17 registration fee. The prorated initial fee shall be established by the board based on the  
8.18 number of months of the licensee's or registrant's initial term as described in Minnesota  
8.19 Rules, part 3100.1700, subpart 1a, not to exceed the following monthly fee amounts:

- 8.20 (1) dentist, \$14 times the number of months of the initial term;
- 8.21 (2) dental therapist, \$10 times the number of months of initial term;
- 8.22 (3) dental hygienist, \$5 times the number of months of the initial term;
- 8.23 ~~(3)~~ (4) registered dental assistant, \$3 times the number of months of initial term; and
- 8.24 ~~(4)~~ (5) dental assistant with a limited registration, \$1 times the number of months  
8.25 of the initial term.

8.26 Sec. 15. Minnesota Statutes 2008, section 150A.091, subdivision 5, is amended to read:

8.27 Subd. 5. **Biennial license or registration fees.** Each of the following licensees or  
8.28 registrants shall submit with a biennial license or registration renewal application a fee as  
8.29 established by the board, not to exceed the following amounts:

- 8.30 (1) dentist, \$336;
- 8.31 (2) dental therapist, \$180;
- 8.32 (3) dental hygienist, \$118;
- 8.33 ~~(3)~~ (4) registered dental assistant, \$80; and



9.1 ~~(4)~~ (5) dental assistant with a limited registration, \$24.

9.2 Sec. 16. Minnesota Statutes 2008, section 150A.091, subdivision 8, is amended to read:

9.3 Subd. 8. **Duplicate license or registration fee.** Each licensee or registrant shall  
9.4 submit, with a request for issuance of a duplicate of the original license or registration, or  
9.5 of an annual or biennial renewal of it, a fee in the following amounts:

9.6 (1) original dentist, dental therapist, or dental hygiene license, \$35; and

9.7 (2) initial and renewal registration certificates and license renewal certificates, \$10.

9.8 Sec. 17. Minnesota Statutes 2008, section 150A.091, subdivision 10, is amended to  
9.9 read:

9.10 Subd. 10. **Reinstatement fee.** No dentist, dental therapist, dental hygienist, or  
9.11 registered dental assistant whose license or registration has been suspended or revoked  
9.12 may have the license or registration reinstated or a new license or registration issued until  
9.13 a fee has been submitted to the board in the following amounts:

9.14 (1) dentist, \$140;

9.15 (2) dental therapist, \$85;

9.16 (3) dental hygienist, \$55; and

9.17 ~~(3)~~ (4) registered dental assistant, \$35.

9.18 Sec. 18. Minnesota Statutes 2008, section 150A.10, subdivision 1, is amended to read:

9.19 Subdivision 1. **Dental hygienists.** Any licensed dentist, licensed dental therapist,  
9.20 public institution, or school authority may obtain services from a licensed dental hygienist.  
9.21 ~~Such~~ The licensed dental hygienist may provide those services defined in section 150A.05,  
9.22 subdivision 1a. ~~Such~~ The services provided shall not include the establishment of a final  
9.23 diagnosis or treatment plan for a dental patient. ~~Such~~ All services shall be provided  
9.24 under supervision of a licensed dentist. Any licensed dentist who shall permit any dental  
9.25 service by a dental hygienist other than those authorized by the Board of Dentistry, shall  
9.26 be deemed to be violating the provisions of sections 150A.01 to 150A.12, and any ~~such~~  
9.27 unauthorized dental service by a dental hygienist shall constitute a violation of sections  
9.28 150A.01 to 150A.12.

9.29 Sec. 19. Minnesota Statutes 2008, section 150A.10, subdivision 2, is amended to read:

9.30 Subd. 2. **Dental assistants.** Every licensed dentist or dental therapist who uses the  
9.31 services of any unlicensed person for the purpose of assistance in the practice of dentistry  
9.32 or dental therapy shall be responsible for the acts of such unlicensed person while engaged

10.1 in such assistance. ~~Such~~ The dentist or dental therapist shall permit ~~such the~~ unlicensed  
 10.2 assistant to perform only those acts which are authorized to be delegated to unlicensed  
 10.3 assistants by the Board of Dentistry. ~~Such~~ The acts shall be performed under supervision  
 10.4 of a licensed dentist or licensed dental therapist. A licensed dental therapist shall not  
 10.5 supervise more than two registered dental assistants or unregistered dental assistants  
 10.6 at any one practice setting. The board may permit differing levels of dental assistance  
 10.7 based upon recognized educational standards, approved by the board, for the training of  
 10.8 dental assistants. The board may also define by rule the scope of practice of registered  
 10.9 and nonregistered dental assistants. The board by rule may require continuing education  
 10.10 for differing levels of dental assistants, as a condition to their registration or authority to  
 10.11 perform their authorized duties. Any licensed dentist or licensed dental therapist who ~~shall~~  
 10.12 ~~permit such~~ permits an unlicensed assistant to perform any dental service other than that  
 10.13 authorized by the board shall be deemed to be enabling an unlicensed person to practice  
 10.14 dentistry, and commission of such an act by ~~such an~~ unlicensed assistant shall constitute a  
 10.15 violation of sections 150A.01 to 150A.12.

10.16 Sec. 20. Minnesota Statutes 2008, section 150A.10, subdivision 3, is amended to read:

10.17 Subd. 3. **Dental technicians.** Every licensed dentist or dental therapist who uses the  
 10.18 services of any unlicensed person, other than under the dentist's supervision and within  
 10.19 such dentist's own office, for the purpose of constructing, altering, repairing or duplicating  
 10.20 any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic or other dental  
 10.21 appliance, shall be required to furnish such unlicensed person with a written work order  
 10.22 in ~~such a form as shall be~~ prescribed by the rules of the board; ~~said~~ The work order  
 10.23 shall be made in duplicate form, a duplicate copy ~~to~~ shall be retained in a permanent file  
 10.24 in the dentist's office for a period of two years, and the original ~~to~~ shall be retained in a  
 10.25 permanent file for a period of two years by ~~such the~~ unlicensed person in that person's  
 10.26 place of business. ~~Such~~ The permanent file of work orders required to be kept by ~~such~~  
 10.27 the dentist or by ~~such the~~ unlicensed person shall be open to inspection at any reasonable  
 10.28 time by the board or its duly constituted agent.

10.29 Sec. 21. **[150A.105] DENTAL THERAPIST.**

10.30 Subdivision 1. General. A dental therapist licensed under this chapter shall practice  
 10.31 under the supervision of a Minnesota-licensed dentist and under the requirements of  
 10.32 this chapter.

11.1            Subd. 2. **Limited practice settings.** A dental therapist licensed under this chapter is  
11.2 limited to primarily practicing in settings that serve low-income and underserved patients  
11.3 or in a dental health professional shortage area.

11.4            Subd. 3. **Collaborative management agreement.** (a) Prior to performing any of  
11.5 the services authorized under this chapter, a dental therapist must enter into a written  
11.6 collaborative management agreement with a Minnesota-licensed dentist. The agreement  
11.7 must include:

11.8            (1) practice settings where services may be provided and the populations to be  
11.9 served;

11.10           (2) any limitations on the services that may be provided by the dental therapist,  
11.11 including the level of supervision required by the collaborating dentist;

11.12           (3) age and procedure specific practice protocols, including case selection criteria,  
11.13 assessment guidelines, and imaging frequency;

11.14           (4) a procedure for creating and maintaining dental records for the patients that  
11.15 are treated by the dental therapist;

11.16           (5) a plan to manage medical emergencies in each practice setting where the dental  
11.17 therapist provides care;

11.18           (6) a quality assurance plan for monitoring care provided by the dental therapist,  
11.19 including patient care review, referral follow-up, and a quality assurance chart review;

11.20           (7) protocols for administering and dispensing medications authorized under  
11.21 subdivision 5, including the specific conditions and circumstance under which these  
11.22 medications are to be dispensed and administered;

11.23           (8) criteria relating to the provision of care to patients with specific medical  
11.24 conditions or complex medication histories, including requirements for consultation prior  
11.25 to the initiation of care;

11.26           (9) supervision criteria of registered and nonregistered dental assistants; and

11.27           (10) a plan for the provision of clinical resources and referrals in situations which  
11.28 are beyond the capabilities of the dental therapist.

11.29           (b) A collaborating dentist must be licensed and practicing in Minnesota. The  
11.30 collaborating dentist shall accept responsibility for all services authorized and performed  
11.31 by the dental therapist pursuant to the management agreement. Any licensed dentist who  
11.32 permits a dental therapist to perform a dental service other than those authorized under  
11.33 this section or by the board, or any dental therapist who performs an unauthorized service,  
11.34 shall be deemed to be in violation of the provisions in sections 150A.01 to 150A.12.

12.1 (c) Collaborative management agreements must be signed and maintained by the  
12.2 collaborating dentist and the dental therapist. Agreements must be reviewed, updated, and  
12.3 submitted to the board on an annual basis.

12.4 Subd. 4. **Scope of practice.** (a) A licensed dental therapist may perform dental  
12.5 services as authorized under this section within the parameters of the collaborative  
12.6 management agreement.

12.7 (b) The services authorized to be performed by a licensed dental therapist include  
12.8 preventive, evaluative, and educational oral health services, as specified in paragraphs (c),  
12.9 (d), and (e), and within the parameters of the collaborative management agreement.

12.10 (c) A licensed dental therapist may perform the following preventive, evaluative,  
12.11 and assessment services under general supervision, unless restricted or prohibited in  
12.12 the collaborative management agreement:

12.13 (1) oral health instruction and disease prevention education, including nutritional  
12.14 counseling and dietary analysis;

12.15 (2) assessment services, including an evaluation and assessment to identify oral  
12.16 disease and conditions;

12.17 (3) preliminary charting of the oral cavity;

12.18 (4) making radiographs;

12.19 (5) mechanical polishing;

12.20 (6) application of topical preventive or prophylactic agents, including fluoride  
12.21 varnishes and pit and fissure sealants;

12.22 (7) pulp vitality testing; and

12.23 (8) application of desensitizing medication or resin.

12.24 (d) A licensed dental therapist may perform the following services under indirect  
12.25 supervision:

12.26 (1) fabrication of athletic mouthguards;

12.27 (2) emergency palliative treatment of dental pain;

12.28 (3) space maintainer removal;

12.29 (4) restorative services:

12.30 (i) cavity preparation class I-IV;

12.31 (ii) restoration of primary and permanent teeth class I-IV;

12.32 (iii) placement of temporary crowns;

12.33 (iv) placement of temporary restorations;

12.34 (v) preparation and placement of preformed crowns; and

12.35 (vi) pulpotomies on primary teeth;

12.36 (5) indirect and direct pulp capping on primary and permanent teeth;

- 13.1 (6) fabrication of soft-occlusal guards;  
13.2 (7) soft-tissue reline and conditioning;  
13.3 (8) atraumatic restorative technique;  
13.4 (9) surgical services:  
13.5 (i) extractions of primary teeth;  
13.6 (ii) suture removal; and  
13.7 (iii) dressing change;  
13.8 (10) tooth reimplantation and stabilization;  
13.9 (11) administration of local anesthetic; and  
13.10 (12) administration of nitrous oxide.

13.11 (e) A licensed dental therapist may perform the following services under direct  
13.12 supervision:

- 13.13 (1) placement of space maintainers; and  
13.14 (2) recementing of permanent crowns.

13.15 (f) For purposes of this section, "general supervision," "indirect supervision,"  
13.16 and "direct supervision" have the meanings given in Minnesota Rules, part 3100.0100,  
13.17 subpart 21.

13.18 Subd. 5. **Dispensing authority.** (a) A licensed dental therapist may dispense and  
13.19 administer the following drugs within the parameters of the collaborative management  
13.20 agreement and within the scope of practice of the dental therapist: analgesics,  
13.21 anti-inflammatories, and antibiotics.

13.22 (b) The authority to dispense and administer shall extend only to the categories  
13.23 of drugs identified in this subdivision, and may be further limited by the collaborative  
13.24 management agreement.

13.25 (c) The authority to dispense includes the authority to dispense sample drugs within  
13.26 the categories identified in this subdivision if dispensing is permitted by the collaborative  
13.27 management agreement.

13.28 (d) A licensed dental therapist is prohibited from dispensing or administering a  
13.29 narcotic drug as defined in section 152.01, subdivision 10.

13.30 Subd. 6. **Application of other laws.** A licensed dental therapist authorized to  
13.31 practice under this chapter is not in violation of section 150A.05 as it relates to the  
13.32 unauthorized practice of dentistry if the practice is authorized under this chapter and is  
13.33 within the parameters of the collaborative management agreement.

13.34 Subd. 7. **Use of dental assistants.** (a) A licensed dental therapist may supervise  
13.35 registered and unregistered dental assistants to the extent permitted in the collaborative  
13.36 management agreement and according to section 150A.10, subdivision 2.

14.1 (b) Notwithstanding paragraph (a), a licensed dental therapist is limited to  
14.2 supervising no more than two registered dental assistants or nonregistered dental assistants  
14.3 at any one practice setting.

14.4 Subd. 8. **Definitions.** (a) For the purposes of this section, the following definitions  
14.5 apply.

14.6 (b) "Practice settings that serve the low-income and underserved" mean:

14.7 (1) critical access dental provider settings as designated by the commissioner of  
14.8 human services under section 256B.76, subdivision 4, paragraph (c);

14.9 (2) dental hygiene collaborative practice settings identified in section 150A.10,  
14.10 subdivision 1a, paragraph (e), and including medical facilities, assisted living facilities,  
14.11 federally qualified health centers, and organizations eligible to receive a community clinic  
14.12 grant under section 145.9268, subdivision 1;

14.13 (3) military and veterans administration hospitals, clinics, and care settings;

14.14 (4) a patient's residence or home when the patient is home-bound or receiving or  
14.15 eligible to receive home care services or home and community-based waived services,  
14.16 regardless of the patient's income;

14.17 (5) oral health educational institutions; or

14.18 (6) any other clinic or practice setting, including mobile dental units, in which at least  
14.19 50 percent of the total patient base of the clinic or practice setting consists of patients who:

14.20 (i) are enrolled in a Minnesota health care program;

14.21 (ii) have a medical disability or chronic condition that creates a significant barrier to  
14.22 receiving dental care; or

14.23 (iii) do not have dental health coverage, either through a public health care program  
14.24 or private insurance, and have an annual gross family income equal to or less than 200  
14.25 percent of the federal poverty guidelines.

14.26 (c) "Dental health professional shortage area" means an area that meets the criteria  
14.27 established by the secretary of the United States Department of Health and Human  
14.28 Services and is designated as such under United States Code, title 42, section 254e.

14.29 Sec. 22. Minnesota Statutes 2008, section 150A.11, subdivision 4, is amended to read:

14.30 Subd. 4. **Dividing fees.** It shall be unlawful for any dentist to divide fees with or  
14.31 promise to pay a part of the dentist's fee to, or to pay a commission to, any dentist or  
14.32 other person who calls the dentist in consultation or who sends patients to the dentist for  
14.33 treatment, or operation, but nothing herein shall prevent licensed dentists from forming  
14.34 a bona fide partnership for the practice of dentistry, nor to the actual employment by

15.1 a licensed dentist of a licensed dental therapist, a licensed dental hygienist or another  
 15.2 licensed dentist.

15.3 Sec. 23. Minnesota Statutes 2008, section 150A.12, is amended to read:

15.4 **150A.12 VIOLATION AND DEFENSES.**

15.5 Every person who violates any of the provisions of sections 150A.01 to 150A.12  
 15.6 for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor;  
 15.7 and, upon conviction, punished by a fine of not more than \$3,000 or by imprisonment in  
 15.8 the county jail for not more than one year or by both such fine and imprisonment. In  
 15.9 the prosecution of any person for violation of sections 150A.01 to 150A.12, it shall not  
 15.10 be necessary to allege or prove lack of a valid license to practice dentistry ~~or, dental~~  
 15.11 therapy, or dental hygiene but ~~such matter~~ shall be a matter of defense to be established by  
 15.12 the defendant.

15.13 Sec. 24. Minnesota Statutes 2008, section 151.01, subdivision 23, is amended to read:

15.14 Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed  
 15.15 doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry,  
 15.16 licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes  
 15.17 of sections 151.15, subdivision 4, 151.37, subdivision 2, paragraphs (b), (e), and (f),  
 15.18 and 151.461, "practitioner" also means a physician assistant authorized to prescribe,  
 15.19 dispense, and administer under chapter 147A, or an advanced practice nurse authorized  
 15.20 to prescribe, dispense, and administer under section 148.235. For purposes of sections  
 15.21 151.15, subdivision 4; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner"  
 15.22 also means a dental therapist authorized to dispense and administer under chapter 150A.

15.23 Sec. 25. **IMPACT OF DENTAL THERAPISTS.**

15.24 (a) The Board of Dentistry shall evaluate the impact of the use of dental therapists  
 15.25 on the delivery of and access to dental services. The board shall report to the chairs and  
 15.26 ranking minority members of the legislative committees with jurisdiction over health  
 15.27 care by January 15, 2014;

15.28 (1) the number of dental therapists annually licensed by the board beginning in 2011;

15.29 (2) the settings where licensed dental therapists are practicing and the populations  
 15.30 being served;

15.31 (3) the number of complaints filed against dental therapists and the basis for each  
 15.32 complaint; and

15.33 (4) the number of disciplinary actions taken against dental therapists.

16.1           (b) The board, in consultation with the Department of Human Services, shall also  
16.2 include the number and type of dental services that were performed by a dental therapist  
16.3 and reimbursed by the state under the Minnesota state health care programs for the 2013  
16.4 fiscal year.

16.5           (c) The Board of Dentistry, in consultation with the Department of Health, shall  
16.6 develop an evaluation process that focuses on assessing the impact of dental therapists in  
16.7 terms of patient safety, cost effectiveness, and access to dental services. The process shall  
16.8 focus on the following outcome measures:

- 16.9           (1) number of new patients served;  
16.10           (2) reduction in waiting times for needed services;  
16.11           (3) decreased travel time for patients;  
16.12           (4) impact on emergency room usage for dental care; and  
16.13           (5) costs to the public health care system.

16.14        Sec. 26. **REPEALER.**

16.15        Minnesota Statutes 2008, section 150A.061, is repealed.



**150A.061 ORAL HEALTH PRACTITIONER.**

Subdivision 1. **Oral health practitioner requirements.** The board shall authorize a person to practice as an oral health practitioner if that person is qualified under this section, works under the supervision of a Minnesota-licensed dentist pursuant to a written collaborative management agreement, is licensed by the board, and practices in compliance with this section and rules adopted by the board. No oral health practitioner shall be authorized to practice prior to January 1, 2011. To be qualified to practice under this section, the person must:

(1) be a graduate of an oral health practitioner education program that is accredited by a national accreditation organization to the extent required under subdivision 2 and approved by the board;

(2) pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing oral health practitioner education; and

(3) satisfy the requirements established in this section and by the board.

Subd. 2. **Education program approval.** If a national accreditation program for midlevel practitioners is established by the Commission on Dental Accreditation or another national accreditation organization, the board shall require that an oral health practitioner be a graduate of an accredited education program.

Subd. 3. **Requirement to practice in underserved areas.** As a condition of being granted authority to practice as an oral health practitioner under this section, the practitioner must agree to practice in settings serving low-income, uninsured, and underserved patients or in a dental health professional shortage area as determined by the commissioner of health.

Subd. 4. **Application of other laws.** An oral health practitioner authorized to practice under this section is not in violation of section 150A.05 relating to the unauthorized practice of dentistry and chapter 151 relating to authority to prescribe, dispense, or administer drugs.

Subd. 5. **Rulemaking.** The Board of Dentistry may adopt rules to implement this section.