

Brittany Novotny

From: Zach Parsons <zach.parsons@deltadentalsd.com>
Sent: Tuesday, December 01, 2015 12:54 PM
To: Brittany Novotny
Subject: Dental Practice Act Administrative Rules

Ms. Novotny,

I'm writing in response to the South Dakota Board of Dentistry's request for feedback on the Dental Practice Act Administrative Rules. My comment refers to rule 20:43:10:02 and 20:43:10:03 on collaborative supervision licenses for dental hygienists. In both the qualifications and the application for registration for a collaborative supervision license, there is a requirement for "completion of a minimum of 2,000 practice hours within two of the three years preceding application." We have found the reference to two of the last three years can be confusing and difficult to verify. We would recommend a change to "completion of a minimum of 2,000 practice hours within the three years preceding application."

Please let me know if I can provide any further information or clarification.

Regards,

Zach Parsons | Program Manager
Delta Dental of South Dakota Foundation
720 N. Euclid Ave., Pierre, SD 57501
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Brittany Novotny

From: SD State Board of Dentistry Office <ContactUs@SDBoardofDentistry.com>
Sent: Monday, November 30, 2015 8:36 AM
To: brittany@sdboardofdentistry.com
Subject: FW: comment rule change 20:43:03:07.01 and 10. Continuing requirements
Attachments: 20.43.07.01 and 20.43.07.10.doc; Untitled attachment 00050.htm

From: Karen [<mailto:kasicard@comcast.net>]
Sent: Friday, November 27, 2015 12:12 PM
To: contactus@sdboardofdentistry.com
Subject: comment rule change 20:43:03:07.01 and 10. Continuing requirements

Ms. Novotny,

I would like to propose the following changes to ARSD §§20:43:03:07.01 & 10 due to the lack of scientific evidence available to support the benefit of five dental radiography hours per five year cycle for dental hygienists. The burden of this requirement to the profession greatly outweighs the benefit to the health of the population. Thank you for your time and consideration. Please let me know if additional information is needed.

Very respectfully,

Karen Sicard

20:43:03:07.01. Continuing education requirements -- Dental hygienists. A dental hygienist must earn 75 hours of board approved continuing education in each five-year licensure cycle.

~~A dental hygienist must have documented at least five hours of continuing education in dental radiography per five-year licensure cycle which must meet the course requirements in § 20:43:07:10.~~

A dental hygienist must maintain a current cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.

The remaining hours may be earned in the following manner:

(1) Five hours of credit may be earned for each attendance at state, regional, and national meetings;

(2) One hour of credit may be earned for each hour of attendance at lectures or courses given at local, state, regional, or national dental meetings.

Credit for nutrition is limited to 15 hours per five-year licensure cycle. Credit for practice management is limited to 10 hours per five-year licensure cycle. Credit for home study courses is limited to 30 hours per five-year licensure cycle. Credit for CPR is limited to 15 hours per five-year licensure cycle.

Source: 13 SDR 23, effective September 3, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 18, effective August 16, 1993; 20 SDR 166, effective April 11, 1994; 26 SDR 37, effective September 20, 1999; 35 SDR 67, effective September 25, 2008; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(1), 36-6A-55.

Law Implemented: SDCL 36-6A-55.

20:43:07:10. Continuing education requirements. ~~A dental hygienist or any~~ person certified in dental radiography must earn continuing education which shall include radiation safety, equipment operation, film processing, emergency procedures, anatomy and positioning of relevant procedures, radiographic quality assurance, correcting and identifying technique and processing errors, and recognition and identification of radiographic information, such as procedures for enhancing interpretation of radiographic information including disease. ~~A dental hygienist or a~~ person who is certified in dental radiography must have documented at least five hours of continuing education in dental radiography in a five-year period. Documentation of the training must include dates, the name of the instructor, and the subjects covered.

Source: 26 SDR 37, effective September 20, 1999; 32 SDR 188, effective May 15, 2006.

General Authority: SDCL 36-6A-14(1), 36-6A-21.

Law Implemented: SDCL 36-6A-14(1), 36-6A-21, 36-6A-55.

DENTISTS

Chapter

- 20:43:01 Administration.
 - 20:43:02 Applications and examinations.
 - 20:43:03 Licensing.
 - 20:43:04 Authorized practice.
 - 20:43:05 Professional conduct.
 - 20:43:06 Corporate practice.
 - 20:43:07 Dental radiography.
 - 20:43:08 Dental assistants.
 - 20:43:09 Anesthesia and analgesia.
 - 20:43:10 Collaborative supervision.
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CHAPTER 20:43:01

ADMINISTRATION

Section

- 20:43:01:01 Petition for declaratory rulings.
 - 20:43:01:02 Agency action on petition for declaratory ruling.
 - 20:43:01:03 Board meetings on rules or rulings.
 - 20:43:01:04 Repealed.
 - 20:43:01:05 Board hearings -- Procedure.
-

20:43:01:01. Petition for declaratory rulings. Any person who wishes the Board of Dentistry to make a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the Board of Dentistry may initiate such action by filing a petition with the ~~president of the board or with the Division of Professional and Occupational Licensing of the Department of Commerce and Regulation~~ containing the following information:

- (1) The name of the person, agency, or group submitting the petition;
- (2) The requested action and the reason for the action;
- (3) The specific rule, if any, referred to; and
- (4) The signature of the person or the authorization of a group or agency making the petition; ~~and~~
- ~~(5) The notarization of the signature or authorization.~~

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 1-26-15.

Cross-Reference: Procedure to initiate rules, SDCL 1-26-13.

20:43:01:02. Agency action on petition for declaratory ruling. Upon receipt of a petition for a declaratory ruling, the president shall immediately ~~mail one~~ distribute a copy to each board member and set a meeting to be held within 90 days to act on the petition. The board's action on the petition is the final order of the board in the matter and starts the time running within which an appeal may be taken on its action.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 1-26-15.

20:43:01:03. Board meetings on rules or rulings. The board may hold a meeting by telephone conference call to decide on any petitions filed pursuant to SDCL 1-26-13 or 1-26-15.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 1-26-13, 1-26-15.

20:43:01:04. Procedures in contested cases. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; repealed, 13 SDR 23, effective September 3, 1986.

20:43:01:05. Board hearings -- Procedure. A record of the hearing in a contested case shall be taken by court reporter or recording equipment. All disciplinary proceedings and procedures to deny renewal of the license or registration of a licensed dentist or dental hygienist or of a registered dental radiographer shall be conducted in accordance with SDCL 1-26.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 23, effective September 3, 1986; 18 SDR 132, effective February 17, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

CHAPTER 20:43:02

APPLICATIONS AND EXAMINATIONS

Section

20:43:02:01 Requirements for jurisprudence examinations.

20:43:02:01.01 Repealed.

20:43:02:02 Application for exams.

20:43:02:03 Repealed.

20:43:02:04 Repealed.

20:43:02:05 Repealed.

20:43:02:01. Requirements for jurisprudence examinations. An applicant for a license to practice dentistry or dental hygiene must pass a written examination given by the board on its administrative rules and SDCL chapter 36-6A. A score of 70 percent or higher is considered passing.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 19 SDR 32, effective September 6, 1992; 20 SDR 166, effective April 11, 1994; 26 SDR 37, effective September 20, 1999; 27 SDR 57, effective December 12, 2000; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-45, 36-6A-47(7).

Law Implemented: SDCL 36-6A-45, 36-6A-47(7).

20:43:02:01.01. Requirements for dental hygiene license examinations. Repealed.

Source: 18 SDR 132, effective February 17, 1992; 19 SDR 32, effective September 6, 1992; 20 SDR 166, effective April 11, 1994; 26 SDR 37, effective September 20, 1999; 27 SDR 57, effective December 12, 2000; repealed, 38 SDR 172, effective April 25, 2012.

20:43:02:02. Application for exams. All jurisprudence examinations must be submitted to the board together with the examination fee of \$225 for a dentist or \$115 for a dental hygienist.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11, 1994; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-45, 36-6A-47(7), 36-6A-50(1) and (2).

Law Implemented: SDCL 36-6A-45, 36-6A-47(7), 36-6A-50(1) and (2).

20:43:02:03. Content of exams. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11, 1994; 27 SDR 57, effective December 12, 2000; repealed, 38 SDR 172, effective April 25, 2012.

20:43:02:04. Required grade. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 23, effective September 3, 1986; 26 SDR 37, effective September 20, 1999; repealed, 38 SDR 172, effective April 25, 2012.

20:43:02:05. Reexamination. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11, 1994; 27 SDR 57, effective December 12, 2000; repealed, 38 SDR 172, effective April 25, 2012.

CHAPTER 20:43:03

LICENSING

Section

- 20:43:03:01 Applicants for license -- Requirements.
- 20:43:03:02 Repealed.
- 20:43:03:03 Repealed.
- 20:43:03:04 Requirements for licensure of dentists and dental hygienists by credential verification.
- 20:43:03:04.01 Requirements for foreign-trained dentists and dental hygienists.
- 20:43:03:04.02 Requirements for temporary registration of dentists and dental hygienists.
- 20:43:03:05 Repealed.
- 20:43:03:06 Certificate of registration -- Renewal fees.
- 20:43:03:07 Continuing education requirements -- Dentists.
- 20:43:03:07.01 Continuing education requirements -- Dental hygienists.
- 20:43:03:07.02 Continuing education requirements -- Registered dental assistants.
- 20:43:03:08 Repealed.
- 20:43:03:09 Repealed.
- 20:43:03:10 Repealed.
- 20:43:03:11 Lost or destroyed license -- Replacement.

20:43:03:01. Applicants for license -- Requirements. An applicant for a license to practice dentistry or dental hygiene ~~must be a graduate of a dental or dental hygiene school accredited by the American Dental Association Commission on Dental Accreditation.~~ The applicant shall submit the following:

- (1) A completed application form and a fee of \$150 for dentists and \$100 for dental hygienists;
- (2) A copy of the diploma or a certified letter from a dental or dental hygiene school official verifying that the applicant has graduated;

(3) A copy of the applicant's passing National Board Examination grades or certificate;

(4) A copy of the applicant's passing Central Regional Dental Testing Service examination or Western Regional Examining Board examination grades or certificate. The applicant must have passed the Central Regional Dental Testing Service or Western Regional Examining Board examination within the five years preceding application:

(a) If an applicant fails any part of the Central Regional Dental Testing Service examination or the Western Regional Examining Board examination twice, the applicant must receive remedial education from a school accredited by the American Dental Association Commission on Dental Accreditation before taking the regional examination a third time. ~~An applicant who fails a third time is not eligible for licensure in South Dakota;~~ (Note to the Board: We believe that the remedial education requirement should be consistent with CRDTS policy)

(5) A certified letter verifying the license number and status of such license from the Board of Dentistry in each state in which the applicant is or has been licensed, if applicable;

(6) A copy of the applicant's birth certificate;

(7) A recent notarized photograph; and

(8) A copy of the applicant's current cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.

(Note to the Board: We recognize that the requirement for a criminal background check is found in a different part of the code. We wonder if it is appropriate to list that requirement in the rules or somewhere in the practice act?)

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11, 1994; 26 SDR 37, effective September 20, 1999; 27 SDR 57, effective December 12, 2000; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(3), 36-6A-44(3), 36-6A-50(13) and (14).

Law Implemented: SDCL 36-6A-14(3), 36-6A-44(3).

20:43:03:02. Fee for certificate of registration. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; repealed, 38 SDR 172, effective April 25, 2012.

20:43:03:03. Reciprocity requirements -- Fees. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; repealed, 18 SDR 132, effective February 17, 1992.

20:43:03:04. Requirements for licensure of dentists and dental hygienists by credential verification. To receive South Dakota licensure as a dentist or dental hygienist under credential verification, an applicant must meet the requirements of SDCL 36-6A-47 and 36-6A-new. ~~An applicant for a license to practice dentistry or dental hygiene must be a graduate of a dental or dental hygiene school accredited by the American Dental Association Commission on Dental Accreditation.~~ In addition, the candidate shall submit the following at least 30 days before the board meeting:

- (1) A completed application form and fee of \$500 for dentists and \$200 for dental hygienists;
- (2) A physician's statement attesting to the applicant's physical and mental condition;
- (3) A copy of the applicant's passing National Board Examination grades or certificate;
- (4) A copy of the applicant's passing Regional Board Examination grades or certificate;
- (5) A certified letter verifying the license number and status of such license from the board of dentistry in each state in which the applicant is or has been licensed;
- (6) A copy of the diploma or a certified letter from a dental or dental hygiene school official verifying that the applicant has graduated;
- (7) A copy of the applicant's birth certificate;
- (8) A copy of the applicant's current cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board; and
- (9) A recent notarized photograph.

If requested, an applicant for licensure by credential verification must appear for a personal interview conducted by the board on a date set by the board.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 32, effective September 6, 1992; 26 SDR 37, effective September 20, 1999; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(3), 36-6A-50(19).

Law Implemented: SDCL 36-6A-47, 36-6A-50(19).

Cross-References: Dentists, dental hygienists, and dental auxiliaries, SDCL ch 36-6A; Dental corporations, SDCL ch 47-12.

20:43:03:04.01. Requirements for foreign-trained dentists and dental hygienists. A foreign-trained dentist or dental hygienist that has not graduated from a dental or dental hygiene school accredited by the American Dental Association Commission on Dental Accreditation must meet the following requirements:

(1) Meet all requirements of § 20:43:03:01 or 20:43:03:04 for a dentist or a dental hygienist; and

(2) In lieu of graduation from a dental or dental hygiene school accredited by the American Dental Association Commission on Dental Accreditation, the applicant must submit certification from a dental or dental hygiene school accredited by the American Dental Association Commission on Dental Accreditation stating that the applicant has been tested and received the training necessary for the school to certify, in writing, that the applicant is equal in knowledge and ability to a graduate of a dental or dental hygiene school accredited by the American Dental Association Commission on Dental Accreditation in the United States or Canada within the five years preceding the date of application.

Source: 18 SDR 132, effective February 17, 1992; 26 SDR 37, effective September 20, 1999; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(3), 36-6A-44(4).

Law Implemented: SDCL 36-6A-44(4), 36-6A-47.

20:43:03:04.02. Requirements for temporary registration of dentists and dental hygienists. The board may issue a temporary registration for a specified period of time and location if an applicant meets all requirements of § 20:43:03:01 or 20:43:03:04 for a dentist or a dental hygienist and submits a fee of \$50.

Source: 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11, 1994; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(3), 36-6A-47, 36-6A-50(9).

Law Implemented: SDCL 36-6A-47, 36-6A-49, 36-6A-50(9).

20:43:03:05. Requirements for licensure of hygienists by endorsement and qualification approval. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; repealed, 19 SDR 32, effective September 6, 1992.

20:43:03:06. Certificate of registration -- Renewal fees. Each person licensed to practice dentistry or dental hygiene in South Dakota must procure a certificate of registration from the board by July 1 each year. Dentists must pay an annual registration fee of \$150 plus a continuing education fee of \$20, and dental hygienists must pay an annual registration fee of \$75 plus a continuing education fee of \$20.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 164, effective May 10, 1987; 16 SDR 133, effective February 15, 1990; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-50(3), (4) and (7), 36-6A-52.

Law Implemented: SDCL 36-6A-50(3), (4) and (7), 36-6A-52.

Cross-Reference: Reinstatement of suspended or revoked license, SDCL 36-6A-25.

20:43:03:07. Continuing education requirements -- Dentists. A dentist must take 100 hours of board approved continuing education in each five-year licensure cycle. Twenty-five hours of the required one hundred hours must be university-based. A university-based course must be taken physically at a dental school accredited by the American Dental Association Commission on Dental Accreditation or the course presenter must be affiliated with a dental school accredited by the American Dental Association Commission on Dental Accreditation.

A dentist must maintain a current cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.

The remaining hours may be obtained in the following manner:

(1) Five hours of credit may be earned for each attendance at state, regional, and national meetings;

(2) One hour of credit may be earned for each hour of attendance at lectures or courses given at local, state, regional, or national dental meetings.

Credit for nutrition is limited to 15 hours per five-year licensure cycle. Credit for practice management is limited to 10 hours per five-year licensure cycle. Credit for home study courses is limited to 30 hours per five-year licensure cycle. Credit for CPR is limited to 15 hours per five-year licensure cycle.

Dentists holding a general anesthesia and deep sedation or moderate sedation permit must complete an additional 25 hours of continuing education in anesthesia related topics per five-year licensure cycle.

Source: SL 1975, ch 16, § 1; 5 SDR 68, effective February 13, 1979; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 23, effective September 3, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11, 1994; 26 SDR 37, effective September 20, 1999; 35 SDR 67, effective September 25, 2008; 37 SDR 131, effective January 6, 2011; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(1), 36-6A-55.

Law Implemented: SDCL 36-6A-55.

20:43:03:07.01. Continuing education requirements -- Dental hygienists. A dental hygienist must earn 75 hours of board approved continuing education in each five-year licensure cycle.

A dental hygienist must have documented at least five hours of continuing education in dental radiography per five-year licensure cycle which must meet the course requirements in § 20:43:07:10.

A dental hygienist must maintain a current cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.

The remaining hours may be earned in the following manner:

(1) Five hours of credit may be earned for each attendance at state, regional, and national meetings;

(2) One hour of credit may be earned for each hour of attendance at lectures or courses given at local, state, regional, or national dental meetings.

Credit for nutrition is limited to 15 hours per five-year licensure cycle. Credit for practice management is limited to 10 hours per five-year licensure cycle. Credit for home study courses is limited to 30 hours per five-year licensure cycle. Credit for CPR is limited to 15 hours per five-year licensure cycle.

Source: 13 SDR 23, effective September 3, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 18, effective August 16, 1993; 20 SDR 166, effective April 11, 1994; 26 SDR 37, effective September 20, 1999; 35 SDR 67, effective September 25, 2008; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(1), 36-6A-55.

Law Implemented: SDCL 36-6A-55.

20:43:03:07.02. Continuing education requirements -- Registered dental assistants. Registered dental assistants must earn 60 hours of board approved continuing education in each five-year licensure cycle.

Registered dental assistants must maintain a current cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.

The remaining hours may be earned in the following manner:

(1) Five hours of credit may be earned for each attendance at state, regional, and national meetings;

(2) One hour of credit may be earned for each hour of attendance at lectures or courses given at local, state, regional, or national dental meetings.

Credit for nutrition is limited to 15 hours per five-year licensure cycle. Credit for practice management is limited to 10 hours per five-year licensure cycle. Continuing education through home study courses is limited to 30 hours per five-year licensure cycle. Credit for CPR is limited to 15 hours per five-year licensure cycle.

(Note to the Board: We recommend that the board consider making the rules on CE consistent with the guidelines for CE that Board has on their web site for volunteerism and teaching)

Source: 19 SDR 32, effective September 6, 1992; 20 SDR 166, effective April 11, 1994; 35 SDR 67, effective September 25, 2008; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(1), 36-6A-55.

Law Implemented: SDCL 36-6A-55.

20:43:03:08. Annual registration -- Active and inactive. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:03:09. Inactive status – Eligibility .Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:03:10. Return to active practice. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:03:11. Lost or destroyed license -- Replacement. A fee of \$15 is required for replacement of a lost or destroyed license.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 166, effective April 11, 1994.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-58.

CHAPTER 20:43:04

AUTHORIZED PRACTICE

Section

- 20:43:04:01 Recognized specialty practice -- Qualifications.
- 20:43:04:02 Repealed.
- 20:43:04:03 Inspections for safety and sanitation.
- 20:43:04:04 Dental hygienist -- Practice -- Supervision.
- 20:43:04:05 Transferred.
- 20:43:04:05.01 Transferred.
- 20:43:04:06 Additional duties of dental hygienist.
- 20:43:04:07 Mobile office or unit--Authority to operate.
- 20:43:04:08 Transferred.
- 20:43:04:09 Transferred.
- 20:43:04:10 Transferred.
- 20:43:04:11 Transferred
- 20:43:04:12 Transferred.

20:43:04:01. Recognized specialty practice -- Qualifications. Dentists may advertise services in recognized specialty areas or advertise specialty practices if they have completed postdoctoral training which is recognized and approved by the American Dental Association Commission on Dental Accreditation. Only the following specialties are recognized by the Board of Dentistry:

- (1) Dental public health;
- (2) Endodontics;
- (3) Oral and maxillofacial pathology;
- (4) Oral and maxillofacial radiology
- (5) Oral and maxillofacial surgery;
- (6) Orthodontics and dentofacial orthopedics;
- (7) Pediatric dentistry;
- (8) Periodontics; and
- (9) Prosthodontics.

Dentists that meet the qualifications of this section must disclose in all advertisements the specialty area in which they practice. Dentists that do not meet the qualifications of this section must disclose in all advertisements that they are a general dentist. This disclaimer shall be clearly legible with print equal to or larger than the print advertising the service or clearly audible with speech volume and pace equal to the advertisement.

This section does not apply to those dentists who began limiting their practices to a recognized specialty prior to April 20, 1972. Declaration to the public of a specialty practice or the inference of specialty status in any other area is a violation of SDCL 36-6A-29 and this section.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 37 SDR 131, effective January 6, 2011.

General Authority: SDCL 36-6A-14(1), 36-6A-28, 37-6A-29.

Law Implemented: SDCL 36-6A-14.

20:43:04:02. Dental technician's written work order. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; repealed, 32 SDR 188, effective May 15, 2006.

20:43:04:03. Inspections for safety and sanitation. ~~The board may suspend or revoke any license issued, after opportunity for hearing as provided in SDCL 1-26, for failure of a dentist to~~ dentist must maintain the dentist's entire dental office in a clean and sanitary condition without any accumulation of trash, debris, or filth. The dental office must be maintained in full compliance with all health requirements of the city or county, or both, in which it is located. The dentist must maintain the office in compliance with the Guidelines for Infection Control in Dental Health Care Settings, 2003, of the Center for Disease Control and Prevention. ~~The dentist must permit inspection of the dental office at any time by anyone authorized by the board.~~

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 10 SDR 75, effective January 23, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 26 SDR 37, effective September 20, 1999; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(1).

Law Implemented: SDCL 36-6A-59.

Reference: Guidelines for Infection Control in Dental Health Care Settings, 2003, Center for Disease Control and Prevention. Copies may be obtained from the Center for Disease Control and Prevention free of charge at <http://www.cdc.gov/>.

20:43:04:04. Dental hygienist -- Practice -- Supervision. A licensed hygienist may practice dental hygiene as allowed by SDCL 36-6A-40 and may perform a hygienist's duties in a public or private institution under general supervision of a licensed dentist. A licensed dental hygienist may in addition perform preliminary examination of the oral cavity and surrounding structures, including periodontal screenings; complete prophylaxis; placement of sealants; and polishing of restorations. This section does not apply to licensed dental hygienists employed by the United States Public Health Service.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-59.

20:43:04:05. Transferred to § 20:43:08:10.

20:43:04:05.01. Transferred to § 20:43:08:11.

20:43:04:06. Additional duties of dental hygienist. In addition to the duties prescribed in SDCL chapter 36-6A and § 20:43:04:04, a dental hygienist, under direct supervision of a dentist, may perform all services permitted other registered dental assistants and dental assistants.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 10 SDR 75, effective January 23, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 32, effective September 6, 1992; 26 SDR 37, effective September 20, 1999; 37 SDR 131, effective January 6, 2011.

General Authority: SDCL 36-6A-14(10).

Law Implemented: SDCL 36-6A-40.

20:43:04:07. Mobile office or unit -- Authority to operate. Authorization to operate a mobile dental office or unit shall be secured from the Board of Dentistry.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

20:43:04:08. Transferred to §§ 20:43:09:01 and 20:43:09:03.

20:43:04:09. Transferred to § 20:43:09:11.

20:43:04:10. Transferred to § 20:43:09:01.

20:43:04:11. Transferred to § 20:43:09:04.

20:43:04:12. Transferred to § 20:43:09:05.

CHAPTER 20:43:05

PROFESSIONAL CONDUCT

Section

- 20:43:05:01 Advertising.
- 20:43:05:02 Repealed.
- 20:43:05:03 Repealed.
- 20:43:05:04 Repealed.
- 20:43:05:05 Repealed.
- 20:43:05:06 Repealed.
- 20:43:05:07 Repealed.
- 20:43:05:08 Institutional advertising.

~~20:43:05:01. Advertising. Fraudulent or misleading advertising is not allowed.~~

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-29.

20:43:05:02. Office signs. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:05:03. Announcement cards. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:05:04. Professional cards. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:05:05. Telephone listings. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:05:06. Change in place of business. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

20:43:05:07. Advertising -- Names. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 87, effective March 2, 1980.

~~20:43:05:08. Institutional advertising. Institutional advertising, promoting dentistry generally, by dental associations and groups is approved.~~

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-29.

CHAPTER 20:43:06

CORPORATE PRACTICE

Section

20:43:06:01 Application for registration.

20:43:06:02 Procedure after application.

20:43:06:03 Applicant required to pay expenses for special meeting.

20:43:06:04 Professional corporation -- Admitting shareholder.

20:43:06:05 Renewal of certificate of registration.

20:43:06:01. Application for registration. Initial applications for registration for professional corporations must be in compliance with SDCL 47-12 and shall include the following:

- (1) Name and address of the corporation;
- (2) A copy of its certificate of incorporation;
- (3) A copy of its articles of incorporation;
- (4) A copy of the minutes of its organizational meeting;
- (5) A registration fee of \$100; and

(6) A sworn statement from the president stating that the corporation will not hold itself out to the public as possessing any skills or expertise not possessed by dentists in non-corporate practice.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 37, effective September 20, 1999.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 47-12-7.

20:43:06:02. Procedure after application. Applicants for registration shall be afforded the following:

- (1) The opportunity to consult with the board informally when appropriate to attempt to resolve conflicts on issues;
- (2) Notice of hearing and fair opportunity to prepare for it; and
- (3) A disinterested and objective decision supported by substantial evidence from the record.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 47-12-8.

20:43:06:03. Applicant required to pay expenses for special meeting. A request for action prior to ~~the quarterly~~ a regularly scheduled board meeting shall require agreement to pay all additional expenses incurred by that action.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 47-12-7.

20:43:06:04. Professional corporation -- Admitting shareholder. Whenever a professional corporation intends to admit to the corporation a new shareholder or member, the corporation shall, at least 30 days prior to the action, notify the board in writing of its intention, indicating the identity, licensure status, and residence address of the proposed shareholder or member.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 47-12-8.

20:43:06:05. Renewal of certificate of registration. Each registered corporation shall submit, on or before December 31 of each year, an application for renewal of its certificate of registration. The application shall be accompanied by the required renewal fee of \$25.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 47-12-12.

Law Implemented: SDCL 47-12-12.

CHAPTER 20:43:07

DENTAL RADIOGRAPHY

Section

- 20:43:07:01 Definition of terms.
- 20:43:07:02 Minimum eligibility requirements.
- 20:43:07:03 Training requirements.
- 20:43:07:04 Repealed.

- 20:43:07:05 Qualification by endorsement.
 - 20:43:07:06 Approval of programs -- Application.
 - 20:43:07:07 Application for registration.
 - 20:43:07:08 Examination and proficiency evaluation.
 - 20:43:07:09 Fee for certificate of registration -- Renewal.
 - 20:43:07:10 Continuing education requirements.
 - 20:43:07:11 License registration.
 - 20:43:07:12 Prohibited use of radiation.
 - 20:43:07:13 General safety provisions to protect persons from radiation exposures.
 - 20:43:07:14 Requirements of x-ray film processing and darkroom.
-

20:43:07:01. Definition of terms. Terms used in this chapter mean:

(1) "Dental radiography," the application of X-radiation to human teeth and supporting structures for diagnostic purposes only;

(2) "Approved program or course of study," didactic and clinical training that meets the requirements specified in § 20:43:07:03;

(3) "Clinical radiographic experience," direct and personal participation of a student in radiographic procedures incident to patient diagnosis;

(4) "Student," a person enrolled in or participating in an approved program or course of study.

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14, 36-6A-21.

Law Implemented: SDCL 36-6A-14, 36-6A-21.

~~20:43:07:02. Minimum eligibility requirements. The minimum requirements for a dental radiographer are graduation from high school or its equivalent and attainment of eighteen years of age.~~

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

20:43:07:03. Training requirements. An applicant for registration as a dental radiographer must have successfully completed a 16-hour board approved program or course of study ~~within six months of application in dental radiography,~~ within six months of application, which includes the following training:

- (1) Practice in placement techniques and exposing radiographs on a training manikin;
- (2) Fundamentals of radiation safety: characteristics of radiation, unit of radiation measurement, hazards of exposure to radiation, levels of radiation from source, and methods of controlling radiation dose;
- (3) Familiarization with equipment: identification of controls, function of each control, how each control affects the radiographic image, and the requirements for and use of a technique chart;
- (4) Film processing: film speed as it relates to patient exposure, film processing with automatic processors, manual film processing, factors affecting film processing quality, and identification of common errors in processing;
- (5) Anatomy and positioning relative to scope of practice to include patient preparation and correct method for performing procedures and identification of common technique errors; and
- (6) Familiarization with federal and state regulations pertaining to services offered.

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 37, effective September 20, 1999.

General Authority: SDCL 36-6A-14, 36-6A-21.

Law Implemented: SDCL 36-6A-14, 36-6A-21.

20:43:07:04. Exemptions to training requirements. Repealed.

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; repealed, 26 SDR 37, effective September 20, 1999.

20:43:07:05. Qualification by endorsement. A person who has a current certificate in dental radiography issued by another state, jurisdiction, agency, or recognized professional registry may, upon presentation of the certificate to the board, be considered to meet the requirements of §20:43:07:08

provided that the board finds that the standards and procedures for qualification in the state, jurisdiction, agency, or recognized professional registry which issued the certificate are equivalent to the standards in this chapter.

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14, 36-6A-21.

Law Implemented: SDCL 36-6A-14, 36-6A-21.

20:43:07:06. Approval of programs -- Application. A program of learning may be approved by the board if the program meets the following requirements:

(1) It constitutes an organized program of learning which contributes to the proficiency and skills of an individual operating radiation emitting equipment or otherwise engaged in dental radiography;

(2) It is conducted by individuals who are qualified by special education, training, and experience to conduct the program in dental radiography; and

(3) It meets the requirements in § 20:43:07:03.

Application for approval of a program of learning shall be made to the board.

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-6A-14, 36-6A-21.

Law Implemented: SDCL 36-6A-14, 36-6A-21.

20:43:07:07. Application for registration. Each person desiring to engage in dental radiography except a licensed dentist or dental hygienist shall apply for registration to the board prior to engaging in dental radiography. The application shall be made on a form furnished by the board ~~and shall be filled out completely~~. The application shall contain a statement that the requirements of this chapter of rules have been read and understood by the applicant and shall document the training, experience, and education that qualify the applicant to engage in dental radiography.

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992.

General Authority: SDCL 36-6A-14, 36-6A-50.

Law Implemented: SDCL 36-6A-14.

20:43:07:08. Examination and proficiency evaluation. An applicant for registration as a dental radiographer must pass a written examination administered by the board or the Dental Assisting National Board or any substantially similar test approved by the board.

An applicant must complete the hands-on film placement and exposure as specified in § 20:43:07:03(1).

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 26 SDR 37, effective September 20, 1999.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14, 36-6A-21.

20:43:07:09. Fee for certificate of registration -- Renewal. When an applicant successfully passes the examination, the board shall issue a certificate of registration upon payment of a fee of \$40 for initial registration. By July 1 of each year a dental radiographer shall submit a renewal fee of \$20. The registrant shall display the registration in the office.

Source: 11 SDR 73, effective November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(6), 36-6A-50(10) and (16).

Law Implemented: SDCL 36-6A-14(6), 36-6A-50(10) and (16).

20:43:07:10. Continuing education requirements. A dental hygienist or any person certified in dental radiography must earn continuing education which shall include radiation safety, equipment operation, film processing, emergency procedures, anatomy and positioning of relevant procedures, radiographic quality assurance, correcting and identifying technique and processing errors, and recognition and identification of radiographic information, such as procedures for enhancing interpretation of radiographic information including disease. A dental hygienist or a person who is certified in dental radiography must have documented at least five hours of continuing education in dental radiography in a five-year period. Documentation of the training must include dates, the name of the instructor, and the subjects covered.

Source: 26 SDR 37, effective September 20, 1999; 32 SDR 188, effective May 15, 2006.

General Authority: SDCL 36-6A-14(1), 36-6A-21.

Law Implemented: SDCL 36-6A-14(1), 36-6A-21, 36-6A-55.

20:43:07:11. License registration. An annual license granted by the Department of Health is required to house dental radiographic machines in a dental office. The location, number, and type of machine shall be reported on forms supplied by the Department of Health. The licensee shall notify the Department of Health in writing within 30 days after any change in the location or other information about radiography machines, devices, or other radiation sources.

Source: 26 SDR 37, effective September 20, 1999.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

20:43:07:12. Prohibited use of radiation. Only persons who are certified in dental radiography or are licensed dentists or dental hygienists shall operate radiography machines. The following precautions shall be taken:

(1) No person may be exposed to the useful beam except for dental purposes and only if exposure has been authorized by a licensed dentist. No person may be exposed to the useful beam for non-healing arts training, instruction, or demonstration;

(2) Dental intraoral radiography with kilovoltage less than 60kVp may not be used;

~~(3) The exposure switch shall be arranged so that operator can stand at least 6 feet from the useful beam unless sufficient shielding is provided to protect the operator from stray radiation;~~

~~(4) The target to skin distance shall be at seven inches and the machine may not have a pointed cone.~~ Persons operating radiographic machines shall follow all safety instructions provided by the manufacture of the radiographic machine.

Source: 26 SDR 37, effective September 20, 1999.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

20:43:07:13. General safety provisions to protect persons from radiation exposures. The following safety provisions shall be followed to protect persons from radiation exposures:

(1) Any person operating an x-ray machine must be instructed in the proper procedures for patient and operator safety and shall be competent in the safe use of the equipment commensurate

with the size, scope, and nature of the service. Any such person shall be instructed and demonstrate competence in subjects outlined in § 20:43:07:03;

(2) A manual must be provided in the vicinity of the control panel of each machine dental office that specifies the routine views for all procedures done with each machine; and

(3) The patient's record shall contain the type of radiographic examination, date the examination was performed, and the identity of the machine operator.

Source: 26 SDR 37, effective September 20, 1999.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

20:43:07:14. Requirements of x-ray film processing and darkroom. A dental office using radiographic x-ray machines shall have available suitable equipment for handling and processing radiographic ~~film~~ images in accordance with the manufacturer's directions.

Source: 26 SDR 37, effective September 20, 1999.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

CHAPTER 20:43:08

DENTAL ASSISTANTS

Section

- 20:43:08:01 Definitions.
- 20:43:08:02 Dental assistant -- Requirements.
- 20:43:08:03 Registered dental assistant -- Requirements.
- 20:43:08:04 Qualifications by endorsement.
- 20:43:08:05 Approval of programs -- Application.
- 20:43:08:06 Certificate of competency -- Examination.
- 20:43:08:07 Repealed.

- 20:43:08:08 Application for registration.
- 20:43:08:09 Fee for registration -- Renewal.
- 20:43:08:10 Delegation of duties -- Supervision.
- 20:43:08:11 Procedures that may not be delegated.
-

20:43:08:01. Definitions. Terms used in this chapter mean:

- (1) "Registered dental assistant," a dental employee who is competent to perform expanded functions;
- (2) "Expanded functions," reversible procedures which require professional proficiency and specific training, performed under the direct supervision of a dentist;
- (3) "Certificate of competency," a certificate attesting that a dental assistant is qualified to perform expanded functions by successfully completing an registered dental assistant examination as described in § 20:43:08:06.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14, 36-6A-26.

Law Implemented: SDCL 36-6A-14, 36-6A-41.

~~20:43:08:02. Dental assistant — Requirements. The minimal requirements for a dental assistant are graduation from high school or its equivalent and attainment of eighteen years of age.~~

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

20:43:08:03. Registered dental assistant -- Requirements. ~~In addition to the minimum requirements in § 20:43:08:02, an~~ A registered dental assistant must be eighteen years of age, have graduated from high school or its equivalent and meet one of the following requirements:

- (1) Successfully complete a dental assisting program approved by the board pursuant to § 20:43:08:05;

- (2) Hold current credentials as a nationally certified dental assistant; or
- (3) Hold a certificate of competency from the board.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-41, 36-6A-42.

20:43:08:04. Qualifications by endorsement. A person who has a current certificate to perform expanded functions issued by another state, jurisdiction, agency, or recognized professional registry may, upon presentation of the certificate to the board be considered to meet the requirements of § 20:43:08:03 if the board finds that the standards and procedures for qualification in the state, jurisdiction, agency, or recognized professional registry which issued the certificate are equivalent to the standards of this chapter.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14, 36-6A-41, 36-6A-42.

20:43:08:05. Approval of programs -- Application. A program of learning leading to a certificate of competency or registration as an registered dental assistant as required by § 20:43:08:03 may be approved by the board if the program meets the following standards:

(1) It constitutes an organized program of learning which contributes to the proficiency and skills of the individual in training to become registered as an registered dental assistant performing expanded functions; and

(2) It is conducted by individuals who are qualified by special education, training, and experience to conduct the program of learning in expanded functions.

Application for approval of programs of learning shall be made to the board.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14.

20:43:08:06. Certificate of competency -- Examination. An applicant for a certificate of competency must pass a written examination on expanded functions administered by the board or the dental assisting national board or any substantially similar test. The applicant must also present to the board written documentation from a South Dakota dentist attesting to the clinical proficiency of the applicant who has performed expanded functions under personal supervision of the dentist for at least 180 days. The passing grade for the examination is 75.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14, 36-6A-41.

Law Implemented: SDCL 36-6A-14, 36-6A-42.

20:43:08:07. Exemption to training requirements. Repealed.

Source: 19 SDR 32, effective September 6, 1992; repealed, 26 SDR 37, effective September 20, 1999.

20:43:08:08. Application for registration. Each person desiring to engage in performing expanded functions, except a licensed dentist or dental hygienist, shall apply for registration to the board before engaging in such expanded functions. The application shall be made on a form furnished by the board and shall be filled out completely. The application shall contain a statement that the requirements of this chapter has been read and understood by the applicant and shall document the training, experience, and education that qualify the applicant to engage in performing expanded functions.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14, 36-6A-41, 36-6A-42.

Law Implemented: SDCL 36-6A-14, 36-6A-41, 36-6A-42.

20:43:08:09. Fee for registration -- Renewal. If an applicant meets the requirements of § 20:43:08:03, the board shall issue a registration as an registered dental assistant upon payment of a fee of \$40 for initial registration. By July 1 of each year, an registered dental assistant shall submit a renewal fee of \$20. An registered dental assistant shall display the registration in the office.

Source: 19 SDR 32, effective September 6, 1992; 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-14(7), 36-6A-50(15) and (17).

Law Implemented: SDCL 36-6A-14(7), 36-6A-50(15) and (17).

20:43:08:10. Delegation of duties -- Supervision. Subject to the dentist exercising full responsibility, a dental assistant may perform duties and procedures incidental to patient treatment while under the direct or indirect supervision of a licensed dentist or under personal supervision of a licensed dental hygienist. An registered dental assistant may perform expanded function procedures only under the direct supervision of a dentist.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 118, effective March 24, 1988; transferred from § 20:43:04:05, 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14, 36-6A-26.

Law Implemented: SDCL 36-6A-14, 36-6A-41.

20:43:08:11. Procedures that may not be delegated. The following list of procedures may not be delegated by a dentist or dental hygienist to either a dental assistant, or a registered dental assistant:

- (1) The cutting of hard or soft tissue;
- ~~(2) Intraoral procedures that will be used directly in the fabrication of a dental prosthesis;~~
- ~~(2) (3) Irreversible procedures;~~
- ~~(4) The injection of medication;~~
- ~~(3) (5) The administration of nitrous oxide analgesia;~~
- ~~(4) (6) The placing, finishing, and adjusting of final restorations;~~

(7) Those procedures allocated by SDCL 36-6A-40 and by §§ 20:43:04:04 and 20:43:04:06 to dental hygienists with the exception of placement of sealants and coronal polishing following a prophylaxis by a dentist or dental hygienist.

~~Notwithstanding subdivision (5), a dentist may delegate the administration of nitrous oxide analgesia to an registered dental assistant who holds a permit issued pursuant to § 20:43:09:06.~~

Source: 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:43:04:05.01, 19 SDR 32, effective September 6, 1992; 32 SDR 188, effective May 15, 2006.

General Authority: SDCL 36-6A-14(10).

Law Implemented: SDCL 36-6A-40.

20:43:08:12. Procedures that may not be delegated without registration. Unless holding a registration issued by the board to do so, a dental assistant, or a registered dental assistant may not perform the following procedures:

- (1) Intraoral procedures that will be used directly in the fabrication of a dental prosthesis;
 - (2) The application of x-radiation;
 - (3) The injection of medication;
 - (4) The administration of nitrous oxide analgesia;
 - (5) The monitoring of patients under general anesthesia, deep sedation or moderate sedation.
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CHAPTER 20:43:10

COLLABORATIVE SUPERVISION

Section

20:43:10:01 Practice settings.

20:43:10:02 Qualifications.

20:43:10:03 Application for registration.

- 20:43:10:04 Collaborative agreement.
 - 20:43:10:05 Reporting requirements.
 - 20:43:10:06 Termination of agreement.
-

20:43:10:01. Practice settings. A dentist may provide collaborative supervision to a dental hygienist pursuant to a collaborative agreement if the dentist holds a license in good standing in the state of South Dakota and the following services are provided:

- (1) In a school as defined in § 24:43:01:01(38);
- (2) In a nursing facility as defined in SDCL 34-12-1.1;
- (3) Under the auspices of a Head Start program or Early Head Start program being operated by an agency designated pursuant to section 641 or 645A of the Head Start Act;
- (4) Under the auspices of a mobile or portable dental unit operated by any nonprofit organization affiliated with a nonprofit dental service corporation organized under SDCL chapter 58-39;
- (5) Under the auspices of a community based primary health care delivery organization, which is operating as a community health center or migrant health center, receiving funding assistance pursuant to section 329 or 330 of the United States Public Health Service Act;
- (6) Through a program administered by the South Dakota Department of Health;
- (7) Through a program administered by the South Dakota Department of Social Services;
- (8) Through a program administered by the South Dakota Department of Human Services; or
- (9) Through a program administered by the South Dakota Department of Corrections.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.1, 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.1, 36-6A-40.2.

24:43:10:02. Qualifications. A dental hygienist providing services under collaborative supervision must hold a license in good standing in the state of South Dakota and meet the following requirements:

- (1) Completion of three years of clinical practice in dental hygiene; and
- (2) Completion of a minimum of 4,000 practice hours. A minimum of 2,000 of those hours must have been completed within ~~two~~ of the three years preceding application.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.1, 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.1, 36-6A-40.2.

20:43:10:03. Application for registration. A dental hygienist registering to provide services under collaborative supervision must submit the following:

- (1) A completed application form;
- (2) A completed board approved collaborative agreement;
- (3) A fee of \$20;
- (4) Verification of completion of three years of clinical practice in dental hygiene;
- (5) Verification of completion of a minimum of 4,000 practice hours; and
- (6) Verification of completion of a minimum of 2,000 practice hours within ~~two of the~~ three years preceding application.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.1, 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.1, 36-6A-40.2.

20:43:10:04. Collaborative agreement. When working together in a collaborative supervision relationship, a dentist and dental hygienist shall enter into a written board approved collaborative agreement that specifies the following responsibilities:

- (1) A dentist providing collaborative supervision must:
 - (a) Provide appropriate communication, ~~and consultation with~~ and direction to the dental hygienist;
 - (b) Have age and procedure specific standing orders for the performance of dental hygiene services. Those standing orders must include consideration for medically compromised patients and medical conditions for which a dental evaluation must occur prior to the provision of dental hygiene services;

(c) Specify a period of time, no more than 13 months, in which an examination, or oral health review, by a dentist must occur prior to providing further hygiene services; and

(d) Limit the number of dental hygienists that he or she has a collaborative agreement with to four or less;

(2) A dental hygienist providing services under collaborative supervision may provide all preventative and therapeutic services that a hygienist is allowed to provide pursuant to SDCL chapter 36-6A and this chapter, except for the administration of local anesthesia and nitrous oxide inhalation analgesia, and must:

(a) Maintain appropriate contact and communication with the dentist providing collaborative supervision;

(b) Practice according to age and procedure specific standing orders as directed by the supervising dentist, unless otherwise directed by the dentist for a specific patient;

(c) Provide to the patient, parent, or guardian a written plan for referral to a dentist and assessment of further dental treatment needs;

(d) ~~Have~~ Provide each patient ~~sign~~ with a consent form that notifies the patient that the services that will be provided do not take the place of ~~regular dental checkups at a dental office and are meant for people who otherwise would not have access to services~~ an examination by a dentist; and

(e) Specify a procedure for creating and maintaining dental records for patients that are treated by the dental hygienist, including where these records are to be located;

(3) A copy of the collaborative agreement shall be filed with the board. If any changes are made to the collaborative agreement, an updated copy of the agreement shall be filed with the board and must be approved;

(4) If the agreement is terminated by the dentist or dental hygienist, the board shall be notified in writing within 30 days. A termination of the collaborative agreement constitutes a suspension of the registration;

(5) The collaborative agreement must be maintained by the dentist and the dental hygienist in each location where collaborative supervision is provided and must be made available to the board upon request. The dentist and dental hygienist must review the agreement annually.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.2.

20:43:10:05. Reporting requirements. Each dental hygienist who has rendered services under collaborative supervision must complete a summary report and submit the information to the board at the completion of a program or, in the case of an ongoing program, annually.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.2.

20:43:10:06. Termination of agreement. If any provision of the collaborative agreement is violated, the registration may be suspended or revoked by the Board.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.2.