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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1962

03/08/2021 Authored by Pryor, Jurgens, Hollins and Huot The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health care; modifying the duties that may be performed by an unlicensed
1.3 dental assistant; amending Minnesota Statutes 2020, section 150A.10, subdivisions
1.4 2, 2a.

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

1.6 Section 1. Minnesota Statutes 2020, section 150A.10, subdivision 2, is amended to read:

1.7 Subd. 2. Dental assistants. (a) Every licensed dentist and, dental therapist, or dental
1.8 hygienist who uses the services of any unlicensed person for the purpose of assistance in
1.9 the practice of dentistry or, dental therapy, or dental hygiene shall be responsible for the
1.10 acts of such unlicensed person while engaged in such assistance. The dentist or, dental
1.11 therapist, or dental hygienist shall permit the unlicensed assistant to perform only those acts
1.12 services which are authorized to be delegated to unlicensed assistants under this chapter or
1.13 by the Board of Dentistry. The acts services shall be performed under supervision of a
1.14 licensed dentist or, dental therapist, or dental hygienist if the dental hygienist has entered
1.15 into a collaborative agreement with a licensed dentist under subdivision 1a. A licensed
1.16 dental therapist or dental hygienist shall not supervise more than four licensed or unlicensed
1.17 dental assistants at any one practice setting. The board may permit differing levels of dental
1.18 assistance based upon recognized educational standards, approved by the board, for the
1.19 training of dental assistants. The board may also define by rule the scope of practice of
1.20 licensed and unlicensed dental assistants. The board by rule may require continuing education
1.21 for differing levels of dental assistants, as a condition to their license or authority to perform
1.22 their authorized duties services. Any licensed dentist or, dental therapist, or dental hygienist
1.23 who permits an unlicensed assistant to perform any dental service other than that authorized
1.24 under this chapter or by the board shall be deemed to be enabling an unlicensed person to

2.1 practice dentistry, and commission of such an act by an unlicensed assistant shall constitute
2.2 a violation of sections 150A.01 to 150A.12.

2.3 (b) An unlicensed dental assistant may perform the following services if the unlicensed
2.4 dental assistant receives on-the-job training from a dentist, dental therapist, or dental hygienist
2.5 depending on the service to be performed:

2.6 (1) taking impressions and bite registrations;

2.7 (2) performing coronal polishing of both baby and adult teeth that have no active
2.8 periodontal disease;

2.9 (3) taking dental photographs intraorally and extraorally;

2.10 (4) fabricating and placing temporary crowns and recement as needed;

2.11 (5) removing loose brackets on orthodontic appliances;

2.12 (6) applying topical varnish;

2.13 (7) placing and removing rubber dams; and

2.14 (8) applying topical medications, including anesthetic, desensitizer varnish, and bleaching
2.15 agents.

2.16 (c) An unlicensed dental assistant may perform the following services if the unlicensed
2.17 dental assistant successfully completes a dental assisting training program approved by the
2.18 board:

2.19 (1) taking radiographs; and

2.20 (2) placing nonsurgical retraction material for gingival displacement.

2.21 (d) In addition to the training requirements in paragraphs (a) and (b), an unlicensed
2.22 dental assistant performing services under this subdivision must:

2.23 (1) complete a CPR certification course and maintain current CPR certification; and

2.24 (2) comply with the most current infection control recommendations, guidelines,
2.25 precautions, procedures, practices, strategies, and techniques specified in the United States
2.26 Department of Health and Human Services, Public Health Service, and Centers for Disease
2.27 Control and Prevention publications of the Morbidity and Mortality Weekly Report.

2.28 (e) Before an unlicensed dental assistant performs any of the services specified in this
2.29 subdivision, the on-the-job training provided to the unlicensed dental assistant as required
2.30 under paragraph (b), the training program completed by the unlicensed dental assistant as
2.31 required under paragraph (c), and compliance with the requirements under paragraph (d)

3.1 must be documented and the documentation must be made available to the board upon
3.2 request.

3.3 Sec. 2. Minnesota Statutes 2020, section 150A.10, subdivision 2a, is amended to read:

3.4 Subd. 2a. **Collaborative practice authorization for dental assistants in community**
3.5 **settings.** (a) Notwithstanding subdivision 2, a dental assistant ~~licensed under this chapter~~
3.6 may be employed or retained by a health care facility, program, or nonprofit organization
3.7 as defined in subdivision 1a to perform the dental assisting services described in paragraph
3.8 (b) or (c) without the patient first being examined by a licensed dentist, without a dentist's
3.9 diagnosis or treatment plan, and without the dentist being present at the location where
3.10 services are being performed, if:

3.11 (1) the dental assistant has entered into a collaborative agreement with a licensed dentist,
3.12 which must be part of a collaborative agreement established between a licensed dentist and
3.13 a dental hygienist under subdivision 1a, that designates authorization for the services provided
3.14 by the dental assistant; and

3.15 (2) the dental assistant has documented completion of a course on medical emergencies
3.16 within each continuing education cycle or as required by the board.

3.17 (b) A licensed dental assistant operating under general supervision of a collaborating
3.18 dentist under this subdivision is authorized to perform the following services:

3.19 (1) provide oral health promotion and disease prevention education;

3.20 (2) take vital signs such as pulse rate and blood pressure;

3.21 (3) obtain informed consent, according to Minnesota Rules, part 3100.9600, subpart 9,
3.22 for treatments authorized by the collaborating dentist within the licensed dental assistant's
3.23 scope of practice;

3.24 (4) apply topical preventative agents, including fluoride varnishes and pit and fissure
3.25 sealants;

3.26 (5) perform mechanical polishing to clinical crowns not including instrumentation;

3.27 (6) complete preliminary charting of the oral cavity and surrounding structures, except
3.28 periodontal probing and assessment of the periodontal structure;

3.29 (7) take photographs extraorally or intraorally; and

3.30 (8) take radiographs.

4.1 (c) An unlicensed dental assistant operating under the direct supervision of a licensed
4.2 dental therapist, licensed dental hygienist, or licensed dental assistant is authorized to perform
4.3 the services listed in paragraph (b) after receiving or completing training if required under
4.4 subdivision 2, paragraph (b) or (c).

4.5 (d) A collaborating dentist must be licensed under this chapter and may enter into a
4.6 collaborative agreement with no more than two licensed dental assistants and no more than
4.7 two unlicensed dental assistants, unless otherwise authorized by the board. The board shall
4.8 develop a process and parameters for obtaining authorization to collaborate with more than
4.9 two licensed dental assistants and no more than two unlicensed dental assistants. The
4.10 collaborative agreement must include the elements listed in subdivision 1a, paragraph (b).