

January 26, 2022

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

**Re: *In the Matter of the Proposed Amendments to Permanent Rules of the Minnesota Board of Dentistry Relating to Professional Licensure*
OAH 82-9033-37880; Revisor R-4672**

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Kathy T. Johnson
335 Randolph Ave Ste 250
Saint Paul, MN 55102
Kathy.t.johnson@state.mn.us

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



Michelle Severson
Legal Assistant

Enclosures

cc: Kathy T. Johnson (via email)

Date Filed: January 26, 2022
Document Number: 221889
Office of the Minnesota
Secretary of State, Steve Simon

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Professional Licensure

AGENCY: Minnesota Board of Dentistry

REVISOR ID: R-4672

MINNESOTA RULES: Chapter 3100

The attached rules are approved for
filing with the Secretary of State

A handwritten signature in cursive script that reads "Alex Willi".

Alex Willi
Assistant Revisor

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1.1 **Minnesota Board of Dentistry**

1.2 **Adopted Permanent Rules Relating to Professional Licensure**

1.3 **3100.0100 DEFINITIONS.**

1.4 *[For text of subparts 1 to 2a, see Minnesota Rules]*

1.5 Subp. 2b. **Analgesia.** "Analgesia" means the diminution or elimination of pain as a
1.6 result of the administration of an agent including but not limited to local anesthetic, nitrous
1.7 oxide, and pharmacological and nonpharmacological methods.

1.8 *[For text of subparts 2c to 4, see Minnesota Rules]*

1.9 Subp. 5. **Allied dental personnel.** "Allied dental personnel" means an advanced dental
1.10 therapist, dental therapist, dental hygienist, licensed dental assistant, dental assistant with
1.11 a limited radiology registration, assistant without a license, and dental technician.

1.12 *[For text of subparts 5a to 8a, see Minnesota Rules]*

1.13 Subp. 8b. [See repealer.]

1.14 *[For text of subpart 9, see Minnesota Rules]*

1.15 Subp. 9a. **CPR.** "CPR" refers to a comprehensive, hands-on course for a health care
1.16 provider that includes: cardiopulmonary resuscitation on an adult, child, and infant;
1.17 two-person rescuer; barrier mask or bag for ventilation; foreign body airway obstruction;
1.18 and automated external defibrillation. The CPR course and certificate must be for healthcare
1.19 professionals through the American Heart Association or the American Red Cross.

1.20 *[For text of subpart 9b, see Minnesota Rules]*

1.21 Subp. 9c. **Dental assistant with a limited radiology registration.** "Dental assistant
1.22 with a limited radiology registration" means a person holding a limited radiology registration
1.23 to take dental radiographs.

1.24 *[For text of subparts 9d to 12a, see Minnesota Rules]*

2.1 Subp. 12b. **Hospital.**

2.2 A. "Hospital" means an institution licensed by the state commissioner of health
2.3 that:

2.4 (1) is adequately and properly staffed and equipped;

2.5 (2) provides services, facilities, and beds for use beyond 24 hours by
2.6 individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity,
2.7 abnormality, disease, or pregnancy; and

2.8 (3) regularly provides clinical laboratory services, diagnostic x-ray services,
2.9 and treatment facilities for surgery or obstetrical care, or other definitive medical treatment
2.10 of similar extent.

2.11 B. For the purposes of this chapter, diagnostic or treatment centers, physicians'
2.12 offices or clinics, or dentists' offices or clinics are not hospitals.

2.13 *[For text of subparts 12c to 12e, see Minnesota Rules]*

2.14 Subp. 13. **Licensee.** "Licensee" means a dentist, dental therapist, dental hygienist, or
2.15 licensed dental assistant.

2.16 *[For text of subparts 13a to 14a, see Minnesota Rules]*

2.17 Subp. 15. [See repealer.]

2.18 *[For text of subparts 15a to 16a, see Minnesota Rules]*

2.19 Subp. 16b. **Professional development.** "Professional development" means activities
2.20 that include but are not limited to continuing education, community services, publications,
2.21 and career accomplishments throughout a professional's life.

2.22 Subp. 16c. **Registrant.** "Registrant" means a dental assistant with a limited radiology
2.23 registration.

3.1 *[For text of subparts 17 to 18a, see Minnesota Rules]*

3.2 Subp. 18b. [See repealer.]

3.3 *[For text of subparts 19 to 22, see Minnesota Rules]*

3.4 **3100.1100 GENERAL DENTIST.**

3.5 Subpart 1. **Licensure application and examination requirements.** A person seeking
3.6 licensure to practice general dentistry in Minnesota must provide the board:

3.7 A. a completed application;

3.8 B. the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;

3.9 C. evidence of having graduated from a school of dentistry accredited by the
3.10 Commission on Dental Accreditation;

3.11 D. evidence of passing all parts of a national board examination for the practice
3.12 of dentistry within the past five years;

3.13 E. evidence of passing a board-approved clinical examination within the past five
3.14 years;

3.15 F. evidence of passing the board's jurisprudence examination within the past five
3.16 years;

3.17 G. documentation of current CPR certification; and

3.18 H. a criminal background check as required by Minnesota Statutes, section 214.075.

3.19 Subp. 1a. **Additional education for two failed clinical examinations.** If an applicant
3.20 fails twice any part of the clinical examination required by Minnesota Statutes, section
3.21 150A.06, subdivision 1, the applicant must not retake the clinical examination until the
3.22 applicant successfully completes additional education provided by an institution accredited
3.23 by the Commission on Dental Accreditation. The education must cover all of the subject

4.1 areas failed by the applicant in each of the two clinical examinations. The applicant may
4.2 retake the examination only after the institution provides the board information specifying
4.3 the areas failed in the previous examinations and the education provided to address the areas
4.4 failed, and certifies that the applicant has successfully completed the education. The applicant
4.5 must take the additional education required in this subpart each time the applicant fails the
4.6 clinical examination twice.

4.7 Subp. 2. [See repealer.]

4.8 Subp. 2a. **Terms and renewal of license.** A general dentist may renew a general
4.9 dentist license according to the terms of renewal under part 3100.1700.

4.10 Subp. 3. [Repealed, 18 SR 2042]

4.11 Subp. 4. [See repealer.]

4.12 Subp. 4a. **Reinstatement of license.** To reinstate a terminated general dental license,
4.13 the applicant must comply with the requirements of part 3100.1850.

4.14 Subp. 5. [See repealer.]

4.15 Subp. 5a. **Emeritus license.** A general dentist who wishes to apply for an emeritus
4.16 license may apply for an emeritus inactive license under part 3100.1340 or an emeritus
4.17 active license under part 3100.1350.

4.18 Subp. 5b. **Professional development.** A general dentist must complete professional
4.19 development requirements including maintaining a professional portfolio under parts
4.20 3100.5100 to 3100.5300.

4.21 Subp. 6. **Anesthesia, sedation, and nitrous oxide.** A person applying for a general
4.22 dental license who wants the authority under the license to administer a pharmacological
4.23 agent for the purpose of general anesthesia, deep sedation, or moderate sedation or to

administer nitrous oxide inhalation analgesia must comply with the applicable requirements of part 3100.3600.

3100.1120 SPECIALTY DENTIST.

Subpart 1. **Licensure application and examination requirements.** A person seeking licensure to practice as a specialty dentist in Minnesota must provide the board:

- A. a completed application;
- B. the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;
- C. evidence of having graduated from a school of dentistry;
- D. evidence of having graduated from a postdoctoral specialty program accredited by the Commission on Dental Accreditation;
- E. evidence of certification from a board-approved specialty board or evidence of passing a board-approved clinical examination;
- F. evidence of passing all parts of a national board examination for the practice of dentistry;
- G. evidence of completing a postdoctoral specialty program or evidence of completing at least 2,000 hours within the past 36 months of active practice in another United States jurisdiction, Canadian province, or United States government service;
- H. evidence of passing the board's jurisprudence examination within the past five years;
- I. documentation of current CPR certification; and
- J. a criminal background check as required by Minnesota Statutes, section 214.075.

Subp. 2. **Terms and renewal of license.** A specialty dentist may renew a specialty dental license according to the terms of renewal under part 3100.1700.

6.1 Subp. 3. **Reinstatement of license.** To reinstate a terminated specialty dental license,
6.2 the applicant must comply with the requirements of part 3100.1850.

6.3 Subp. 4. **Emeritus license.** A specialty dentist who wishes to apply for an emeritus
6.4 license may apply for an emeritus inactive license under part 3100.1340 or an emeritus
6.5 active license under part 3100.1350.

6.6 Subp. 5. **Professional development.** A specialty dentist must complete professional
6.7 development requirements including maintaining a professional portfolio under parts
6.8 3100.5100 to 3100.5300.

6.9 Subp. 6. **Anesthesia, sedation, and nitrous oxide.** A person applying for a specialty
6.10 dental license who wants the authority under the license to administer a pharmacological
6.11 agent for the purpose of general anesthesia, deep sedation, or moderate sedation or to
6.12 administer nitrous oxide inhalation analgesia must comply with the applicable requirements
6.13 of part 3100.3600.

6.14 **3100.1130 LIMITED GENERAL DENTIST.**

6.15 Subpart 1. **Credential review to determine educational equivalency and eligibility**
6.16 **to take a board-approved clinical examination for limited licensure.**

6.17 A. A person who is a graduate of a nonaccredited dental program seeking a limited
6.18 license to practice general dentistry in Minnesota must submit to a onetime credential review
6.19 by the board to determine educational equivalency and eligibility to take a board-approved
6.20 clinical examination. For the credential review the applicant must provide the board:

6.21 (1) the credential review fee in Minnesota Statutes, section 150A.091,
6.22 subdivision 9a;

6.23 (2) a completed board-approved evaluation of all international education;

(3) an original or notarized copy of passing board-approved language testing within the previous two years if English is not the applicant's primary language;

(4) an original affidavit of licensure;

(5) a completed dental questionnaire;

(6) a personal letter, curriculum vitae, or resume;

(7) an original or notarized copy of dental diploma and, if necessary, professional translation;

(8) proof of clinical practice in dentistry;

(9) an original or notarized copy of other credentials in dentistry and, if necessary, professional translation;

(10) completed board-approved infection control training; and

(11) evidence of passing all parts of a national board examination for the practice of dentistry.

B. If, after reviewing the applicant's credentials, the board determines the applicant's credentials are nonequivalent, the board shall deny the application to take a board-approved clinical examination for limited licensure. The board shall notify the applicant of the denial. An applicant denied permission to take a board-approved clinical examination may appeal the decision to the board within 60 days from the notification date.

C. If, after reviewing the applicant's credentials, the board determines the applicant's credentials are equivalent, the board shall require that the applicant complete one or more of the following requirements:

(1) schedule and complete an interview with the board;

(2) submit a specified number of patient records to the board; or

8.1 (3) take a board-approved dental simulation course to test competency.

8.2 D. After the applicant completes the requirements in item C, the board shall notify
8.3 the applicant as to whether permission to take a board-approved clinical examination for
8.4 limited licensure has been denied or granted. An applicant denied permission to take a
8.5 board-approved clinical examination may appeal the decision to the board within 60 days
8.6 from the notification date.

8.7 E. If the applicant is granted permission by the board to take a board-approved
8.8 clinical examination, the applicant must take a board-approved clinical examination,
8.9 successfully pass the board-approved clinical examination, and submit evidence of passing
8.10 the board-approved clinical examination within 18 months from the receipt date of the
8.11 board's notification letter granting permission to take the board-approved clinical
8.12 examination.

8.13 Subp. 1a. **Additional education for two failed clinical examinations.** If an applicant
8.14 fails twice any part of a board-approved clinical examination, the applicant must not retake
8.15 the clinical examination until the applicant successfully completes additional education
8.16 provided by an institution accredited by the Commission on Dental Accreditation. The
8.17 education must cover all of the subject areas failed by the applicant in each of the two
8.18 clinical examinations. The applicant may retake the examination only after the institution
8.19 provides the board information specifying the areas failed in the previous examinations and
8.20 the education provided to address the areas failed, and certifies that the applicant has
8.21 successfully completed the education. The applicant shall be allowed to retake the clinical
8.22 examination one time following this additional educational instruction. If the applicant fails
8.23 the clinical examination for a third time, the applicant is prohibited from retaking the clinical
8.24 examination.

9.1 Subp. 1b. **Limited general license application and examination requirements.** After
9.2 passing a board-approved clinical examination, an applicant may apply for a limited general
9.3 license. The applicant must provide the board:

9.4 A. a completed application;

9.5 B. the application fee in Minnesota Statutes, section 150A.091, subdivision 9b,
9.6 clause (1);

9.7 C. evidence of passing a board-approved clinical examination within the past five
9.8 years;

9.9 D. evidence of passing the board's jurisprudence examination within the past five
9.10 years;

9.11 E. a written agreement between the applicant and a board-approved Minnesota
9.12 licensed supervising dentist. The written agreement must include:

9.13 (1) all information requested by the board relating to the applicant's written
9.14 agreement;

9.15 (2) any practice limitations; and

9.16 (3) an acknowledgment that the applicant agrees to practice clinical dentistry
9.17 at least 1,100 hours annually for a period of three consecutive years after beginning clinical
9.18 practice in Minnesota;

9.19 F. documentation of current CPR certification; and

9.20 G. a criminal background check as required by Minnesota Statutes, section 214.075.

10.1 **Subp. 2. Terms of limited licensure.**

10.2 A. Throughout the three consecutive years while practicing general dentistry in
10.3 Minnesota under the general supervision of a Minnesota licensed dentist, the limited license
10.4 dentist must maintain and comply with the requirements in this subpart:

10.5 (1) submit the renewal fee in Minnesota Statutes, section 150A.091,
10.6 subdivision 9b, clause (2);

10.7 (2) maintain a consecutive and current CPR certification;

10.8 (3) submit written correspondence and agreement to the board requesting
10.9 approval of a subsequent supervising dentist and written agreement, within 14 days prior
10.10 to employment start date with subsequent supervising dentist. The written agreement must
10.11 include:

10.12 (a) all information requested by the board relating to the applicant's
10.13 written agreement;

10.14 (b) any practice limitations; and

10.15 (c) an acknowledgment that the limited license dentist agrees to practice
10.16 clinical dentistry at least 1,100 hours annually for a period of three consecutive years or
10.17 any remaining portion thereof;

10.18 (4) within seven business days of an unforeseen event, submit written
10.19 correspondence for review by an appropriate committee of the board regarding the unforeseen
10.20 circumstance that may interrupt the three consecutive years of supervision;

10.21 (5) maintain with the board a correct and current mailing address and
10.22 electronic mail address and properly notify the board within 30 days of any changes as
10.23 described in Minnesota Statutes, section 150A.09, subdivision 3; and

10.24 (6) maintain a professional development portfolio containing:

11.1 (a) documentation of required hours in professional development
11.2 activities; and

11.3 (b) at least two different fundamental courses as part of the fundamental
11.4 activities.

11.5 B. The total required hours of professional development activities required in item
11.6 A, subitem (6), is 75 hours with at least 45 hours in fundamental activities and no more than
11.7 30 hours in elective activities. Completing at least 25 hours each year toward the total of
11.8 75 hours is required for compliance.

11.9 Subp. 3. **Terms of supervising dentist.** A supervising dentist must be licensed in
11.10 Minnesota and provide general supervision to a limited license dentist. The supervising
11.11 dentist is not required to be present in the office or on the premises when supervising the
11.12 limited license dentist, but does require the supervising dentist to have knowledge and
11.13 authorize the procedures being performed by the limited license dentist. For the three
11.14 consecutive years or any portion thereof, the supervising dentist must be eligible to participate
11.15 and comply with the requirements in items A to I.

11.16 *[For text of items A and B, see Minnesota Rules]*

11.17 C. A supervising dentist must have a written agreement between the limited license
11.18 dentist and the supervising dentist, and the supervising dentist may only supervise one
11.19 limited license dentist for the duration of the agreement. The written agreement must include:

11.20 (1) all information requested by the board relating to the applicant's written
11.21 agreement;

11.22 (2) any practice limitations; and

11.23 (3) an acknowledgment that the limited license dentist agrees to practice
11.24 clinical dentistry at least 1,100 hours annually for a period of three consecutive years.

12.1 *[For text of items D to I, see Minnesota Rules]*

12.2 **Subp. 4. Requirements for licensure.**

12.3 A. Upon completion of the three consecutive years, a dentist with a limited license
12.4 to practice general dentistry in Minnesota shall be prohibited from practicing general dentistry
12.5 in Minnesota due to expiration of the limited license. A dentist who has an expired or nearly
12.6 expired limited license may apply for a dental license to practice general dentistry in
12.7 Minnesota by providing the board:

12.8 (1) a completed application for a dental license in Minnesota no sooner than
12.9 90 days preceding the expiration date of the applicant's limited license or no later than one
12.10 year after the expiration date of the applicant's limited license;

12.11 (2) the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;

12.12 (3) documentation of current CPR certification;

12.13 (4) a professional development portfolio for the three consecutive years
12.14 preceding the license application date as described in subpart 2, item A, subitem (6); and

12.15 (5) a written performance evaluation from each supervising dentist regarding
12.16 the applicant while practicing as a limited license dentist.

12.17 B. A dentist applying for a dental license under item A must not have been subject
12.18 to corrective or disciplinary action by the board while holding a limited license during the
12.19 three consecutive years.

12.20 C. An applicant whose license application has been denied may appeal the denial
12.21 by initiating a contested case hearing pursuant to Minnesota Statutes, chapter 14.

13.1 **3100.1150 FACULTY DENTIST; FULL OR LIMITED.**

13.2 Subpart 1. **Licensure application and examination requirements.** A person seeking
13.3 licensure to practice as a faculty dentist who is not already licensed to practice dentistry in
13.4 Minnesota must provide the board:

13.5 A. a completed application;

13.6 B. the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;

13.7 C. evidence of passing the board's jurisprudence examination within the past five
13.8 years;

13.9 D. documentation of current CPR certification;

13.10 E. a criminal background check as required by Minnesota Statutes, section 214.075;
13.11 and

13.12 F. a letter from the dean or program director of a school of dentistry, dental therapy,
13.13 dental hygiene, or dental assisting certifying that the person seeking licensure is a member
13.14 of the school's faculty and practices dentistry. The original letter must include:

13.15 (1) the applicant's full name;

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

13.19 (3) the dates of the applicant's employment by the school of dentistry, dental
13.20 therapy, dental hygiene, or dental assisting.

13.21 Subp. 2. **Termination of licensure.** The board shall terminate a person's license to
13.22 practice dentistry as a faculty dentist when the person is no longer practicing dentistry as a
13.23 member of the faculty of a school of dentistry.

14.1 Subp. 3. **Terms and renewal of license.** A full faculty dentist may renew a full faculty
14.2 license according to the terms of renewal under part 3100.1700. A limited faculty dentist
14.3 may renew a limited faculty license under part 3100.1750.

14.4 Subp. 4. **Reinstatement of terminated license prohibited.** The board shall not
14.5 reinstate a terminated faculty license.

14.6 Subp. 5. **Emeritus license.** A full or limited faculty dentist who wishes to apply for
14.7 an emeritus license may apply for an emeritus inactive license under part 3100.1340. A full
14.8 or limited faculty dentist cannot apply for an emeritus active license under part 3100.1350.

14.9 Subp. 6. **Professional development.** A full faculty dentist must complete professional
14.10 development requirements including maintaining a professional portfolio under parts
14.11 3100.5100 to 3100.5300. A limited faculty dentist is not required to complete the professional
14.12 development requirements under part 3100.5100.

14.13 Subp. 7. **Anesthesia, sedation, and nitrous oxide.** A person applying for a faculty
14.14 license who wants the authority under the license to administer a pharmacological agent
14.15 for the purpose of general anesthesia, deep sedation, or moderate sedation or to administer
14.16 nitrous oxide inhalation analgesia must comply with the applicable requirements of part
14.17 3100.3600.

14.18 **3100.1160 RESIDENT DENTIST.**

14.19 Subpart 1. **Licensure application and examination requirements.** A person seeking
14.20 licensure to practice as a resident dentist who is not already licensed to practice dentistry
14.21 in Minnesota must provide the board:

14.22 A. a completed application;

14.23 B. the application fee in Minnesota Statutes, section 150A.091, subdivision 2;

15.1 C. evidence of having graduated from a dental school accredited by the
15.2 Commission on Dental Accreditation;

15.3 D. evidence of being an enrolled graduate student or a student of an advanced
15.4 dental education program accredited by the Commission on Dental Accreditation;

15.5 E. evidence of passing the board's jurisprudence examination within the past five
15.6 years;

15.7 F. documentation of current CPR certification; and

15.8 G. a criminal background check as required by Minnesota Statutes, section 214.075.

15.9 Subp. 2. **Termination of licensure.** The board shall terminate a person's license to
15.10 practice dentistry as a resident dentist when the person is no longer an enrolled graduate
15.11 student or a student of an advanced dental education program accredited by the Commission
15.12 on Dental Accreditation.

15.13 Subp. 3. **Terms and renewal of license.** A resident dentist may renew a resident
15.14 dental license according to the terms of renewal under part 3100.1750.

15.15 Subp. 4. **Reinstatement of terminated license prohibited.** The board shall not
15.16 reinstate a terminated resident dental license.

15.17 Subp. 5. **Professional development.** A resident dentist is not required to meet the
15.18 professional development requirements referenced in part 3100.5100.

15.19 **3100.1170 RESIDENT DENTAL THERAPIST OR RESIDENT DENTAL**
15.20 **HYGIENIST.**

15.21 Subpart 1. **Licensure application and examination requirements.** A person seeking
15.22 licensure to practice either as a resident dental therapist or resident dental hygienist must
15.23 provide the board:

15.24 A. a completed application;

B. the application fee in Minnesota Statutes, section 150A.091, subdivision 2;

C. evidence of being an enrolled graduate student or a student of an advanced dental education program approved by the board or accredited by the Commission on Dental Accreditation or another board-approved national accreditation organization;

D. evidence of passing the board's jurisprudence examination within the past five years;

E. documentation of current CPR certification; and

F. a criminal background check as required by Minnesota Statutes, section 214.075.

Subp. 2. Termination of licensure. The board shall terminate a person's license to practice dental therapy or dental hygiene as a resident dental therapist or resident dental hygienist when the person is no longer an enrolled graduate student or a student of an advanced dental education program approved by the board or accredited by the Commission on Dental Accreditation or another board-approved national accreditation organization.

Subp. 3. Terms and renewal of license. A resident dental therapist or resident dental hygienist may renew a resident license for dental therapy or dental hygiene according to the terms of renewal under part 3100.1750.

Subp. 4. Reinstatement of terminated license prohibited. The board shall not reinstate a terminated resident license for dental therapy or dental hygiene.

Subp. 5. Professional development. A resident dental therapist or resident dental hygienist is not required to meet the professional development requirements referenced in part 3100.5100.

3100.1180 DENTAL THERAPIST AND ADVANCED DENTAL THERAPIST.

Subpart 1. Dental therapist; licensure application and examination requirements. A person seeking licensure to practice dental therapy in Minnesota must provide the board:

- 17.1 A. a completed application;
- 17.2 B. the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;
- 17.3 C. evidence of having graduated with a baccalaureate degree or a master's degree
- 17.4 from a dental therapy education program that has been approved by the board or accredited
- 17.5 by the Commission on Dental Accreditation or another board-approved national accreditation
- 17.6 organization;
- 17.7 D. evidence of passing a board-approved clinical examination in dental therapy
- 17.8 within the past five years;
- 17.9 E. evidence of passing the board's jurisprudence examination within the past five
- 17.10 years;
- 17.11 F. documentation of current CPR certification; and
- 17.12 G. a criminal background check as required by Minnesota Statutes, section 214.075.

17.13 Subp. 2. **Additional education for two failed clinical examinations.** If an applicant

17.14 fails twice any part of the clinical examination required by Minnesota Statutes, section

17.15 150A.06, subdivision 1d, the applicant must not retake the examination until the applicant

17.16 successfully completes additional education provided by an institution approved by the

17.17 board. The education must cover all of the subject areas failed by the applicant in the clinical

17.18 examination. The applicant may retake the examination only after the institution provides

17.19 information to the board specifying the areas failed in the previous examinations and the

17.20 education provided to address the areas failed, and certifies that the applicant has successfully

17.21 completed the education. The applicant must take the additional education provided above

17.22 each time the applicant fails the clinical examination twice.

17.23 Subp. 3. **Advanced dental therapist; certification requirements.** A person who is

17.24 currently licensed as a dental therapist in Minnesota and seeking certification to practice as

17.25 an advanced dental therapist in Minnesota must provide the board:

- 18.1 A. a completed application;
- 18.2 B. the application fee in Minnesota Statutes, section 150A.091, subdivision 2;
- 18.3 C. evidence of having completed at least 2,000 hours of dental therapy clinical
- 18.4 practice under direct or indirect supervision;
- 18.5 D. evidence of having graduated with a baccalaureate degree or a master's degree
- 18.6 from a dental therapy education program that has been approved by the board or accredited
- 18.7 by the Commission on Dental Accreditation or another board-approved national accreditation
- 18.8 organization;
- 18.9 E. evidence of having graduated from a master's advanced dental therapy education
- 18.10 program; and
- 18.11 F. evidence of passing a board-approved certification examination in advanced
- 18.12 dental therapy.

18.13 Subp. 4. **Terms and renewal of license.** A dental therapist may renew a dental therapy

18.14 license according to the terms of renewal under part 3100.1700. The onetime certification

18.15 for an advanced dental therapist does not require renewal once obtained.

18.16 Subp. 5. **Reinstatement of license.** To reinstate a terminated dental therapy license,

18.17 the applicant must comply with the requirements of part 3100.1850.

18.18 Subp. 6. **Emeritus license.** A dental therapist who wishes to apply for an emeritus

18.19 license may apply for an emeritus inactive license under part 3100.1340 or an emeritus

18.20 active license under part 3100.1350.

18.21 Subp. 7. **Professional development.** A dental therapist must complete professional

18.22 development requirements including maintaining a professional portfolio under parts

18.23 3100.5100 to 3100.5300.

19.1 Subp. 8. **Nitrous oxide.** A person applying for a dental therapy license who wants
19.2 the authority under the license to administer nitrous oxide inhalation analgesia must comply
19.3 with the requirements of part 3100.3600, subpart 13.

19.4 Subp. 9. **Delegated procedures.** A dental therapist can perform the delegated
19.5 procedures indicated within Minnesota Statutes, section 150A.105. An advanced dental
19.6 therapist can perform the delegated procedures indicated within Minnesota Statutes, sections
19.7 150A.105 and 150A.106.

19.8 **3100.1200 DENTAL HYGIENIST.**

19.9 Subpart 1. **Licensure application and examination requirements.** A person seeking
19.10 licensure to practice dental hygiene in Minnesota must provide the board:

19.11 A. a completed application;

19.12 B. the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;

19.13 C. evidence of passing a national board examination for the practice of dental
19.14 hygiene within the past five years;

19.15 D. evidence of passing a board approved clinical examination within the past five
19.16 years;

19.17 E. evidence of having graduated from a school of dental hygiene accredited by
19.18 the Commission on Dental Accreditation;

19.19 F. evidence of passing the board's jurisprudence examination within the past five
19.20 years;

19.21 G. documentation of current CPR certification; and

19.22 H. a criminal background check as required by Minnesota Statutes, section 214.075.

20.1 Subp. 2. **Additional education for two failed clinical examinations.** If an applicant
20.2 fails twice any part of the clinical examination required by Minnesota Statutes, section
20.3 150A.06, subdivision 2, the applicant must not retake the examination until the applicant
20.4 successfully completes additional education provided by an institution accredited by the
20.5 Commission on Dental Accreditation. The education must cover all of the subject areas
20.6 failed by the applicant in each of the two clinical examinations. The applicant may retake
20.7 the examination only after the institution provides to the board information specifying the
20.8 areas failed in the previous examinations and the education provided to address the areas
20.9 failed, and certifies that the applicant has successfully completed the education. The applicant
20.10 must take the additional education provided above each time the applicant fails the clinical
20.11 examination twice.

20.12 Subp. 3. **Terms and renewal of license.** A dental hygienist may renew a dental
20.13 hygiene license according to the terms of renewal under part 3100.1700.

20.14 Subp. 4. **Reinstatement of license.** To reinstate a terminated dental hygiene license,
20.15 the applicant must comply with the requirements of part 3100.1850.

20.16 Subp. 5. **Emeritus license.** A dental ~~therapist~~ hygienist who wishes to apply for an
20.17 emeritus license may apply for an emeritus inactive license under part 3100.1340 or an
20.18 emeritus active license under part 3100.1350.

20.19 Subp. 6. **Professional development.** A dental ~~therapist~~ hygienist must complete
20.20 professional development requirements including maintaining a professional portfolio under
20.21 parts 3100.5100 to 3100.5300.

20.22 Subp. 7. **Nitrous oxide.** A person applying for a dental hygiene license who wants
20.23 the authority under the license to administer nitrous oxide inhalation analgesia must comply
20.24 with the requirements of part 3100.3600, subpart 14.

21.1 Subp. 8. **Delegated procedures.** A dental hygienist can perform the delegated
21.2 procedures indicated within part 3100.8700.

21.3 **3100.1300 LICENSED DENTAL ASSISTANT.**

21.4 Subpart 1. **Licensure application and examination requirements.** A person seeking
21.5 licensure to practice dental assisting in Minnesota must provide the board:

21.6 A. a completed application;

21.7 B. the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;

21.8 C. evidence of having graduated from a school of dental assisting accredited by
21.9 the Commission on Dental Accreditation. If the curriculum of the school does not include
21.10 training in the expanded procedures specified in part 3100.8500, the applicant must
21.11 successfully complete a board-approved course in these procedures;

21.12 D. evidence of passing the board's state licensing examination within the past five
21.13 years;

21.14 E. evidence of passing a national board examination for the practice of dental
21.15 assisting within the past five years;

21.16 F. evidence of passing the board's jurisprudence examination within the past five
21.17 years;

21.18 G. documentation of current CPR certification; and

21.19 H. a criminal background check as required by Minnesota Statutes, section 214.075.

21.20 Subp. 2. **Additional education for two failed board's state licensing examinations.** If
21.21 an applicant fails twice any part of the board's state licensing examination required by
21.22 Minnesota Statutes, section 150A.06, subdivision 2a, the applicant must not retake the
21.23 examination until the applicant successfully completes additional education provided by an
21.24 institution accredited by the Commission on Dental Accreditation or an independent instructor

22.1 approved by the board. The education must cover all of the subject areas failed by the
22.2 applicant in each of the two examinations. The applicant may retake the examination only
22.3 after the institution or independent instructor provides to the board information specifying
22.4 the areas failed in the previous examinations and the education provided to address the areas
22.5 failed, and certifies that the applicant has successfully completed the education. The applicant
22.6 must take the additional education required in this subpart each time the applicant fails the
22.7 board's state licensing examination twice.

22.8 Subp. 3. **Terms and renewal of license.** A licensed dental assistant may renew a
22.9 dental assisting license according to the terms of renewal under part 3100.1700.

22.10 Subp. 4. **Reinstatement of license.** To reinstate a terminated dental assisting license,
22.11 the applicant must comply with the requirements of part 3100.1850.

22.12 Subp. 5. **Emeritus license.** A licensed dental assistant who wishes to apply for an
22.13 emeritus license may apply for an emeritus inactive license under part 3100.1340 or an
22.14 emeritus active license under part 3100.1350.

22.15 Subp. 6. **Professional development.** A licensed dental assistant must complete
22.16 professional development requirements including maintaining a professional portfolio under
22.17 parts 3100.5100 to 3100.5300.

22.18 Subp. 7. **Nitrous oxide.** A person applying for a dental assisting license who wants
22.19 the authority under the license to administer nitrous oxide inhalation analgesia must comply
22.20 with the requirements of part 3100.3600, subpart 15.

22.21 Subp. 8. **Delegated procedures.** A licensed dental assistant can perform the delegated
22.22 procedures indicated within part 3100.8500.

23.1 **3100.1320 LIMITED RADIOLOGY REGISTRATION.**

23.2 Subpart 1. **Registration application and examination requirements.** A person
23.3 seeking registration in Minnesota to take dental radiographs under general supervision of
23.4 a dentist must provide the board:

23.5 A. a completed application;

23.6 B. the fees in Minnesota Statutes, section 150A.091, subdivisions 2 and 3;

23.7 C. evidence of having completed a board-approved course on dental radiology
23.8 offered through a school accredited by the Commission on Dental Accreditation;

23.9 D. evidence of passing a board-approved nationally recognized radiation
23.10 examination within the past five years;

23.11 E. evidence of passing the board's jurisprudence examination within the past five
23.12 years;

23.13 F. documentation of current CPR certification; and

23.14 G. a criminal background check as required by Minnesota Statutes, section 214.075.

23.15 Subp. 2. **Grandfather provision.** The requirements of subpart 1 do not apply to an
23.16 individual who was registered in Minnesota to take dental radiographs under general
23.17 supervision of a dentist prior to January 1, 2021.

23.18 Subp. 3. **Terms and renewal of registration.** A person with a limited radiology
23.19 registration may renew the limited radiology registration according to the terms of renewal
23.20 under part 3100.1700.

23.21 Subp. 4. **Reinstatement requirements.**

23.22 A. A person seeking reinstatement of a registration terminated by the board
23.23 according to part 3100.1700, subpart 3, or voluntarily terminated by the person must:

- 24.1 (1) provide the board a completed reinstatement application;
- 24.2 (2) provide the board the biennial renewal and reinstatement fees in Minnesota
- 24.3 Statutes, section 150A.091, subdivisions 5 and 10; and
- 24.4 (3) comply with the applicable provisions of items B to D.
- 24.5 B. If the license was terminated six months ago or less, the person must provide
- 24.6 the board:
- 24.7 (1) evidence of completing the professional development requirements in
- 24.8 subpart 6 within 24 months prior to the board's receipt of the application; and
- 24.9 (2) documentation of current CPR certification.
- 24.10 C. If the license was terminated more than six months but less than 24 months
- 24.11 ago the person must provide the board:
- 24.12 (1) evidence of completing the professional development requirements in
- 24.13 subpart 6 within 24 months prior to the board's receipt of the application;
- 24.14 (2) documentation of current CPR certification;
- 24.15 (3) evidence of passing the board's jurisprudence examination within 12
- 24.16 months prior to the board's receipt of the application; and
- 24.17 (4) a criminal background check if terminated more than one year as required
- 24.18 by Minnesota Statutes, section 214.075.
- 24.19 D. If the license was terminated 24 months or more ago the person must provide
- 24.20 the board:
- 24.21 (1) evidence of completing the professional development requirement in
- 24.22 subpart 6 within 24 months prior to the board's receipt of the application;
- 24.23 (2) documentation of current CPR certification;

25.1 (3) evidence of passing the board's jurisprudence examination within 12
25.2 months prior to the board's receipt of the application;

25.3 (4) a criminal background check if terminated more than one year as required
25.4 by Minnesota Statutes, section 214.075;

25.5 (5) evidence of successfully completing the dental radiology course described
25.6 in subpart 1, item C, within 24 months prior to the board's receipt of the application; and

25.7 (6) evidence of passing the radiation examination described in subpart 1, item
25.8 D, within 24 months prior to the board's receipt of the application.

25.9 Subp. 5. **Emeritus prohibition.** A person with a limited radiology registration cannot
25.10 apply for an emeritus inactive or an emeritus active license in parts 3100.1340 and 3100.1350.

25.11 Subp. 6. **Professional development.** A person with a limited radiology registration
25.12 must complete two hours of infection control education and maintain compliance with the
25.13 most current infection control practices for a dental setting.

25.14 **3100.1340 EMERITUS INACTIVE.**

25.15 Subpart 1. **Licensure application requirements.**

25.16 A. A person licensed to practice dentistry, dental therapy, dental hygiene, or dental
25.17 assisting in Minnesota who retires from active practice may apply for an emeritus inactive
25.18 license by providing the board:

25.19 (1) a completed application; and

25.20 (2) the onetime application fee in Minnesota Statutes, section 150A.091,
25.21 subdivision 19.

25.22 B. A person applying under this subpart must not currently be subject to any
25.23 disciplinary action resulting in suspension, revocation, disqualification, condition, or
25.24 restriction of the person's license.

Subp. 2. **Terms of emeritus inactive license.**

A. An emeritus inactive license is not a license to practice dentistry, dental therapy, dental hygiene, or dental assisting. This formal license recognizes the completion of a licensee's dental career in good standing.

B. An emeritus inactive license is not renewable according to Minnesota Statutes, section 150A.06, subdivision 10.

C. Once an emeritus inactive license is issued by the board, the licensee cannot seek reinstatement of the licensee's prior license in dentistry, dental therapy, dental hygiene, or dental assisting.

3100.1350 EMERITUS ACTIVE.

Subpart 1. **Licensure application requirements.**

A. A person licensed to practice dentistry, dental therapy, dental hygiene, or dental assisting in Minnesota who retires from active practice may apply for an emeritus active license by providing the board:

(1) a completed application; and

(2) the application fee in Minnesota Statutes, section 150A.091, subdivision 20.

B. A person applying under this subpart must not currently be subject to any disciplinary action resulting in suspension, revocation, disqualification, condition, or restriction of the person's license.

Subp. 2. **Right to practice.** An emeritus active license allows the applicant to engage in:

A. pro bono or volunteer dental practice;

B. paid practice not to exceed 500 hours per calendar year for the exclusive purpose of providing licensing supervision to meet the board's requirements; and

C. paid consulting services not to exceed 500 hours per calendar year.

Subp. 3. Renewal and prohibition on reinstatement.

A. An emeritus active license is renewed biennially and continues on with the licensee's same renewal cycle according to Minnesota Statutes, section 150A.06, subdivision 11. If the licensee fails to renew an emeritus active license by the deadline, the license expires and the board shall terminate the licensee's right to practice.

B. If an emeritus active license is terminated, the licensee cannot seek reinstatement of that license or of the licensee's prior license in dentistry, dental therapy, dental hygiene, or dental assisting.

Subp. 4. Professional development. For each biennial professional development cycle, the licensee must comply with the professional development requirements including a portfolio audit described within parts 3100.5100 to 3100.5300, with the following modifications:

A. For each biennial cycle, instead of the requirements under part 3100.5100, subpart 2, the required number of hours of fundamental and elective activities is 25 hours for a dentist and dental therapist and 13 hours for a dental hygienist and licensed dental assistant, delineated as follows:

(1) of the 25 hours for a dentist and dental therapist, at least 15 hours must be fundamental activities and no more than ten hours can be elective activities; and

(2) of the 13 hours for a dental hygienist and licensed dental assistant, at least seven hours must be fundamental activities and no more than six hours can be elective activities.

B. Fundamental activities for each biennial cycle must include:

(1) at least two different fundamental courses; and

(2) an infection control course.

3100.1370 GUEST LICENSE.

Subpart 1. Licensure application requirements. A person who is currently a licensed dentist, dental therapist, dental hygienist, or dental assistant in good standing and engaged in the practice of dentistry in another United States jurisdiction may apply for a guest license by providing the board:

A. a completed application;

B. the application fee in Minnesota Statutes, section 150A.06, subdivision 2c;

C. evidence of having graduated from either a school of dentistry, dental therapy, dental hygiene, or dental assisting accredited by the Commission on Dental Accreditation;

D. evidence that the clinic at which the licensee practices is a nonprofit organization that is a public health setting;

E. documentation of current CPR certification; and

F. a criminal background check as required by Minnesota Statutes, section 214.075.

Subp. 2. Terms of license renewal. A guest license may be renewed annually at the end of the calendar year according to Minnesota Statutes, section 150A.06, subdivision 2c.

Subp. 3. Professional development. A person holding a guest license must complete professional development requirements under part 3100.5100.

Subp. 4. Anesthesia, sedation, and nitrous oxide. A person applying for a guest license to practice dentistry, dental therapy, dental hygiene, or dental assisting who wants the authority under the license to administer a pharmacological agent for the purpose of

29.1 general anesthesia, deep sedation, or moderate sedation or to administer nitrous oxide
29.2 inhalation analgesia must comply with the applicable requirements of part 3100.3600.

29.3 **3100.1380 GUEST-VOLUNTEER LICENSE.**

29.4 Subpart 1. **Licensure application requirements.** A person who is currently a licensed
29.5 dentist, dental therapist, dental hygienist, or dental assistant in good standing in another
29.6 United States jurisdiction may apply for a guest-volunteer license without compensation
29.7 by providing the board:

29.8 A. a completed application;

29.9 B. evidence of having graduated from either a school of dentistry, dental therapy,
29.10 dental hygiene, or dental assisting accredited by the Commission on Dental Accreditation;

29.11 C. evidence that the clinic at which the licensee practices is a nonprofit organization
29.12 that is a public health setting; and

29.13 D. documentation of current CPR certification.

29.14 Subp. 2. **Terms and renewal of license.** A person issued a guest volunteer license
29.15 must not practice more than ten days in a calendar year. The license expires December 31
29.16 according to Minnesota Statutes, section 150A.06, subdivision 2c, and cannot be renewed.

29.17 Subp. 3. **Professional development.** A licensed guest-volunteer is not required to
29.18 meet the professional development requirements referenced in part 3100.5100.

29.19 Subp. 4. **Nitrous oxide.** A person applying for a guest-volunteer license to practice
29.20 dentistry, dental therapy, dental hygiene, or dental assisting who wants the authority under
29.21 the license to administer nitrous oxide inhalation analgesia must comply with the applicable
29.22 requirements of part 3100.3600.

29.23 Subp. 5. **Mini licenses.** The board shall provide a licensed guest volunteer a free mini
29.24 license under this part.

30.1 **3100.1400 LICENSURE BY CREDENTIALS.**

30.2 Subpart 1. **Licensure application requirements.** A person who is currently a licensed
30.3 dentist, dental therapist, or dental hygienist in another United States jurisdiction or Canadian
30.4 province seeking to be licensed to practice dentistry, dental therapy, or dental hygiene in
30.5 Minnesota must provide the board:

30.6 A. a completed application;

30.7 B. the fee in Minnesota Statutes, section 150A.091, subdivision 9;

30.8 C. evidence of having graduated from either a school of dentistry or dental hygiene
30.9 accredited by the Commission on Dental Accreditation;

30.10 D. evidence of having graduated with a baccalaureate degree or a master's degree
30.11 from a dental therapy education program that has been approved by the board or accredited
30.12 by the Commission on Dental Accreditation or another board-approved national accreditation
30.13 organization;

30.14 E. evidence of having graduated from a master's advanced dental therapy education
30.15 program;

30.16 F. proof of completing at least 2,000 hours within the past 36 months in active
30.17 practice in another United States jurisdiction, Canadian province, or United States
30.18 government service;

30.19 G. evidence of passing a clinical examination for licensure in another United
30.20 States jurisdiction or Canadian province;

30.21 H. evidence of passing all parts of a national board examination for the practice
30.22 of dentistry, dental therapy, or dental hygiene;

30.23 I. evidence of passing the board's jurisprudence examination within the past five
30.24 years; and

31.1 J. documentation of current CPR certification.

31.2 Subp. 2. **Disciplinary action.** A person seeking licensure under subpart 1 must not
31.3 be subject to any pending or final disciplinary action in another United States jurisdiction
31.4 or Canadian province.

31.5 **3100.1700 TERMS AND RENEWAL OF LICENSE OR REGISTRATION;**
31.6 **GENERAL.**

31.7 Subpart 1. **Requirements.** The requirements of this part apply to the terms and renewal
31.8 of a license or registration. The requirements for the terms and renewal of licensure as a
31.9 limited faculty dentist, resident dentist, resident dental therapist, or resident dental hygienist
31.10 are specified in part 3100.1750.

31.11 Subp. 1a. **Initial term.** An initial license or registration issued by the board is valid
31.12 from the date issued until the last day of the licensee's or registrant's birth month in either
31.13 the following even-numbered year for an even-numbered birthdate year or the following
31.14 odd-numbered year for an odd-numbered birthdate year, or terminated according to the
31.15 procedures in this part.

31.16 Subp. 1b. **Biennial term.** A properly renewed license or registration issued by the
31.17 board is valid from the first day of the month following expiration for 24 months until
31.18 renewed or terminated according to the procedures in this part.

31.19 Subp. 1c. **Fees.** The initial, biennial renewal, and late fee amounts are in Minnesota
31.20 Statutes, section 150A.091, subdivisions 3, 5, and 7.

31.21 Subp. 2. **Biennial renewal.** Each licensee or registrant must submit an application
31.22 for biennial renewal of a license or registration by paying the required fee to the board no
31.23 later than the last day of the licensee's or registrant's birth month, which is the application
31.24 deadline. The application must require the licensee or registrant to certify compliance with
31.25 maintaining a consecutive and current CPR certification. Failure by a licensee or registrant

32.1 to maintain a consecutive and current CPR certification subjects the licensee or registrant
32.2 to disciplinary proceedings under parts 3100.6100 and 3100.6200 and Minnesota Statutes,
32.3 section 150A.08, subdivision 1.

32.4 **Subp. 3. Failure to submit biennial renewal.**

32.5 A. If a licensee or registrant fails to biennially renew their license or registration,
32.6 the board shall, after the application deadline, send a notice to the licensee or registrant.
32.7 The notice must state the amount of the renewal and late fees.

32.8 B. A licensee or registrant must renew their license or registration within 30 days
32.9 of the license's or registration's expiration date.

32.10 C. If the licensee or registrant fails to renew their license or registration according
32.11 to item B, the board shall administratively terminate the license or registration and the right
32.12 to practice. The board shall not consider an administrative termination of a license or
32.13 registration to be a disciplinary action against the licensee or registrant.

32.14 D. If a licensee or registrant elected not to renew the license or registration, the
32.15 licensee or registrant may:

32.16 (1) voluntarily terminate the license or registration; or

32.17 (2) apply for an emeritus inactive or emeritus active license through the board,
32.18 except for individuals with a limited radiology registration.

32.19 **Subp. 4. Reinstatement.** A license terminated in this part may be reinstated according
32.20 to part 3100.1850. A limited radiology registration terminated in subpart 3 may be reinstated
32.21 according to part 3100.1320.

32.22 **Subp. 5. [See repealer.]**

33.1 **3100.1750 TERMS AND RENEWAL OF LICENSE; LIMITED FACULTY DENTIST,**
33.2 **RESIDENT DENTIST, RESIDENT DENTAL THERAPIST, AND RESIDENT**
33.3 **DENTAL HYGIENIST.**

33.4 Subpart 1. **Requirements.** The requirements of this part apply to the terms and renewal
33.5 of licensure as a limited faculty dentist, resident dentist, resident dental therapist, or resident
33.6 dental hygienist.

33.7 Subp. 2. **Terms.** An initial license issued by the board is valid from the date issued
33.8 until renewed or terminated in accordance with the procedures specified in this part. An
33.9 annually renewed license is valid from July 1 until renewed no later than the following June
33.10 30 or terminated in accordance with the procedures specified in this part.

33.11 Subp. 2a. **Annual license fees.** The annual renewal and late fee amounts are in
33.12 Minnesota Statutes, section 150A.091, subdivisions 4 and 6.

33.13 Subp. 3. **Annual license renewal.** A limited faculty dentist, resident dentist, resident
33.14 dental therapist, or resident dental hygienist must annually renew their license by paying
33.15 the required fee no later than June 30 for the 12-month period for which licensure renewal
33.16 is requested. The renewal requires maintaining a consecutive and current CPR certification.

33.17 Subp. 4. [See repealer.]

33.18 Subp. 5. [See repealer.]

33.19 Subp. 6. [See repealer.]

33.20 Subp. 7. **Failure to submit annual license renewal.** After a license for a limited
33.21 faculty dentist, resident dentist, resident dental therapist, or resident dental hygienist expires,
33.22 the board shall send a notice to the licensee who has not renewed their license. The notice
33.23 must state the amount of the renewal and late fees. The licensee must renew within 30 days
33.24 of the expiration date of the license or the board shall administratively terminate the license
33.25 and the right to practice. The board shall not consider an administrative termination of a
33.26 license to be a disciplinary action against the licensee.

34.1 **3100.1850 REINSTATEMENT OF LICENSE.**

34.2 Subpart 1. **Requirements.** A person seeking reinstatement of a license after the board
34.3 has terminated the license according to part 3100.1700, subpart 3, or the person has
34.4 voluntarily terminated the license, must:

34.5 A. provide the board a completed reinstatement application;

34.6 B. provide the board the biennial renewal and reinstatement application fees in
34.7 Minnesota Statutes, section 150A.091, subdivisions 5 and 10; and

34.8 C. comply with the applicable provisions of subparts 2 to 3.

34.9 Subp. 2. **If terminated for six months or less.** If the person's license is terminated
34.10 for six months or less, the person must provide the board:

34.11 A. evidence of completing the professional development requirements described
34.12 under part 3100.5100 within 24 months prior to the board's receipt of the application; and

34.13 B. documentation of current CPR certification.

34.14 Subp. 2a. **If terminated for more than six months but less than 24 months.** If the
34.15 person's license is terminated for more than six months but less than 24 months, the person
34.16 must provide the board:

34.17 A. evidence of completing the professional development requirements under part
34.18 3100.5100 within 24 months prior to the board's receipt of the application;

34.19 B. documentation of current CPR certification;

34.20 C. evidence of passing the board's jurisprudence examination within 12 months
34.21 prior to the board's receipt of the application; and

34.22 D. a criminal background check if terminated more than one year as required by
34.23 Minnesota Statutes, section 214.075.

35.1 Subp. 3. **If terminated for 24 months or more.** If the person's license is terminated
35.2 for 24 months or more, the person must provide the board:

35.3 A. evidence of completing the professional development requirements under part
35.4 3100.5100 within 24 months prior to the board's receipt of the application;

35.5 B. documentation of current CPR certification;

35.6 C. evidence of passing the board's jurisprudence examination within 12 months
35.7 prior to the board's receipt of the application;

35.8 D. a criminal background check as required by Minnesota Statutes, section
35.9 214.075; and

35.10 E. evidence of passing the following examinations within 24 months prior to the
35.11 board's receipt of the application:

35.12 (1) a nationally recognized objective structured clinical examination for
35.13 general dentists;

35.14 (2) a written specialty board examination or a nationally recognized objective
35.15 structured clinical examination for specialty dentists;

35.16 (3) a nationally recognized objective structured clinical examination for dental
35.17 therapists;

35.18 (4) a nationally recognized objective structured clinical examination for dental
35.19 hygienists; and

35.20 (5) the examination in part 3100.1300, subpart 1, item D, for licensed dental
35.21 assistants.

35.22 Subp. 4. [Repealed, 20 SR 2316]

36.1 **Subp. 4a. Board review and appeals.**

36.2 A. Once the requirements of subpart 1 have been reviewed by the board, the board
36.3 shall notify the applicant as to whether the reinstatement of a license has been denied or
36.4 granted by the board. If granted reinstatement, the person shall be assigned to the biennial
36.5 term to which the licensee was assigned prior to termination of the license.

36.6 B. An applicant denied reinstatement of a license may appeal the denial by
36.7 initiating a contested case hearing pursuant to Minnesota Statutes, chapter 14.

36.8 **Subp. 5. Scope.** Nothing in this part prohibits a dentist, dental therapist, or dental
36.9 hygienist from applying for licensure by credentials according to part 3100.1400.

36.10 **3100.3600 ADMINISTRATION OF NITROUS OXIDE INHALATION ANALGESIA,**
36.11 **GENERAL ANESTHESIA, DEEP SEDATION, AND MODERATE SEDATION.**

36.12 **Subpart 1. Prohibitions.** A dental therapist, dental hygienist, or licensed dental assistant
36.13 must not administer general anesthesia, deep sedation, moderate sedation, or minimal
36.14 sedation.

36.15 **Subp. 1a. Reporting of incidents required.**

36.16 A. A dentist, dental therapist, dental hygienist, or licensed dental assistant must
36.17 report to the board any incident that arises from the administration of nitrous oxide inhalation
36.18 analgesia, general anesthesia, deep sedation, moderate sedation, local anesthesia, analgesia,
36.19 or minimal sedation that results in:

36.20 (1) a serious or unusual outcome that produces a temporary or permanent
36.21 physiological injury, harm, or other detrimental effect to one or more of a patient's body
36.22 systems; or

36.23 (2) minimal sedation unintentionally becoming moderate sedation, deep
36.24 sedation, or general anesthesia when the licensee does not have a certificate for administering
36.25 general anesthesia or moderate sedation described in subparts 18 and 20.

37.1 B. The report required under item A must be submitted to the board on forms
37.2 provided by the board within ten business days of the incident by the dentist, dental therapist,
37.3 dental hygienist, or licensed dental assistant. The requirements of this subpart apply even
37.4 when another licensed health care professional who, under contract or employment with
37.5 the dentist, was the actual person administering the analgesia or pharmacological or
37.6 nonpharmacological method. A licensee who fails to comply with this subpart is subject to
37.7 disciplinary proceedings on grounds specified in parts 3100.6100 and 3100.6200 and
37.8 Minnesota Statutes, section 150A.08, subdivision 1.

37.9 Subp. 2. [See repealer.]

37.10 Subp. 3. [See repealer.]

37.11 Subp. 4. [See repealer.]

37.12 Subp. 5. [See repealer.]

37.13 Subp. 6. [See repealer.]

37.14 Subp. 7. [See repealer.]

37.15 Subp. 8. [See repealer.]

37.16 Subp. 9. [See repealer.]

37.17 Subp. 9a. [See repealer.]

37.18 Subp. 9b. [See repealer.]

37.19 Subp. 10. [See repealer.]

37.20 Subp. 11. [See repealer.]

37.21 Subp. 12. **Nitrous oxide inhalation analgesia requirement for a dentist.** A dentist
37.22 licensed by the board is allowed to administer nitrous oxide inhalation analgesia.

38.1 Subp. 13. **Nitrous oxide inhalation analgesia; application and educational training**
38.2 **requirements for a dental therapist.**

38.3 A. A dental therapist who administers nitrous oxide inhalation analgesia must be
38.4 under the general supervision of a licensed dentist.

38.5 B. A dental therapist who graduated from a board-approved dental therapy program
38.6 in Minnesota after August 1, 2013, may administer nitrous oxide inhalation analgesia without
38.7 completing any further requirements.

38.8 C. A dental therapist who graduated from a board-approved dental therapy program
38.9 in Minnesota prior to August 1, 2013, or graduated from another United States jurisdiction
38.10 or Canadian province, may administer nitrous oxide inhalation analgesia after providing
38.11 the board:

38.12 (1) a completed application;

38.13 (2) evidence of having completed a course in administering nitrous oxide
38.14 inhalation analgesia from an institution accredited by the Commission on Dental
38.15 Accreditation. The course must be at least 12 hours total and contain didactic instruction,
38.16 personal administration and management of at least three individual supervised cases of
38.17 analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable
38.18 of positive pressure respiration; and

38.19 (3) documentation of current CPR certification.

38.20 Subp. 14. **Nitrous oxide inhalation analgesia; application and educational training**
38.21 **requirements for a dental hygienist.**

38.22 A. A dental hygienist who administers nitrous oxide inhalation analgesia must be
38.23 under the general supervision of a licensed dentist.

39.1 B. A dental hygienist who graduated from a dental hygiene program in Minnesota
39.2 after September 2, 2004, may administer nitrous oxide inhalation analgesia without
39.3 completing any further requirements.

39.4 C. A dental hygienist who graduated from a dental hygiene program in Minnesota
39.5 prior to September 2, 2004, or graduated from another United States jurisdiction or Canadian
39.6 province, may administer nitrous oxide inhalation analgesia after providing the board:

39.7 (1) a completed application;

39.8 (2) evidence of having completed a course in administering nitrous oxide
39.9 inhalation analgesia from an institution accredited by the Commission on Dental
39.10 Accreditation. The course must be at least 12 hours total and contain didactic instruction,
39.11 personal administration and management of at least three individual supervised cases of
39.12 analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable
39.13 of positive pressure respiration; and

39.14 (3) documentation of current CPR certification.

39.15 Subp. 15. **Nitrous oxide inhalation analgesia; application and educational training**
39.16 **requirements for a licensed dental assistant.**

39.17 A. A licensed dental assistant who administers nitrous oxide inhalation analgesia
39.18 must be under the direct supervision of a licensed dentist.

39.19 B. A licensed dental assistant who graduated from a dental assisting program in
39.20 Minnesota after September 2, 2004, may administer nitrous oxide inhalation analgesia
39.21 without completing any further requirements.

39.22 C. A licensed dental assistant who graduated from a dental assisting program in
39.23 Minnesota prior to September 2, 2004, or graduated from another United States jurisdiction
39.24 or Canadian province, may administer nitrous oxide inhalation analgesia after providing
39.25 the board:

(1) a completed application;

(2) evidence of having completed a course in administering nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be at least 12 hours total and contain didactic instruction, personal administration and management of at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; and

(3) documentation of current CPR certification.

Subp. 16. Initial certification for general anesthesia or deep sedation; application and educational training requirements for a dentist.

A. A dentist may administer general anesthesia or deep sedation only after providing the board:

(1) a completed initial application;

(2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;

(3) evidence of having completed:

(a) a didactic and clinical program at a dental school, hospital, or graduate medical or dental program accredited by the Commission on Dental Accreditation, resulting in the dentist becoming clinically competent in the administration of general anesthesia. The program must be equivalent to a program for advanced specialty education in oral and maxillofacial surgery; or

(b) a one-year residency in general anesthesia at an institution certified by the American Society of Anesthesiology, the American Medical Association, or the Joint Commission on Hospital Accreditation, resulting in the dentist becoming clinically competent

in the administration of general anesthesia. The residency must include a minimum of 390 hours of didactic study, 1,040 hours of clinical anesthesiology, and 260 cases of administration of general anesthesia to an ambulatory outpatient;

(4) documentation of current certification in ACLS or PALS;

(5) documentation of current CPR certification;

(6) attestation of compliance with the practice and equipment requirements in subpart 22; and

(7) attestation of compliance with an on-site inspection described in subpart 23.

B. Once a dentist possesses a valid certificate for general anesthesia, the dentist is not required to possess an additional certificate for deep or moderate sedation.

C. A dentist who administers general anesthesia or deep sedation without a general anesthesia certificate shall be subject to disciplinary proceedings by the board on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 17. Initial certification for moderate sedation; application and educational training requirements for a dentist.

A. A dentist may administer moderate sedation only after providing the board:

(1) a completed initial application;

(2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;

(3) evidence of having completed a course of education resulting in the dentist becoming clinically competent in the administration of moderate sedation. The course must include a minimum of 60 hours of didactic education in both enteral and parenteral

administration and personal administration and management of at least ten individual supervised cases of parenteral moderate sedation of which a maximum of five cases may be performed on a patient simulation manikin;

(4) documentation of current certification in ACLS or PALS;

(5) documentation of current CPR certification;

(6) attestation of compliance with the practice and equipment requirements in subpart 22; and

(7) attestation of compliance with an on-site inspection described in subpart 23.

B. A dentist who administers moderate sedation without a moderate sedation certificate shall be subject to disciplinary proceedings by the board on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 18. Board-issued certificates for general anesthesia or moderate sedation.

A. The board shall issue the following certificates for general anesthesia and moderate sedation:

(1) general anesthesia, which authorizes a dentist to either administer general anesthesia, deep sedation, or moderate sedation, or to provide dental services to patients under general anesthesia, deep sedation, or moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal qualification to administer general anesthesia, deep sedation, or moderate sedation; and

(2) moderate sedation, which authorizes a dentist to either administer moderate sedation or to provide dental services to patients under moderate sedation when a dentist

43.1 employs or contracts another licensed health care professional with the qualified training
43.2 and legal qualification to administer moderate sedation.

43.3 B. A dentist holding a certificate issued by the board must conspicuously display
43.4 the certificate in plain sight of patients in every office in which the dentist administers
43.5 general anesthesia, deep sedation, or moderate sedation.

43.6 C. A dentist may submit to the board a request for a duplicate general anesthesia
43.7 or moderate sedation certificate. The request must include the fee in Minnesota Statutes,
43.8 section 150A.091, subdivision 12.

43.9 D. To renew a general anesthesia or moderate sedation certificate, the dentist must
43.10 provide the board:

43.11 (1) a completed application;

43.12 (2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision
43.13 11;

43.14 (3) documentation of current certification in ACLS or PALS;

43.15 (4) documentation of current CPR certification;

43.16 (5) attestation of compliance with the practice and equipment requirements
43.17 in subpart 22; and

43.18 (6) attestation of compliance with an on-site inspection described in subpart
43.19 23.

43.20 E. A dentist's general anesthesia or moderate sedation certificate expires if the
43.21 completed application and fee are not received by the board by the dentist's license renewal
43.22 date. Immediately upon expiration, the dentist is prohibited from administering general
43.23 anesthesia, deep sedation, or moderate sedation in the practice of dentistry until the board
43.24 issues a current general anesthesia or moderate sedation certificate to the dentist described

44.1 in subpart 19. After 30 days, the board shall terminate the dentist's general anesthesia or
44.2 moderate sedation certificate.

44.3 Subp. 19. **Expiration or termination of general anesthesia or moderate sedation**
44.4 **certificate; requirements.**

44.5 A. A dentist requesting renewal or recertification of a general anesthesia or
44.6 moderate sedation certificate following expiration or termination must comply with the
44.7 requirements for the applicable interval specified in subitem (1) or (2) and the requirements
44.8 of this subpart.

44.9 (1) A dentist whose anesthesia or moderate sedation certificate that, within
44.10 30 calendar days, expired or was terminated by the board, must provide the board:

44.11 (a) a completed renewal application;

44.12 (b) the nonrefundable fee in Minnesota Statutes, section 150A.091,
44.13 subdivision 11;

44.14 (c) the nonrefundable late fee in Minnesota Statutes, section 150A.091,
44.15 subdivision 11a;

44.16 (d) documentation of current certification in ACLS or PALS;

44.17 (e) documentation of current CPR certification;

44.18 (f) attestation of compliance with the practice and equipment
44.19 requirements in subpart 22; and

44.20 (g) attestation of compliance with an on-site inspection described in
44.21 subpart 23.

44.22 (2) A dentist whose anesthesia or moderate sedation certificate that, for more
44.23 than 30 calendar days prior, expired or was terminated by the board, must provide the board:

- 45.1 (a) a completed recertification application;
- 45.2 (b) the nonrefundable recertification fee in Minnesota Statutes, section
- 45.3 150A.091, subdivision 11b;
- 45.4 (c) the dentist's written attestation that the dentist has successfully
- 45.5 completed the educational requirements for either general anesthesia described in subpart
- 45.6 16 or moderate sedation described in subpart 17;
- 45.7 (d) documentation of current certification in ACLS or PALS;
- 45.8 (e) documentation of current CPR certification; and
- 45.9 (f) attestation of compliance with the practice and equipment
- 45.10 requirements in subpart 22.

45.11 B. Upon receipt of a recertification application for general anesthesia or moderate

45.12 sedation, the board shall require that the dentist undergo an on-site inspection described in

45.13 subpart 23.

45.14 C. A dentist whose anesthesia or moderate sedation certificate has expired or been

45.15 terminated must not administer general anesthesia, deep sedation, or moderate sedation

45.16 until the board issues a renewed or recertified general anesthesia or moderate sedation

45.17 certificate to the dentist.

45.18 Subp. 20. **Initial certification to provide dentistry with contracted sedation**

45.19 **provider; application requirements for a dentist.**

45.20 A. A dentist must not provide dental services to a patient who is under general

45.21 anesthesia, deep sedation, or moderate sedation at any location other than a hospital, unless

45.22 the dentist possesses the applicable contracted sedation services certificate for general

45.23 anesthesia or moderate sedation issued by the board.

46.1 B. If a dentist possesses a moderate sedation certificate described in subpart 18
46.2 and desires to provide dental services to a patient under general anesthesia or deep sedation
46.3 at any location other than a hospital, the dentist must contract with a sedation provider and
46.4 obtain a contracted sedation services certificate for general anesthesia.

46.5 C. If a dentist possesses a moderate sedation certificate described in subpart 18
46.6 and desires to provide dental services to a patient under moderate sedation by a contracted
46.7 sedation provider, the dentist is not required to possess an additional certificate for contracting
46.8 with a sedation provider but is limited to moderate sedation.

46.9 D. To apply for a contracted sedation services certificate, the dentist must provide
46.10 the board:

- 46.11 (1) a completed application;
- 46.12 (2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision
46.13 11;
- 46.14 (3) a copy of the contracted healthcare professional's current license;
- 46.15 (4) documentation of the contracted healthcare professional's current
46.16 certification in ACLS or PALS;
- 46.17 (5) documentation of the contracted healthcare professional's current CPR
46.18 certification;
- 46.19 (6) documentation of the dentist's current CPR certification;
- 46.20 (7) attestation of compliance with the practice and equipment requirements
46.21 in subpart 22; and
- 46.22 (8) attestation of compliance with an on-site inspection described in subpart
46.23 23.

E. A dentist who does not comply with the requirements of this subpart is subject to disciplinary proceedings by the board on grounds specified in parts 3100.6100 and 3100.6200, and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 21. Board-issued certificates to provide dentistry with a contracted sedation provider.

A. The board shall issue the following certificates to provide dentistry with a contracted sedation provider:

(1) dentistry with contracted sedation services: general anesthesia, which authorizes a dentist to provide dental services to patients under general anesthesia, deep sedation, or moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal authority to administer general anesthesia, deep sedation, or moderate sedation; and

(2) dentistry with contracted sedation services: moderate sedation, which authorizes a dentist to provide dental services to patients under moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal qualification to administer moderate sedation.

B. A dentist holding a certificate issued by the board must conspicuously display the certificate in plain sight of patients in every office in which the dentist provides dental services to patients under general anesthesia, deep sedation, or moderate sedation.

C. A dentist may submit to the board a request for a duplicate contracted sedation services certificate. The request must include the fee in Minnesota Statutes, section 150A.091, subdivision 12.

D. To renew a contracted sedation services certificate, the dentist must provide the board:

(1) a completed application;

48.1 (2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision
48.2 11;

48.3 (3) a copy of the contracted healthcare professional's current license;

48.4 (4) documentation of the contracted healthcare professional's current
48.5 certification in ACLS or PALS;

48.6 (5) documentation of the contracted healthcare professional's current CPR
48.7 certification;

48.8 (6) documentation of the dentist's current CPR certification;

48.9 (7) attestation of compliance with the practice and equipment requirements
48.10 in subpart 22; and

48.11 (8) attestation of compliance with an on-site inspection described in subpart
48.12 23.

48.13 E. A dentist's contracted sedation services certificate expires if the completed
48.14 application and fee are not received by the board by the dentist's license renewal date.
48.15 Immediately upon the certificate's expiration, the dentist must not provide dental services
48.16 to patients under general anesthesia, deep sedation, or moderate sedation until the board
48.17 issues a current contracted sedation services certificate to the dentist under item F.

48.18 F. To renew a contracted sedation services certificate within 30 calendar days of
48.19 the certificate's expiration, a dentist must provide the board:

48.20 (1) a completed renewal application;

48.21 (2) the nonrefundable renewal fee in Minnesota Statutes, section 150A.091,
48.22 subdivision 11;

48.23 (3) the nonrefundable late fee in Minnesota Statutes, section 150A.091,
48.24 subdivision 11a;

- 49.1 (4) a copy of the contracted healthcare professional's current license;
- 49.2 (5) documentation of the contracted healthcare professional's current
- 49.3 certification in ACLS or PALS;
- 49.4 (6) documentation of the contracted healthcare professional's current CPR
- 49.5 certification;
- 49.6 (7) documentation of the dentist's current CPR certification;
- 49.7 (8) attestation of compliance with the practice and equipment requirements
- 49.8 in subpart 22; and
- 49.9 (9) attestation of compliance with an on-site inspection described in subpart
- 49.10 23.

49.11 G. The board shall terminate an expired contracted sedation services certificate

49.12 that is not renewed under item F. The dentist may still apply for a contracted sedation

49.13 services certificate by completing the application requirements in subpart 20, item D.

49.14 **Subp. 22. Practice and equipment requirements.**

49.15 A. Dentists who administer general anesthesia, deep sedation, or moderate sedation

49.16 or who provide dental services to patients under general anesthesia, deep sedation, or

49.17 moderate sedation must ensure that the practice requirements in this item are followed.

49.18 (1) A dentist must be prepared and competent to diagnose, resolve, and prevent

49.19 any untoward reaction or medical emergency that may develop any time after the

49.20 administration of general anesthesia, deep sedation, or moderate sedation. A dentist must

49.21 apply the current standard of care to continuously monitor and evaluate a patient's blood

49.22 pressure, pulse, respiratory function, and cardiac activity. The current standard of care to

49.23 assess respiratory function requires the monitoring of tissue oxygenation or ventilation.

50.1 (2) A dentist who employs or contracts another licensed health care
50.2 professional with the qualified training and legal qualification to administer general
50.3 anesthesia, deep sedation, or moderate sedation, including a dentist, nurse anesthetist, or
50.4 physician anesthesiologist, must notify the board that these services are being provided in
50.5 the office facility. The dentist is also responsible for maintaining the facilities, equipment,
50.6 emergency supplies, and a record of all general anesthesia, deep sedation, or moderate
50.7 sedation procedures performed in the facility.

50.8 (3) An individual qualified to administer general anesthesia, deep sedation,
50.9 or moderate sedation, who is in charge of the administration of the anesthesia or sedation,
50.10 must remain in the operatory room to continuously monitor the patient once general
50.11 anesthesia, deep sedation, or moderate sedation is achieved and until all dental services are
50.12 completed on the patient. Prior to discharge, an individual qualified to administer anesthesia
50.13 or sedation must assess the patient to ensure that the patient is no longer at risk for
50.14 cardiorespiratory depression. The patient must be discharged into the care of a responsible
50.15 adult.

50.16 (4) A dentist administering general anesthesia, deep sedation, or moderate
50.17 sedation to a patient must have in attendance personnel who are currently certified in CPR.

50.18 B. Dentists who administer general anesthesia, deep sedation, or moderate sedation
50.19 or who provide dental services to patients under general anesthesia, deep sedation, or
50.20 moderate sedation must ensure that the offices in which it is conducted have:

50.21 (1) an immediately accessible automated external defibrillator or immediately
50.22 accessible full-function defibrillator;

50.23 (2) a positive pressure oxygen delivery system and a backup system;

50.24 (3) a functional suctioning device and a backup suction device;

50.25 (4) auxiliary lighting;

- 51.1 (5) a gas storage facility;
- 51.2 (6) a recovery area;
- 51.3 (7) a method to monitor respiratory function; and
- 51.4 (8) an emergency cart or kit that must be available and readily accessible and
- 51.5 includes the necessary and appropriate drugs and equipment to resuscitate a nonbreathing
- 51.6 and unconscious patient and provide continuous support while the patient is transported to
- 51.7 a medical facility. There must be documentation that all emergency equipment and drugs
- 51.8 are checked and maintained on a prudent and regularly scheduled basis.

51.9 Subp. 23. **On-site inspection; requirements and procedures.** All offices in which

51.10 general anesthesia, deep sedation, or moderate sedation is conducted under the terms of this

51.11 part must be in compliance with this subpart.

51.12 A. A dentist who applies for an initial general anesthesia or moderate sedation

51.13 certificate or who provides dental services to patients under general anesthesia, deep sedation,

51.14 or moderate sedation must have an on-site inspection conducted at one primary office facility

51.15 within 12 months following receipt of a certificate from the board. Thereafter, a dentist

51.16 must have an on-site inspection conducted at one primary office facility at least once every

51.17 five years.

51.18 B. A dentist must have an on-site inspection conducted at one primary office

51.19 facility if the board receives a complaint alleging violation of this part and the board finds

51.20 the complaint warrants further investigation.

51.21 C. If a dentist fails to meet the on-site inspection requirements of item A and, if

51.22 applicable, item B because of extenuating circumstances, the dentist may apply for an

51.23 extension of time to complete the requirements by making a written request to the board.

51.24 If the board grants an extension, the board shall establish the length of the extension to

51.25 obtain the on-site inspection requirements.

D. A dentist must pay all costs associated with an on-site inspection.

E. The board must notify the dentist if an on-site inspection is required. The board shall provide the dentist with the name of a sedation inspector or organization to arrange and perform the on-site inspection. The dentist may have an on-site inspection performed by another board-approved individual or board-approved organization. The dentist must ensure that the inspection is completed within 30 calendar days of the board's notice.

F. Within 30 calendar days following an on-site inspection, the dentist must direct the individual or organization conducting the inspection to provide the board with the written results of the inspection.

G. If a dentist fails or refuses an on-site inspection, the board shall suspend the dentist's general anesthesia or moderate sedation certificate and subject the dentist to disciplinary proceedings.

3100.5100 PROFESSIONAL DEVELOPMENT; DENTISTS, DENTAL THERAPISTS, DENTAL HYGIENISTS, AND LICENSED DENTAL ASSISTANTS.

Subpart 1. Professional development cycles.

A. The initial professional development cycle begins on the date licensure is granted by the board and ends on the last day of the licensee's birth month in either an even-numbered or odd-numbered year that corresponds with the licensee's year of birth. The initial cycle varies in the number of months depending on the date licensure is granted.

B. A biennial professional development cycle coincides with the biennial renewal period. Each biennial renewal cycle consists of a 24-month period beginning on the first day of the month following expiration of the previous cycle. An established biennial cycle continues to apply even if the license is revoked, suspended, conditioned, or not renewed for any reason for any length of time.

53.1 **Subp. 2. Professional development requirements.**

53.2 A. Each licensee shall establish a portfolio to record, monitor, and retain
53.3 documentation of fundamental and elective professional development activities.

53.4 B. The minimum number of required hours of fundamental and elective activities
53.5 for each initial or biennial cycle is 50 hours for dentists and dental therapists and 25 hours
53.6 for dental hygienists and licensed dental assistants. Any professional development hours
53.7 earned in excess of the required hours for an initial or biennial cycle must not be carried
53.8 forward to the next biennial cycle.

53.9 (1) Of the 50 hours required for a dentist and dental therapist, at least 30
53.10 hours must be fundamental activities and no more than 20 hours can be elective activities.

53.11 (2) Of the 25 hours required for a dental hygienist and licensed dental
53.12 assistant, at least 15 hours must be fundamental activities and no more than ten hours can
53.13 be elective activities.

53.14 C. Professional development is credited on an hour-for-hour basis.

53.15 D. If a licensee fails to meet the professional development requirements because
53.16 of extenuating circumstances, the licensee may request to the board in writing an extension
53.17 of time at least seven days before the end of the licensee's biennial cycle. The licensee's
53.18 written request must explain the circumstances, the renewal period, and the licensee's plan
53.19 for completing the requirement. If the board grants the extension, the board shall notify the
53.20 licensee of the extension. If the licensee fails to submit a written extension request to the
53.21 board by the seven-day deadline or fails to complete the professional development
53.22 requirements by the end of the extension period, the board shall administratively terminate
53.23 the licensee's license. A licensee may reinstate a license that has been terminated under this
53.24 subpart according to part 3100.1850.

54.1 Subp. 3. **Professional development activities.** Professional development activities
54.2 are categorized as fundamental or elective activities as described in items A and B.

54.3 A. Fundamental activities for an initial or biennial cycle must directly relate to
54.4 clinical dental services to patients. Fundamental activities include:

54.5 (1) clinical subjects. Clinical subjects are covered through seminars, webinars,
54.6 symposiums, lectures, college courses pertaining to basic sciences, or programs whose
54.7 contents directly relate to the provision of dental care and treatment to patients. College
54.8 course credit is limited to five hours for each college course completed within a cycle with
54.9 a maximum of 15 college credit hours per cycle;

54.10 (2) other fundamental courses listed in units (a) to (f) that are offered through
54.11 seminars, webinars, symposiums, lectures, or programs. Each licensee must complete at
54.12 least two courses out of the following list for each initial or biennial cycle:

54.13 *[For text of units (a) to (c), see Minnesota Rules]*

54.14 (d) management of medical emergencies;

54.15 (e) treatment and diagnosis; and

54.16 (f) Health Insurance Portability and Accountability Act (HIPAA);

54.17 (3) an infection control course. An infection control course is mandatory for
54.18 each licensee to maintain licensure. The course must primarily address patient safety and
54.19 health issues as referenced in part 3100.6300 and chapter 6950; and

54.20 (4) activities approved by the board. Fundamental activities under this subitem
54.21 shall be approved by the board only if the board finds the activity contents are directly
54.22 related to dental care and treatment to patients or public safety and professionalism.

54.23 B. Elective activities for an initial or biennial cycle must directly relate to or
54.24 support dentistry and include:

- 55.1 (1) general attendance at a multiday state or national dental convention for
55.2 a maximum of three credit hours per convention;
- 55.3 (2) volunteerism or community service directly relating to dentistry such as
55.4 international or national mission work, voluntary clinic work, or dental health presentations
55.5 to students or groups;
- 55.6 (3) professional reading of published articles or other forms of self-study
55.7 directly relating to dentistry;
- 55.8 (4) scholarly activities, including:
- 55.9 (a) teaching a professional course directly related to dentistry or
55.10 presenting a continuing dental education program;
- 55.11 (b) presenting a table clinic directly related to dentistry;
- 55.12 (c) authoring a published dental article or text in a recognized publication;
- 55.13 (d) participating in test construction for an accredited state or nationally
55.14 recognized dental association or organization;
- 55.15 (e) participating in a scientific dental research program from an accredited
55.16 institution or program or an evidence-based clinical study; and
- 55.17 (f) similar academic activities relating to dentistry;
- 55.18 (5) dental practice management courses;
- 55.19 (6) leadership or committee involvement with a dental board or a dental
55.20 professional association for a maximum of three credit hours per cycle; and
- 55.21 (7) elective activities approved by the board. Elective activities under this
55.22 subitem shall be approved by the board only if the board finds the contents of the activity
55.23 directly relates to or supports dentistry.

Subp. 4. **Documentation of professional development activities.** A licensee must record or obtain documentation of hours in professional development activities for the licensee's portfolio. Documentation includes:

A. confirming documentation from the presenting organization that provides the attendee's name, name of organization or presenter, course date, number of credit hours, subject matter, or program title;

B. a personal log of published articles read by the licensee including title of the article, name of author, name of journal or periodical, and date of published article; and

C. similar documentation of professional development activities.

Subp. 5. **Retention of documentation.** A licensee must keep documentation for each fundamental and elective activity as required to meet professional development requirements. The licensee must retain the documentation for the current biennial renewal cycle and the previous completed biennial cycle for purposes of an audit by the board.

3100.6200 CONDUCT UNBECOMING A LICENSEE.

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

A. engaging in personal conduct that brings discredit to the profession of dentistry;

B. demonstrating gross ignorance or incompetence in the practice of dentistry or repeated performance of dental treatment that falls below accepted standards;

C. making inappropriate sexual remarks or advances toward a patient or colleague;

D. billing patients for unnecessary services or services not rendered or inaccurately documenting services;

57.1 E. failing to communicate an accurate treatment plan and financial information;

57.2 F. performing services as a dental therapist, dental hygienist, or licensed dental
57.3 assistant not authorized by the dentist under this chapter or Minnesota Statutes, chapter
57.4 150A;

57.5 G. accepting or offering rebates, split fees, or commissions for services rendered
57.6 to a patient from or to any person other than a partner, employee, employer, associate in a
57.7 dental professional firm, or a professional subcontractor or consultant authorized to practice
57.8 in dentistry;

57.9 *[For text of item H, see Minnesota Rules]*

57.10 I. committing fraud upon patients, third-party payers, or others relating to the
57.11 practice of dentistry;

57.12 *[For text of items J to L, see Minnesota Rules]*

57.13 **3100.6600 ADVERTISING DENTAL FEES AND SERVICES.**

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

57.17 A. Examination: a documented diagnosis by the dentist of the oral cavity, including
57.18 periodontal disease, occlusal discrepancies, caries, oral abnormalities, and the development
57.19 of a treatment plan. If there are additional charges besides the examination fee for radiographs
57.20 or a written itemized treatment plan, these charges must be disclosed in the advertisement.

57.21 *[For text of item B, see Minnesota Rules]*

57.22 C. Denture: either a complete maxillary or complete mandibular replacement of
57.23 the natural dentition with artificial teeth. If the service advertised is for a denture which is
57.24 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, this information must be disclosed in the advertisement.

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

[For text of item E, see Minnesota Rules]

[For text of subparts 2 to 5, see Minnesota Rules]

3100.6900 COMPENSATION FOR PATIENT REFERRAL.

A licensee shall not offer, give, receive, or agree to receive any fee or other compensation to or from a third party for the referral of a patient for dental services. Nothing contained in this part shall prohibit a licensee from providing a gift to a patient or from providing a credit for dental services to a patient.

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. dental anesthesiology;

B. dental public health;

C. endodontics (endodontist);

D. oral and maxillofacial pathology (oral pathologist);

E. oral and maxillofacial radiology (oral radiologist);

F. oral and maxillofacial surgery (oral and maxillofacial surgeon);

G. oral medicine;

H. orofacial pain;

- 59.1 I. orthodontics and dentofacial orthopedics (orthodontist);
- 59.2 J. pediatric dentistry (pedodontist);
- 59.3 K. periodontics (periodontist); and
- 59.4 L. prosthodontics (prosthodontist).

59.5 Subp. 2. **Education criteria.** A licensed dentist may advertise as a specialist in an
59.6 area if the dentist has evidence of graduating from a postdoctoral specialty program accredited
59.7 by the Commission on Dental Accreditation in any of the designated specialty areas of
59.8 subpart 1.

59.9 Subp. 3. **Restricting practice.** Subpart 2 does not prohibit a dentist who does not
59.10 meet the above education or experience criteria from restricting a practice to one or more
59.11 specific areas of dentistry. These dentists must not use the terms "specialist," "specialty,"
59.12 "specializing," or "limited to." The advertising must state that the services are being provided
59.13 by a general dentist.

59.14 **3100.8400 ASSISTANTS WITHOUT A LICENSE.**

59.15 Subpart 1. **Permissible procedures.** Assistants without a license may:

59.16 A. retract a patient's cheek, tongue, or other parts of tissue during a dental
59.17 operation;

59.18 B. assist with the placement or removal of devices or materials for isolation
59.19 purposes as directed by the dentist or dental therapist during dental treatment;

59.20 C. remove debris or water that is created during treatment rendered by a dentist
59.21 or dental therapist using suction devices;

59.22 D. provide any assistance, including the placement of articles and topical
59.23 medication in a patient's oral cavity during dental treatment under the personal supervision
59.24 of a dentist or dental therapist;

E. aid dental hygienists and licensed dental assistants in the performance of their delegated procedures defined in parts 3100.8500 and 3100.8700; and

F. apply fluoride varnish in a community setting under the authorization and direction of a licensed practitioner with prescribing authority such as a dentist or physician, as long as the licensed practitioner authorizing the service or the facility at which the fluoride varnish is administered maintains appropriate patient records of the treatment.

Subp. 1a. **Compliance with minimal requirements.** The dentist is responsible for ensuring that any assistant working under the dentist's or dental therapist's supervision as defined in subpart 1:

A. completes a CPR certification course and maintains current CPR certification thereafter; and

B. complies with the most current infection control practices for a dental setting.

Subp. 2. [Repealed, 10 SR 1612]

Subp. 3. **Other procedures prohibited.** An assistant must not perform any dental treatment or procedure on patients not otherwise authorized by this chapter.

3100.8500 LICENSED DENTAL ASSISTANTS.

Subpart 1. **Procedures under general supervision.** A licensed dental assistant may perform the following procedures without the dentist being present in the dental office or on the premises if the dentist has prior knowledge of and has consented to the procedures being performed:

[For text of items A to C, see Minnesota Rules]

D. re-cement intact temporary crowns or restorations;

[For text of items E to G, see Minnesota Rules]

61.1 H. fabricate and deliver custom fitted trays;

61.2 I. place and remove elastic orthodontic separators;

61.3 J. complete preliminary charting of the oral cavity and surrounding structures
61.4 with the exception of periodontal structures;

61.5 *[For text of items K to O, see Minnesota Rules]*

61.6 Subp. 1a. **Procedures under indirect supervision.** A licensed dental assistant, in
61.7 addition to the services performed by an assistant described in part 3100.8400, subpart 1,
61.8 may perform the following services if a dentist is in the office, authorizes the procedures,
61.9 and remains in the office while the procedures are being performed:

61.10 A. apply topical medications including bleaching agents, desensitizing agents,
61.11 and cavity varnishes as prescribed by a dentist;

61.12 B. place and remove devices or materials for isolation purposes;

61.13 *[For text of item C, see Minnesota Rules]*

61.14 D. perform mechanical polishing to clinical crowns, not including the removal of
61.15 calculus by instrumentation;

61.16 *[For text of items E to K, see Minnesota Rules]*

61.17 L. etch appropriate enamel surfaces and apply and adjust pit and fissure sealants;

61.18 M. perform restorative procedures as permitted in Minnesota Statutes, section
61.19 150A.10, subdivision 4;

61.20 N. maintain and remove intravenous lines while under indirect supervision of a
61.21 dentist who holds a valid general anesthesia or moderate sedation certificate. Before
61.22 managing and removing intravenous lines, a licensed dental assistant must have successfully

completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training and be certified by the board; and

O. monitor a patient during preoperative, intraoperative, and postoperative phases of general anesthesia or moderate sedation using noninvasive instrumentation such as pulse oximeters, electrocardiograms, blood pressure monitors, and capnography while under indirect supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before monitoring a sedated patient, a licensed dental assistant must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training and be certified by the board.

Subp. 1b. **Procedures under direct supervision.** A licensed 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 licensed dental assistant before dismissing the patient:

A. remove excess bond material from orthodontic appliances;

B. remove bond material from teeth with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bond material, a licensed dental assistant must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth through a school accredited by the Commission on Dental Accreditation;

[For text of item C, see Minnesota Rules]

D. fabricate, place, replace, cement, and adjust temporary crowns or restorations;

E. remove temporary restorations with hand instruments only;

F. place and remove matrix systems and wedges;

G. administer nitrous oxide inhalation analgesia according to part 3100.3600, subpart 15;

[For text of items H and I, see Minnesota Rules]

J. initiate and place an intravenous line in preparation for intravenous medications and sedation while under direct supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before initiating and placing an intravenous line, a licensed dental assistant must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training and be certified by the board; and

K. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a licensed dental assistant must have successfully completed a course in nonsurgical retraction material for gingival displacement at a school accredited by the Commission on Dental Accreditation.

Subp. 1c. Procedures under personal supervision. A licensed dental assistant may concurrently perform supportive services if the dentist holds a valid general anesthesia or moderate sedation certificate, is personally treating a patient, and authorizes the licensed dental assistant to aid in the physical management of medications, including the preparation and administration of medications into an existing intravenous line. Before administering any medications or agents, a licensed dental assistant must have successfully completed board-approved allied dental personnel courses comprised of general anesthesia and moderate sedation training and be certified by the board.

Subp. 2. Procedures requiring more coursework or in-office training and procedures prohibited.

A. If any delegated procedure within this part specifically indicates a requirement to complete additional coursework, the licensed dental assistant must complete the

coursework to perform the procedure. All remaining delegated procedures listed are within the scope of practice for a licensed dental assistant with, if necessary, some required in-office training by the supervising dentist.

B. A licensed dental assistant must not perform any dental treatment or procedure on patients not otherwise authorized by this chapter.

Subp. 3. [See repealer.]

3100.8700 DENTAL HYGIENISTS.

Subpart 1. **Principal procedures under general supervision.** A dental hygienist may, under general supervision, as defined in part 3100.0100, subpart 21, item D:

A. perform preliminary charting of the oral cavity and surrounding structures, including case histories; perform initial and periodic examinations and assessments to determine periodontal status; and create a dental hygiene treatment plan in coordination with a dentist's treatment plan;

[For text of items B to F, see Minnesota Rules]

G. etch enamel surfaces and apply and adjust pit and fissure sealants;

[For text of item H, see Minnesota Rules]

I. administer nitrous oxide inhalation analgesia according to part 3100.3600, subpart 14;

[For text of items J to M, see Minnesota Rules]

N. fabricate and deliver custom fitted trays;

O. provide nutritional counseling;

P. perform salivary analysis;

[For text of items Q to S, see Minnesota Rules]

T. place and remove devices or materials for isolation purposes;

[For text of items U and V, see Minnesota Rules]

W. fabricate, place, replace, cement, and adjust temporary crowns or restorations;

[For text of items X and Y, see Minnesota Rules]

Z. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a dental hygienist must have successfully completed a course in nonsurgical retraction material for gingival displacement at a school accredited by the Commission on Dental Accreditation.

Subp. 2. **Restorative procedures under indirect supervision.** A dental hygienist may perform restorative procedures pursuant to Minnesota Statutes, section 150A.10, subdivision 4, and under indirect supervision, as defined in part 3100.0100, subpart 21, item C, if the dental hygienist has:

[For text of items A and B, see Minnesota Rules]

Subp. 2a. **Orthodontic procedures under general, indirect, or direct supervision.** If a dental hygienist has fulfilled the requirements of item A, subitems (1), (2), or (3), the dental hygienist may perform the procedures listed in item B under the level of supervision indicated, as defined in part 3100.0100, subpart 21, items B, C, and D.

[For text of item A, see Minnesota Rules]

B. The dental hygienist may perform the following procedures under:

(1) general supervision:

[For text of units (a) to (e), see Minnesota Rules]

(f) place and remove elastic orthodontic separators; and

(g) remove and place ligature ties and remove and replace existing arch wires on orthodontic appliances;

[For text of subitems (2) and (3), see Minnesota Rules]

Subp. 2b. **Sedation monitoring and intravenous procedures under indirect, direct, or personal supervision.** If a dental hygienist has successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training and is certified by the board, the dental hygienist may perform the following procedures under either indirect, direct, or personal supervision, as defined in part 3100.0100, subpart 21, items A, B, and C, for a dentist who holds a valid general anesthesia or moderate sedation certificate:

[For text of items A to C, see Minnesota Rules]

Subp. 3. **Other procedures prohibited.** A dental hygienist must not perform any dental treatment or procedure on patients not authorized by this chapter.

3100.9600 RECORD KEEPING.

Subpart 1. **Definitions.** For the purposes of this part, "patient" means a natural person who has received dental treatment from a provider. In the case of a minor who has received dental treatment pursuant to Minnesota Statutes, sections 144.341 to 144.347, the patient includes a parent or guardian.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Personal data.** At a minimum, dental records must include the patient's:

A. name;

B. address;

C. date of birth;

67.1 D. parent's or guardian's name, if the patient is a minor;

67.2 E. emergency contact; and

67.3 F. insurance information.

67.4 *[For text of subparts 4 and 5, see Minnesota Rules]*

67.5 Subp. 6. **Clinical examinations.** When a limited examination is performed, items A
67.6 to C pertain only to the area treated. When a comprehensive examination is performed,
67.7 dental records must include:

67.8 *[For text of items A and B, see Minnesota Rules]*

67.9 C. the results of any other diagnostic aids used.

67.10 Subp. 7. **Diagnosis.** Dental records must include a diagnosis.

67.11 Subp. 8. **Treatment plan.** Dental records must include an agreed upon written and
67.12 dated treatment plan except for routine dental care. The treatment plan must be updated to
67.13 reflect the current status of the patient's oral health and treatment.

67.14 *[For text of subpart 9, see Minnesota Rules]*

67.15 Subp. 10. **Progress notes.** Patient records must include a chronology of the patient's
67.16 progress throughout the course of all treatment. All written progress notes must be legible
67.17 and written in ink. The chronology must include:

67.18 A. all treatment provided;

67.19 B. all medications and anesthetics used;

67.20 C. all dental materials placed;

67.21 D. the treatment provider by license number, name, or initials;

68.1 E. when applicable, the identity of the collaborating dentist authorizing treatment
68.2 by license number; and

68.3 F. administration information for nitrous oxide inhalation analgesia, including
68.4 indication for use, dosage, duration of administration, posttreatment oxygenation period
68.5 prior to discharge, and patient status at discharge.

68.6 Subp. 11. **Amendments to records.** If incorrect information is placed in a written
68.7 record, it must be amended by crossing out with one single line and initialed by the provider.
68.8 The provider initialing the record must identify who the provider is on the written record.
68.9 In an electronic health record, an amendment to the record must be electronically time and
68.10 date stamped by the provider.

68.11 Subp. 12. **Retention of records.**

68.12 A. For an adult patient with an active file, the dentist must maintain the patient's
68.13 entire dental record. For an adult patient with an inactive file, the dentist must maintain the
68.14 patient's dental records for at least seven years beyond the patient's last date of treatment
68.15 by the dentist.

68.16 B. For a minor patient with an active file, the dentist must maintain the patient's
68.17 entire dental record. For a minor patient with an inactive file, the dentist must maintain the
68.18 patient's dental records until the patient is 25 years old.

68.19 Subp. 13. **Transfer of records.** A patient's dental records must be transferred according
68.20 to Minnesota Statutes, sections 144.291 to 144.298, irrespective of the status of the patient's
68.21 account. Digital radiographs shall be transferred by compact or optical disc or electronic
68.22 communication. All transferred film or digital radiographs must reveal images of diagnostic
68.23 quality.

68.24 Subp. 14. **Electronic record keeping.**

68.25 *[For text of item A, see Minnesota Rules]*

69.1 B. When electronic records are kept, a dentist must use an unalterable electronic
69.2 record.

69.3 **REPEALER.** Minnesota Rules, parts 3100.0100, subparts 8b, 15, and 18b; 3100.1100,
69.4 subparts 2, 4, and 5; 3100.1500; 3100.1600; 3100.1700, subpart 5; 3100.1750, subparts 4,
69.5 5, and 6; 3100.3100; 3100.3200; 3100.3300; 3100.3350; 3100.3400; 3100.3500; 3100.3600,
69.6 subparts 2, 3, 4, 5, 6, 7, 8, 9, 9a, 9b, 10, and 11; 3100.5400; 3100.6325; 3100.7200; and
69.7 3100.8500, subpart 3, are repealed.

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