

## **To Minnesota Dental Licensees:**

### **NEW RULES EFFECTIVE FEBRUARY 14, 2022**

A number of rule changes have completed the rulemaking process becoming effective on February 14, 2022. Minnesota regulated dental professionals are responsible for knowing and complying with the requirements of the new rules.

In summary, the new rules include the following:

#### **3100.0100 DEFINITIONS.**

Subparts 5, 9a, 9c, 12b, 13, and 16c – the changes made in these subparts reflect the changes made in other parts regarding allied dental personnel, CPR, dental assistant with a limited radiology registration, licensee, and registrant.

#### **3100.1100 to 3100.1380.**

Regarding 3100.1100 to 3100.1380, the Board decided to create a more user-friendly guide in Minnesota Rules, chapter 3100 for all dentists, dental therapists, dental hygienists, and licensed dental assistants regarding the standard license options that are available to them. Previously, some of the standard license options were only found in Minnesota statutes and now are included in the proposed rules. Each standard license option will still basically have the same application and examination requirements as before, but the new proposed language is now consistent throughout making for easy reading and interpretation of the Board's rules. In addition, each standard license option lists other key requirements pertaining to that license such as terms and renewal, reinstatement, and professional development to name a few. Furthermore, the Board has examined each standard license option and completed a major housekeeping of each license by eliminating non-relevant or outdated requests made by the Board's existing rules.

#### **3100.1400 LICENSURE BY CREDENTIALS.**

Numerous changes were made to 3100.1400 making it a logistical challenge to address each line change in detail. Overall, the Board updated all educational or examination requirements that are needed to pursue the licensure by credentials pathway. The Board also standardized the language to match other licensure paths by including the fee and CPR requirement. In addition, the Board completed major housekeeping of this rule by eliminating non-relevant or outdated language present in the Board's existing rules and streamlining the licensing by credentials process.

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

Numerous changes were made to 3100.1700 including major housekeeping to eliminate non-relevant or outdated language that is present in the Board's existing rules. None of the actual terms or requirements for renewal of a license have changed but the format changes will make the Board's rules clearer and concise.

#### **3100.1750 TERMS AND RENEWAL OF LICENSE; LIMITED FACULTY DENTIST, RESIDENT DENTIST, RESIDENT DENTAL THERAPIST, OR RESIDENT DENTAL HYGIENIST.**

Two substantial modifications were made to 3100.1750 include adding the resident dental therapist and resident dental hygienist to this group and adding a description of the Board process for those

individuals who fail to renew their annual license. This process is the same as other license renewal requirements. The Board notifies the Licensee who must respond within a specified time period otherwise their license will be administratively terminated. All remaining changes to this rule are considered housekeeping by eliminating non-relevant or outdated language that is present in the Board's existing rules.

#### 3100.1850 REINSTATEMENT OF LICENSE.

Numerous changes were made to 3100.1850 below that includes major housekeeping by eliminating non-relevant or outdated language that is present in the Board's existing rules. None of the actual reinstatement requirements for licensure for the various time periods of termination have changed but the format changes will make the Board's rules clearer and concise.

#### 3100.3600 ADMINISTRATION OF NITROUS OXIDE INHALATION ANALGESIA, GENERAL ANESTHESIA, DEEP SEDATION, AND MODERATE SEDATION.

The many changes to 3100.3600 will reorganize the contents and revise the language regarding nitrous oxide, general anesthesia, and sedation. These changes aim to provide a more understandable guide for Licensees to find the information they need to acquire the skills to administer nitrous oxide, general anesthesia, and sedation. None of the actual educational requirements, equipment requirements, or inspection requirements for these services have changed in this part but are now better explained and simplified. The language regarding "Reporting of incidents required" has been moved to subpart 1a, the front of this part, so it is no longer buried in the middle, where the information is difficult for Licensees to find. For nitrous oxide, each profession is listed and represents what is required to administer this service. As for the certifications for dentists to administer general anesthesia/deep sedation and moderate sedation, or to obtain a certificate for a contracted sedation provider, the format is easier to follow with the application requirement listed, the types of certificates, and how to renew a certificate.

#### 3100.5100 PROFESSIONAL DEVELOPMENT.

In 3100.5100, many changes were made including eliminating the self-assessment examination as part of professional development, which is supported by the Board and other licensed dental professionals. For 16 years, the Board required that Licensees complete the self-assessment as part of fundamental continuing education activities. It has been a challenge for the Board to produce a new self-assessment every two years due to the lack of new resources to create questions and the excessive amount of time required to manage the entire self-assessment project.

Regarding the core subject requirement, the Board is choosing not to use the phrase "core subjects" and go back to simply referring to these categories as "fundamental" courses. The list of fundamental courses will remain the same but will add HIPAA, as follows: Recordkeeping; Ethics; Patient Communications; Management of Medical Emergencies; Treatment and Diagnosis; and Health Insurance Portability and Accountability Act (HIPAA). One item that will NOT change is that the Board will still require that a Licensee complete at least two fundamental courses on the list for each initial or biennial professional development cycle. Other than these changes, the current professional development requirements will continue to remain the same.

Regarding CPR course/certification, Licensees will still be required to complete and maintain CPR as a requirement for licensure for each biennial cycle. However, the CPR course/certification will no longer be listed as a requirement under professional development. Therefore, the four or more

hours obtained for taking either a CPR course or ACLS course can no longer be counted as a professional development credit toward the Licensee's required credit hours.

The Board also added language to the extenuating circumstances section giving a seven-day deadline before the end of a cycle and informing the Licensee that their license will be terminated if they do not comply with this or completion of professional development by the end of the granted extension period. The Board needed to establish some deadlines and inform Licensees of the possible consequences for their actions in these situations.

#### 3100.6200 CONDUCT UNBECOMING A LICENSEE.

In 3100.6200, the Board updated outdated rules that will simplify the language regarding rebates and split fees and more accurately capture the true violations that are occurring with sexual misconduct issues, billing, and communication. It has been many years since significant changes have been made to this part by the Board, and now is the time to move forward with these more progressive changes relating to unprofessional conduct.

#### 3100.6600 ADVERTISING DENTAL FEES AND SERVICES.

In 3100.6600, some housekeeping changes were made by eliminating non-relevant or outdated language that is present in the Board's existing rules. These changes will not change the meaning or intent of the rules in any way but will make the Board's rules clearer and concise.

#### 3100.6900 COMPENSATION FOR PATIENT REFERRAL.

Regarding 3100.6900, the Board still upholds the idea that a dentist shall not engage with a third party where a fee or compensation is involved for the referral of the patient for dental services. With that said, the Board has now added language that does allow a dentist to provide a gift to a patient or provide a credit for dental services. The Board acknowledges that dentists have been giving gifts to their patients for years now, and it was decided to change the rules to accommodate what was already happening out in dental practices.

#### 3100.7000 ADVERTISING DENTAL SPECIALTY PRACTICE.

In 3100.7000, the Board eliminated the naming of all the specialty examining boards, which is unnecessary language. The Board only needs to list the actual specialty areas and added dental anesthesiology, oral medicine, and orofacial pain, which have all been recognized as specialty areas by the American Dental Association.

#### 3100.8400 ASSISTANTS WITHOUT A LICENSE.

In 3100.8400, some housekeeping changes were made by eliminating non-relevant or outdated language that is present in the Board's existing rules. None of the actual permissible procedures or compliance requirements have changed but these changes will make the Board's rules clearer and concise.

#### 3100.8500 LICENSED DENTAL ASSISTANTS.

Numerous clarification changes were made throughout 3100.8500 where the changes mirror the current language used in the existing rules for dental hygienist's delegated procedures. Other changes were for housekeeping eliminating non-relevant or outdated language that is present in the Board's existing rules. None of the actual delegated procedures or the level of supervision for procedures for licensed dental assistants have changed.

In subpart 2, the Board added language to clarify what type of education is required for each new delegated procedure added to the list over the years. If the procedure specifically states that additional education through a course is needed to perform that procedure, the licensed dental assistant must complete a course to perform that procedure. If the procedure is listed without any specific course requirements, this procedure is considered as an allowable delegated procedure within their scope of practice and can be performed by a licensed dental assistant after in-office training by a dentist in the practice if the procedure was not included in the curriculum of their dental assisting program.

In subpart 3, the Board moved the “Limited-license Permit” to a new part (See 3100.1320) and renamed it “Limited Radiology Registration” as part of creating an understandable guide regarding the standard license or registration options that are available from the Board. This registration option will still have similar application and examination requirements as before, but more detailed information has been provided for the applicant. In addition, this registration option lists other key requirements pertaining to registration, including terms and renewal, reinstatement, and professional development.

#### 3100.8700 DENTAL HYGIENISTS.

Numerous clarification changes were made throughout 3100.8700 where the changes mirror the current language used in the rules for licensed dental assistant’s delegated procedures. Other changes were for housekeeping eliminating non-relevant or outdated language that is present in the Board’s existing rules. None of the actual delegated procedures or the level of supervision for procedures for licensed dental hygienists have changed.

#### 3100.9600 RECORD KEEPING.

Some minor housekeeping changes were made to 3100.9600 eliminating non-relevant or outdated language that is present in the Board’s existing rules. None of the actual components of recordkeeping have changed but these changes will make the Board’s rules clearer and concise.

REPEALED RULES: 3100.0100, subparts 8b, 15, and 18b; 3100.1100, subparts 2, 4, and 5; 3100.1500; 3100.1600; 3100.1700, subpart 5; 3100.1750, subparts 4, 5, and 6; 3100.3100; 3100.3200; 3100.3300; 3100.3350; 3100.3400; 3100.3500; 3100.3600, subparts 2, 3, 4, 5, 6, 7, 8, 9, 9a, 9b, 10, and 11; 3100.5400; 3100.6325; 3100.7200; and 3100.8500, subpart 3. The Board’s existing rules listed will be repealed because they were found to be either obsolete, unnecessary, or duplicative rules. In general, the Board found that these rules no longer serve a purpose or some of the information within a part was kept and relocated to a different part in the Board’s proposed rules.

MN Board of Dentistry  
335 Randolph Ave., Suite 250  
St. Paul, MN 55102  
612-617-2250  
[dental.board@state.mn.us](mailto:dental.board@state.mn.us)