

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- 20:43:01:04 Repealed.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 may petition the board to issue a declaratory ruling by filing a written request that contains the following information:

- (1) The name and contact information of the person, ~~agency, or group~~ submitting the petition;
- ~~(2) The requested action and the reason for the action;~~
- (3) The specific administrative rule, statute or order in question, if any, referred to;
- ~~(3) The facts and circumstances which give rise to the issue to be answered by the board's declaratory ruling;~~
- (4) The precise issue to be answered by the board's declaratory ruling; 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~~ After receiving a petition for a declaratory ruling, the board may request from the petitioner any additional information it requires for the issuance of its ruling ~~the president shall immediately mail one copy to each board member and set a meeting to be held within 90 days to act on the petition. When necessary, the board shall set a hearing date when testimony can be given by parties of interest in the declaratory ruling. Unless the petitioner agrees to a longer period of time, the board shall issue its declaratory ruling within 90 days after the receipt of the petition, within 90 days following the receipt of further requested information, or within 45 days following a hearing held 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 as a dentist~~ or dental ~~hygiene~~ hygienist must pass a written examination ~~given~~ administered by the board on ~~its~~ the relevant administrative rules and ~~SDCL chapter 36-6A~~ statutes. 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~~ Each jurisprudence ~~examinations~~ examination 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 20:43:05

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-2