

1.1 A bill for an act

1.2 relating to occupations and professions; providing licensure for dental
1.3 professionals; amending Minnesota Statutes 2008, sections 150A.01, subdivision
1.4 8; 150A.02, subdivision 1; 150A.05, subdivisions 1, 2; 150A.06, subdivisions
1.5 2a, 2b, 2c, 2d, 4a, 5, 7, 8; 150A.08, subdivisions 1, 3, 3a, 5, 6, 8; 150A.081;
1.6 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 7, 8, 9, 10, 11, 12, 14,
1.7 15, by adding subdivisions; 150A.10, subdivisions 1a, 2, 4; 150A.12; 150A.13;
1.8 repealing Minnesota Statutes 2008, section 150A.09, subdivision 6.

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

1.10 Section 1. Minnesota Statutes 2008, section 150A.01, subdivision 8, is amended to
1.11 read:

1.12 Subd. 8. ~~Registered Licensed dental assistant.~~ "Registered Licensed dental
1.13 assistant" means a person ~~registered licensed~~ pursuant to section 150A.06.

1.14 Sec. 2. Minnesota Statutes 2008, section 150A.02, subdivision 1, is amended to read:

1.15 Subdivision 1. **Generally.** There is hereby created a Board of Dentistry whose duty
1.16 it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to
1.17 150A.12. The board shall consist of two public members as defined by section 214.02,
1.18 five qualified resident dentists, one qualified resident ~~registered licensed~~ dental assistant,
1.19 and one qualified resident dental hygienist appointed by the governor. Membership terms,
1.20 compensation of members, removal of members, the filling of membership vacancies, and
1.21 fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.
1.22 The provision of staff, administrative services and office space; the review and processing
1.23 of board complaints; the setting of board fees; and other provisions relating to board
1.24 operations shall be as provided in chapter 214. Each board member who is a dentist,
1.25 ~~registered licensed~~ dental assistant, or dental hygienist shall have been lawfully in active

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2.1 practice in this state for five years immediately preceding appointment; and no board
2.2 member shall be eligible for appointment to more than two consecutive four-year terms,
2.3 and members serving on the board at the time of the enactment hereof shall be eligible
2.4 to reappointment provided they shall not have served more than nine consecutive years
2.5 at the expiration of the term to which they are to be appointed. At least 90 days prior to
2.6 the expiration of the terms of dentists, ~~registered~~ licensed dental assistants, or dental
2.7 hygienists, the Minnesota Dental Association, Minnesota Dental Assistants Association,
2.8 or the Minnesota State Dental Hygiene Association shall recommend to the governor for
2.9 each term expiring not less than two dentists, two ~~registered~~ licensed dental assistants,
2.10 or two dental hygienists, respectively, who are qualified to serve on the board, and from
2.11 the list so recommended the governor may appoint members to the board for the term of
2.12 four years, the appointments to be made within 30 days after the expiration of the terms.
2.13 Within 60 days after the occurrence of a dentist, ~~registered~~ licensed dental assistant or
2.14 dental hygienist vacancy, prior to the expiration of the term, in the board, the Minnesota
2.15 Dental Association, the Minnesota Dental Assistants Association, or the Minnesota State
2.16 Dental Hygiene Association shall recommend to the governor not less than two dentists,
2.17 two ~~registered~~ licensed dental assistants, or two dental hygienists, who are qualified to
2.18 serve on the board and from the list so recommended the governor, within 30 days after
2.19 receiving such list of dentists, may appoint one member to the board for the unexpired
2.20 term occasioned by such vacancy. Any appointment to fill a vacancy shall be made
2.21 within 90 days after the occurrence of such vacancy. The first four-year term of the
2.22 dental hygienist and of the ~~registered~~ licensed dental assistant shall commence on the
2.23 first Monday in January, 1977.

2.24 Sec. 3. Minnesota Statutes 2008, section 150A.05, subdivision 1, is amended to read:

2.25 Subdivision 1. **Practice of dentistry.** A person shall be deemed to be practicing
2.26 dentistry within the meaning of sections 150A.01 to 150A.12:

2.27 (1) who uses a dental degree, or designation, or card, device, directory, sign, or other
2.28 media whereby the person represents an ability to diagnose, treat, prescribe, or operate for
2.29 any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth,
2.30 teeth, alveolar process, gums or jaw, or adjacent or associated structures;

2.31 (2) who is a manager, proprietor, operator or conductor of a place where dental
2.32 operations are performed;

2.33 (3) who performs dental operations of any kind gratuitously, or for a fee, gift,
2.34 compensation or reward, paid or to be paid, to any person or agency;

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3.1 (4) who uses a roentgen or X-ray machine for dental treatment, roentgenograms or
3.2 for dental diagnostic purposes;

3.3 (5) who extracts a human tooth or teeth, or corrects or attempts to correct
3.4 malpositions of the human teeth or jaws;

3.5 (6) who offers and undertakes, by any means or method, to diagnose, treat or remove
3.6 stains or accretions from human teeth or jaws;

3.7 (7) who takes impressions of the human tooth, teeth, or jaws or performs any phase
3.8 of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated
3.9 tissues by means of a filling, a crown, a bridge, a denture or other appliance;

3.10 (8) who furnishes, supplies, constructs, reproduces, repairs, or offers to furnish,
3.11 supply, construct, reproduce or repair prosthetic dentures or plates, bridges or other
3.12 substitutes for natural teeth, to the user or prospective user thereof; ~~or~~

3.13 (9) who performs any clinical operation included in the curricula of recognized
3.14 dental schools and colleges; or

3.15 (10) who dispenses tooth whitening agents or undertakes to whiten or bleach teeth
3.16 by any means or method, unless the person is:

3.17 (i) dispensing or using a product that may be purchased over the counter for a
3.18 person's own use; or

3.19 (ii) authorized by the regulations of the board to engage in such activities without
3.20 being a licensed dentist.

3.21 Sec. 4. Minnesota Statutes 2008, section 150A.05, subdivision 2, is amended to read:

3.22 Subd. 2. **Exemptions and exceptions of certain practices and operations.**

3.23 Sections 150A.01 to 150A.12 do not apply to:

3.24 (1) the practice of dentistry or dental hygiene in any branch of the armed services of
3.25 the United States, the United States Public Health Service, or the United States Veterans
3.26 Administration;

3.27 (2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate
3.28 dental students, dental hygiene students, and dental assisting students of the University
3.29 of Minnesota, schools of dental hygiene, or schools of dental assisting approved by the
3.30 board, when acting under the ~~direction and~~ indirect supervision of a Minnesota licensed
3.31 dentist ~~or a~~ and under the instruction of a licensed dentist, licensed dental hygienist acting
3.32 as an instructor, or licensed dental assistant;

3.33 (3) the practice of dentistry by licensed dentists of other states or countries while
3.34 appearing as clinicians under the auspices of a duly approved dental school or college, or a
3.35 reputable dental society, or a reputable dental study club composed of dentists;

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4.1 (4) the actions of persons while they are taking examinations for licensure
4.2 ~~or registration~~ administered or approved by the board pursuant to sections 150A.03,
4.3 subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

4.4 (5) the practice of dentistry by dentists and dental hygienists licensed by other states
4.5 during their functioning as examiners responsible for conducting licensure ~~or registration~~
4.6 examinations administered by regional and national testing agencies with whom the
4.7 board is authorized to affiliate and participate under section 150A.03, subdivision 1,
4.8 and the practice of dentistry by the regional and national testing agencies during their
4.9 administering examinations pursuant to section 150A.03, subdivision 1;

4.10 (6) the use of X-rays or other diagnostic imaging modalities for making radiographs
4.11 or other similar records in a hospital under the supervision of a physician or dentist or
4.12 by a person who is credentialed to use diagnostic imaging modalities or X-ray machines
4.13 for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing
4.14 agency other than the Board of Dentistry; or

4.15 (7) the service, other than service performed directly upon the person of a patient, of
4.16 constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge,
4.17 splint, orthodontic, prosthetic, or other dental appliance, when performed according
4.18 to a written work order from a licensed dentist in accordance with section 150A.10,
4.19 subdivision 3.

4.20 Sec. 5. Minnesota Statutes 2008, section 150A.06, subdivision 2a, is amended to read:

4.21 Subd. 2a. ~~Registered~~ **Licensed dental assistant.** A person of good moral character,
4.22 who has graduated from a dental assisting program accredited by the Commission on
4.23 Dental Accreditation of the American Dental Association, may apply for ~~registration~~
4.24 licensure. The applicant must submit an application and fee as prescribed by the board
4.25 and the diploma or certificate of dental assisting. In the case of examinations conducted
4.26 pursuant to section 150A.03, subdivision 1, applicants shall take the examination before
4.27 applying to the board for ~~registration~~ licensure. The examination shall include an
4.28 examination of the applicant's knowledge of the laws of Minnesota relating to dentistry
4.29 and the rules of the board. An applicant is ineligible to retake the ~~registration~~ licensure
4.30 examination required by the board after failing it twice until further education and training
4.31 are obtained as specified by board rule. A separate, nonrefundable fee may be charged for
4.32 each time a person applies. An applicant who passes the examination in compliance with
4.33 subdivision 2b, abides by professional ethical conduct requirements, and meets all the
4.34 other requirements of the board shall be ~~registered~~ licensed as a dental assistant.

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5.1 Sec. 6. Minnesota Statutes 2008, section 150A.06, subdivision 2b, is amended to read:

5.2 Subd. 2b. **Examination.** When the Board of Dentistry administers the examination
5.3 for licensure ~~or registration~~, only those board members or board-appointed deputy
5.4 examiners qualified for the particular examination may administer it. An examination
5.5 which the board requires as a condition of licensure ~~or registration~~ must have been taken
5.6 within the five years before the board receives the application for licensure ~~or registration~~.

5.7 Sec. 7. Minnesota Statutes 2008, section 150A.06, subdivision 2c, is amended to read:

5.8 Subd. 2c. **Guest license ~~or registration~~.** (a) The board shall grant a guest license to
5.9 practice as a dentist ~~or~~ dental hygienist, ~~or a guest registration to practice as a~~ licensed
5.10 dental assistant if the following conditions are met:

5.11 (1) the dentist, dental hygienist, or dental assistant is currently licensed ~~or registered~~
5.12 in good standing in North Dakota, South Dakota, Iowa, or Wisconsin;

5.13 (2) the dentist, dental hygienist, or dental assistant is currently engaged in the practice
5.14 of that person's respective profession in North Dakota, South Dakota, Iowa, or Wisconsin;

5.15 (3) the dentist, dental hygienist, or dental assistant will limit that person's practice to
5.16 a public health setting in Minnesota that (i) is approved by the board; (ii) was established
5.17 by a nonprofit organization that is tax exempt under chapter 501(c)(3) of the Internal
5.18 Revenue Code of 1986; and (iii) provides dental care to patients who have difficulty
5.19 accessing dental care;

5.20 (4) the dentist, dental hygienist, or dental assistant agrees to treat indigent patients
5.21 who meet the eligibility criteria established by the clinic; and

5.22 (5) the dentist, dental hygienist, or dental assistant has applied to the board for a
5.23 guest license ~~or registration~~ and has paid a nonrefundable license fee to the board not
5.24 to exceed \$75.

5.25 (b) A guest license ~~or registration~~ must be renewed annually with the board and an
5.26 annual renewal fee not to exceed \$75 must be paid to the board.

5.27 (c) A dentist, dental hygienist, or dental assistant practicing under a guest license
5.28 ~~or registration~~ under this subdivision shall have the same obligations as a dentist, dental
5.29 hygienist, or dental assistant who is licensed in Minnesota and shall be subject to the laws
5.30 and rules of Minnesota and the regulatory authority of the board. If the board suspends
5.31 or revokes the guest license ~~or registration~~ of, or otherwise disciplines, a dentist, dental
5.32 hygienist, or dental assistant practicing under this subdivision, the board shall promptly
5.33 report such disciplinary action to the dentist's, dental hygienist's, or dental assistant's
5.34 regulatory board in the border state.

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6.1 Sec. 8. Minnesota Statutes 2008, section 150A.06, subdivision 2d, is amended to read:

6.2 Subd. 2d. **Continuing education and professional development waiver.** (a) The
6.3 board shall grant a waiver to the continuing education requirements under this chapter
6.4 for a licensed dentist, licensed dental hygienist, or ~~registered~~ licensed dental assistant
6.5 who documents to the satisfaction of the board that the dentist, dental hygienist, or
6.6 ~~registered~~ licensed dental assistant has retired from active practice in the state and limits
6.7 the provision of dental care services to those offered without compensation in a public
6.8 health, community, or tribal clinic or a nonprofit organization that provides services to
6.9 the indigent or to recipients of medical assistance, general assistance medical care, or
6.10 MinnesotaCare programs.

6.11 (b) The board may require written documentation from the volunteer and retired
6.12 dentist, dental hygienist, or ~~registered~~ licensed dental assistant prior to granting this waiver.

6.13 (c) The board shall require the volunteer and retired dentist, dental hygienist, or
6.14 ~~registered~~ licensed dental assistant to meet the following requirements:

6.15 (1) a licensee ~~or registrant~~ seeking a waiver under this subdivision must complete
6.16 and document at least five hours of approved courses in infection control, medical
6.17 emergencies, and medical management for the continuing education cycle; and

6.18 (2) provide documentation of ~~certification in advanced or basic cardiac life~~
6.19 ~~support recognized by~~ current CPR certification from completion of the American Heart
6.20 Association healthcare provider course, the American Red Cross professional rescuer
6.21 course, or an equivalent entity.

6.22 Sec. 9. Minnesota Statutes 2008, section 150A.06, subdivision 4a, is amended to read:

6.23 Subd. 4a. **Appeal of denial of application.** A person whose application for
6.24 licensure ~~or registration~~ by credentials has been denied may appeal the decision to the
6.25 board. The board shall establish an appeals process and inform a denied candidate of the
6.26 right to appeal and the process for filing the appeal.

6.27 Sec. 10. Minnesota Statutes 2008, section 150A.06, subdivision 5, is amended to read:

6.28 Subd. 5. **Fraud in securing licenses ~~or registrations~~.** Every person implicated
6.29 in employing fraud or deception in applying for or securing a license ~~or registration~~ to
6.30 practice dentistry, dental hygiene, or dental assisting or in annually renewing a license
6.31 ~~or registration~~ under sections 150A.01 to 150A.12 is guilty of a gross misdemeanor.

6.32 Sec. 11. Minnesota Statutes 2008, section 150A.06, subdivision 7, is amended to read:

7.1 Subd. 7. **Additional remedies for licensure and registration.** On a case-by-case
7.2 basis, for initial or renewal of licensure ~~or registration~~, the board may add additional
7.3 remedies for deficiencies found based on the applicant's performance, character, and
7.4 education.

7.5 Sec. 12. Minnesota Statutes 2008, section 150A.06, subdivision 8, is amended to read:

7.6 Subd. 8. **Registration Licensure by credentials.** (a) Any dental assistant may, upon
7.7 application and payment of a fee established by the board, apply for ~~registration~~ licensure
7.8 based on an evaluation of the applicant's education, experience, and performance record in
7.9 lieu of completing a board-approved dental assisting program for expanded functions as
7.10 defined in rule, and may be interviewed by the board to determine if the applicant:

7.11 (1) has graduated from an accredited dental assisting program accredited by the
7.12 Commission of Dental Accreditation of the American Dental Association, or is currently
7.13 certified by the Dental Assisting National Board;

7.14 (2) is not subject to any pending or final disciplinary action in another state or
7.15 Canadian province, or if not currently certified or registered, previously had a certification
7.16 or registration in another state or Canadian province in good standing that was not subject
7.17 to any final or pending disciplinary action at the time of surrender;

7.18 (3) is of good moral character and abides by professional ethical conduct
7.19 requirements;

7.20 (4) at board discretion, has passed a board-approved English proficiency test if
7.21 English is not the applicant's primary language; and

7.22 (5) has met all expanded functions curriculum equivalency requirements of a
7.23 Minnesota board-approved dental assisting program.

7.24 (b) The board, at its discretion, may waive specific ~~registration~~ licensure
7.25 requirements in paragraph (a).

7.26 (c) An applicant who fulfills the conditions of this subdivision and demonstrates
7.27 the minimum knowledge in dental subjects required for ~~registration~~ licensure under
7.28 subdivision 2a must be ~~registered~~ licensed to practice the applicant's profession.

7.29 (d) If the applicant does not demonstrate the minimum knowledge in dental subjects
7.30 required for ~~registration~~ licensure under subdivision 2a, the application must be denied.

7.31 If ~~registration~~ licensure is denied, the board may notify the applicant of any specific
7.32 remedy that the applicant could take which, when passed, would qualify the applicant
7.33 for ~~registration~~ licensure. A denial does not prohibit the applicant from applying for
7.34 ~~registration~~ licensure under subdivision 2a.

8.1 (e) A candidate whose application has been denied may appeal the decision to the
8.2 board according to subdivision 4a.

8.3 Sec. 13. Minnesota Statutes 2008, section 150A.08, subdivision 1, is amended to read:

8.4 Subdivision 1. **Grounds.** The board may refuse or by order suspend or revoke, limit
8.5 or modify by imposing conditions it deems necessary, any license to practice dentistry
8.6 ~~or~~₂ dental hygiene₂ ~~or the registration of any dental assistant assisting~~ upon any of the
8.7 following grounds:

8.8 (1) fraud or deception in connection with the practice of dentistry or the securing of
8.9 a license ~~or registration~~ certificate;

8.10 (2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no
8.11 contest plea, in any court of a felony or gross misdemeanor reasonably related to the
8.12 practice of dentistry as evidenced by a certified copy of the conviction;

8.13 (3) conviction, including a finding or verdict of guilt, an admission of guilt, or a
8.14 no contest plea, in any court of an offense involving moral turpitude as evidenced by a
8.15 certified copy of the conviction;

8.16 (4) habitual overindulgence in the use of intoxicating liquors;

8.17 (5) improper or unauthorized prescription, dispensing, administering, or personal
8.18 or other use of any legend drug as defined in chapter 151, of any chemical as defined in
8.19 chapter 151, or of any controlled substance as defined in chapter 152;

8.20 (6) conduct unbecoming a person licensed to practice dentistry ~~or~~₂ dental hygiene₂
8.21 ~~or registered as a dental assistant assisting~~, or conduct contrary to the best interest of the
8.22 public, as such conduct is defined by the rules of the board;

8.23 (7) gross immorality;

8.24 (8) any physical, mental, emotional, or other disability which adversely affects a
8.25 dentist's, dental hygienist's, or ~~registered~~ dental assistant's ability to perform the service
8.26 for which the person is licensed ~~or registered~~;

8.27 (9) revocation or suspension of a license, ~~registration~~, or equivalent authority to
8.28 practice, or other disciplinary action or denial of a license ~~or registration~~ application taken
8.29 by a licensing, ~~registering~~, or credentialing authority of another state, territory, or country
8.30 as evidenced by a certified copy of the licensing authority's order, if the disciplinary action
8.31 or application denial was based on facts that would provide a basis for disciplinary action
8.32 under this chapter and if the action was taken only after affording the credentialed person
8.33 or applicant notice and opportunity to refute the allegations or pursuant to stipulation
8.34 or other agreement;

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9.1 (10) failure to maintain adequate safety and sanitary conditions for a dental office in
9.2 accordance with the standards established by the rules of the board;

9.3 (11) employing, assisting, or enabling in any manner an unlicensed person to
9.4 practice dentistry;

9.5 (12) failure or refusal to attend, testify, and produce records as directed by the board
9.6 under subdivision 7;

9.7 (13) violation of, or failure to comply with, any other provisions of sections 150A.01
9.8 to 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the
9.9 board, sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any
9.10 other just cause related to the practice of dentistry. Suspension, revocation, modification
9.11 or limitation of any license shall not be based upon any judgment as to therapeutic or
9.12 monetary value of any individual drug prescribed or any individual treatment rendered,
9.13 but only upon a repeated pattern of conduct;

9.14 (14) knowingly providing false or misleading information that is directly related
9.15 to the care of that patient unless done for an accepted therapeutic purpose such as the
9.16 administration of a placebo; or

9.17 (15) aiding suicide or aiding attempted suicide in violation of section 609.215 as
9.18 established by any of the following:

9.19 (i) a copy of the record of criminal conviction or plea of guilty for a felony in
9.20 violation of section 609.215, subdivision 1 or 2;

9.21 (ii) a copy of the record of a judgment of contempt of court for violating an
9.22 injunction issued under section 609.215, subdivision 4;

9.23 (iii) a copy of the record of a judgment assessing damages under section 609.215,
9.24 subdivision 5; or

9.25 (iv) a finding by the board that the person violated section 609.215, subdivision
9.26 1 or 2. The board shall investigate any complaint of a violation of section 609.215,
9.27 subdivision 1 or 2.

9.28 Sec. 14. Minnesota Statutes 2008, section 150A.08, subdivision 3, is amended to read:

9.29 Subd. 3. **Reinstatement.** Any licensee ~~or registrant~~ whose license ~~or registration~~ has
9.30 been suspended or revoked may have the license ~~or registration~~ reinstated or a new license
9.31 ~~or registration~~ issued, as the case may be, when the board deems the action is warranted.

9.32 Sec. 15. Minnesota Statutes 2008, section 150A.08, subdivision 3a, is amended to read:

9.33 Subd. 3a. **Costs; additional penalties.** (a) The board may impose a civil penalty
9.34 not exceeding \$10,000 for each separate violation, the amount of the civil penalty to

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10.1 be fixed so as to deprive a licensee ~~or registrant~~ of any economic advantage gained by
10.2 reason of the violation, to discourage similar violations by the licensee ~~or registrant~~ or any
10.3 other licensee ~~or registrant~~, or to reimburse the board for the cost of the investigation and
10.4 proceeding, including, but not limited to, fees paid for services provided by the Office of
10.5 Administrative Hearings, legal and investigative services provided by the Office of the
10.6 Attorney General, court reporters, witnesses, reproduction of records, board members'
10.7 per diem compensation, board staff time, and travel costs and expenses incurred by board
10.8 staff and board members.

10.9 (b) In addition to costs and penalties imposed under paragraph (a), the board may
10.10 also:

10.11 (1) order the dentist, dental hygienist, or dental assistant to provide unremunerated
10.12 service;

10.13 (2) censure or reprimand the dentist, dental hygienist, or dental assistant; or

10.14 (3) any other action as allowed by law and justified by the facts of the case.

10.15 Sec. 16. Minnesota Statutes 2008, section 150A.08, subdivision 5, is amended to read:

10.16 Subd. 5. **Medical examinations.** If the board has probable cause to believe that a
10.17 dentist, dental hygienist, ~~registered~~ dental assistant, or applicant engages in acts described
10.18 in subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8),
10.19 it shall direct the dentist, dental hygienist, assistant, or applicant to submit to a mental
10.20 or physical examination or a chemical dependency assessment. For the purpose of this
10.21 subdivision, every dentist, hygienist, or dental assistant licensed ~~or registered~~ under
10.22 this chapter or person submitting an application for a license ~~or registration~~ is deemed
10.23 to have given consent to submit to a mental or physical examination when directed
10.24 in writing by the board and to have waived all objections in any proceeding under this
10.25 section to the admissibility of the examining physician's testimony or examination reports
10.26 on the ground that they constitute a privileged communication. Failure to submit to an
10.27 examination without just cause may result in an application being denied or a default and
10.28 final order being entered without the taking of testimony or presentation of evidence,
10.29 other than evidence which may be submitted by affidavit, that the licensee, ~~registrant~~, or
10.30 applicant did not submit to the examination. A dentist, dental hygienist, ~~registered~~ dental
10.31 assistant, or applicant affected under this section shall at reasonable intervals be afforded
10.32 an opportunity to demonstrate ability to start or resume the competent practice of dentistry
10.33 or perform the duties of a dental hygienist or ~~registered~~ dental assistant with reasonable
10.34 skill and safety to patients. In any proceeding under this subdivision, neither the record of
10.35 proceedings nor the orders entered by the board is admissible, is subject to subpoena, or

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11.1 may be used against the dentist, dental hygienist, ~~registered~~ dental assistant, or applicant in
11.2 any proceeding not commenced by the board. Information obtained under this subdivision
11.3 shall be classified as private pursuant to the Minnesota Government Data Practices Act.

11.4 Sec. 17. Minnesota Statutes 2008, section 150A.08, subdivision 6, is amended to read:

11.5 Subd. 6. **Medical records.** Notwithstanding contrary provisions of sections 13.384
11.6 and 144.651 or any other statute limiting access to medical or other health data, the
11.7 board may obtain medical data and health records of a licensee, ~~registrant~~, or applicant
11.8 without the licensee's, ~~registrant's~~, or applicant's consent if the information is requested
11.9 by the board as part of the process specified in subdivision 5. The medical data may be
11.10 requested from a provider, as defined in section 144.291, subdivision 2, paragraph (h),
11.11 an insurance company, or a government agency, including the Department of Human
11.12 Services. A provider, insurance company, or government agency shall comply with
11.13 any written request of the board under this subdivision and shall not be liable in any
11.14 action for damages for releasing the data requested by the board if the data are released
11.15 pursuant to a written request under this subdivision, unless the information is false and
11.16 the provider giving the information knew, or had reason to believe, the information was
11.17 false. Information obtained under this subdivision shall be classified as private under the
11.18 Minnesota Government Data Practices Act.

11.19 Sec. 18. Minnesota Statutes 2008, section 150A.08, subdivision 8, is amended to read:

11.20 Subd. 8. **Suspension of license.** In addition to any other remedy provided by
11.21 law, the board may, through its designated board members pursuant to section 214.10,
11.22 subdivision 2, temporarily suspend a license ~~or registration~~ without a hearing if the
11.23 board finds that the licensee ~~or registrant~~ has violated a statute or rule which the board is
11.24 empowered to enforce and continued practice by the licensee ~~or registrant~~ would create an
11.25 imminent risk of harm to others. The suspension shall take effect upon written notice to
11.26 the licensee ~~or registrant~~ served by first class mail specifying the statute or rule violated,
11.27 and the time, date, and place of the hearing before the board. If the notice is returned by
11.28 the post office, the notice shall be effective upon reasonable attempts to locate and serve
11.29 the licensee ~~or registrant~~. Within ten days of service of the notice, the board shall hold a
11.30 hearing before its own members on the sole issue of whether there is a reasonable basis to
11.31 continue, modify, or lift the suspension. Evidence presented by the board, or licensee,
11.32 ~~or registrant~~, shall be in affidavit form only. The licensee ~~or registrant~~ or counsel of the
11.33 licensee ~~or registrant~~ may appear for oral argument. Within five working days after the
11.34 hearing, the board shall issue its order and, if the suspension is continued, the board

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12.1 shall schedule a disciplinary hearing to be held pursuant to the Administrative Procedure
12.2 Act within 45 days of issuance of the order. The administrative law judge shall issue a
12.3 report within 30 days of the closing of the contested case hearing record. The board
12.4 shall issue a final order within 30 days of receiving that report. The board may allow a
12.5 person who was licensed by any state to practice dentistry and whose license has been
12.6 suspended to practice dentistry under the supervision of a licensed dentist for the purpose
12.7 of demonstrating competence and eligibility for reinstatement.

12.8 Sec. 19. Minnesota Statutes 2008, section 150A.081, is amended to read:

12.9 **150A.081 ACCESS TO MEDICAL DATA.**

12.10 Subdivision 1. **Access to data on licensee ~~or registrant~~.** When the board has
12.11 probable cause to believe that a licensee's ~~or registrant's~~ condition meets a ground listed in
12.12 section 150A.08, subdivision 1, clause (4) or (8), it may, notwithstanding sections 13.384,
12.13 144.651, or any other law limiting access to medical data, obtain medical or health records
12.14 on the licensee ~~or registrant~~ without the licensee's ~~or registrant's~~ consent. The medical data
12.15 may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph
12.16 (h), an insurance company, or a government agency. A provider, insurance company, or
12.17 government agency shall comply with a written request of the board under this subdivision
12.18 and is not liable in any action for damages for releasing the data requested by the board
12.19 if the data are released under the written request, unless the information is false and the
12.20 entity providing the information knew, or had reason to believe, the information was false.

12.21 Subd. 2. **Access to data on patients.** The board has access to medical records of
12.22 a patient treated by a licensee ~~or registrant~~ under review if the patient signs a written
12.23 consent permitting access. If the patient has not given consent, the licensee ~~or registrant~~
12.24 must delete data from which a patient may be identified before releasing medical records
12.25 to the board.

12.26 Subd. 3. **Data classification; release of certain health data not required.**

12.27 Information obtained under this section is classified as private data on individuals under
12.28 chapter 13. Under this section, the commissioner of health is not required to release health
12.29 data collected and maintained under section 13.3805, subdivision 2.

12.30 Sec. 20. Minnesota Statutes 2008, section 150A.09, subdivision 1, is amended to read:

12.31 Subdivision 1. **Registration information and procedure.** On or before the license
12.32 ~~or registration~~ certificate expiration date every licensed dentist, dental hygienist, and
12.33 ~~registered~~ dental assistant shall transmit to the executive secretary of the board, pertinent
12.34 information required by the board, together with the fee established by the board. At least

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13.1 30 days before a license ~~or registration~~ certificate expiration date, the board shall send
13.2 a written notice stating the amount and due date of the fee and the information to be
13.3 provided to every licensed dentist, dental hygienist, and ~~registered~~ dental assistant.

13.4 Sec. 21. Minnesota Statutes 2008, section 150A.09, subdivision 3, is amended to read:

13.5 Subd. 3. **Current address, change of address.** Every dentist, dental hygienist, and
13.6 ~~registered~~ dental assistant shall maintain with the board a correct and current mailing
13.7 address. For dentists engaged in the practice of dentistry, the address shall be that of the
13.8 location of the primary dental practice. Within 30 days after changing addresses, every
13.9 dentist, dental hygienist, and ~~registered~~ dental assistant shall provide the board written
13.10 notice of the new address either personally or by first class mail.

13.11 Sec. 22. Minnesota Statutes 2008, section 150A.091, subdivision 2, is amended to read:

13.12 Subd. 2. **Application fees.** Each applicant ~~for licensure or registration~~ shall submit
13.13 with a license or ~~registration~~ permit application a nonrefundable fee in the following
13.14 amounts in order to administratively process an application:

- 13.15 (1) dentist, \$140;
13.16 (2) limited faculty dentist, \$140;
13.17 (3) resident dentist, \$55;
13.18 (4) dental hygienist, \$55;
13.19 (5) ~~registered~~ licensed dental assistant, ~~\$35~~ \$55; and
13.20 (6) dental assistant with a ~~limited registration~~ permit as described in Minnesota
13.21 Rules, part 3100.8500, subpart 3, \$15.

13.22 Sec. 23. Minnesota Statutes 2008, section 150A.091, subdivision 3, is amended to read:

13.23 Subd. 3. **Initial license or ~~registration~~ permit fees.** Along with the application fee,
13.24 each of the following ~~licensees or registrants~~ applicants shall submit a separate prorated
13.25 initial license or ~~registration~~ permit fee. The prorated initial fee shall be established by the
13.26 board based on the number of months of the ~~licensee's or registrant's~~ applicant's initial
13.27 term as described in Minnesota Rules, part 3100.1700, subpart 1a, not to exceed the
13.28 following monthly fee amounts:

- 13.29 (1) dentist, \$14 times the number of months of the initial term;
13.30 (2) dental hygienist, \$5 times the number of months of the initial term;
13.31 (3) ~~registered~~ licensed dental assistant, \$3 times the number of months of initial
13.32 term; and

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14.1 (4) dental assistant with a ~~limited registration~~ permit as described in Minnesota
14.2 Rules, part 3100.8500, subpart 3, \$1 times the number of months of the initial term.

14.3 Sec. 24. Minnesota Statutes 2008, section 150A.091, subdivision 5, is amended to read:

14.4 Subd. 5. **Biennial license or registration permit fees.** Each of the following
14.5 ~~licensees or registrants~~ applicants shall submit with a biennial license or ~~registration permit~~
14.6 renewal application a fee as established by the board, not to exceed the following amounts:

14.7 (1) dentist, \$336;

14.8 (2) dental hygienist, \$118;

14.9 (3) ~~registered licensed~~ dental assistant, \$80; and

14.10 (4) dental assistant with a ~~limited registration~~ permit as described in Minnesota
14.11 Rules, part 3100.8500, subpart 3, \$24.

14.12 Sec. 25. Minnesota Statutes 2008, section 150A.091, subdivision 7, is amended to read:

14.13 Subd. 7. **Biennial license or registration permit late fee.** Applications for renewal
14.14 of any license or ~~registration permit~~ received after the time specified in Minnesota Rules,
14.15 part 3100.1700, must be assessed a late fee equal to 25 percent of the biennial renewal fee.

14.16 Sec. 26. Minnesota Statutes 2008, section 150A.091, subdivision 8, is amended to read:

14.17 Subd. 8. **Duplicate license or registration certificate fee.** Each ~~licensee or~~
14.18 ~~registrant~~ applicant shall submit, with a request for issuance of a duplicate of the original
14.19 license ~~or registration~~, or of an annual or biennial renewal ~~of it~~ certificate for a license
14.20 or permit, a fee in the following amounts:

14.21 (1) original dentist ~~or~~ 2 dental hygiene, or dental assistant license, \$35; and

14.22 (2) ~~initial and renewal registration certificates and license~~ annual or biennial renewal
14.23 certificates, \$10.

14.24 Sec. 27. Minnesota Statutes 2008, section 150A.091, subdivision 9, is amended to read:

14.25 Subd. 9. **Licensure ~~and registration~~ by credentials.** Each applicant for licensure
14.26 as a dentist ~~or~~ 2 dental hygienist₂ or ~~for registration as a registered~~ dental assistant by
14.27 credentials pursuant to section 150A.06, subdivisions 4 and 8, and Minnesota Rules, part
14.28 3100.1400, shall submit with the license ~~or registration~~ application a fee in the following
14.29 amounts:

14.30 (1) dentist, \$725;

14.31 (2) dental hygienist, \$175; and

14.32 (3) ~~registered~~ dental assistant, \$35.

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15.1 Sec. 28. Minnesota Statutes 2008, section 150A.091, is amended by adding a
15.2 subdivision to read:

15.3 Subd. 9a. **Credential review; nonaccredited dental institution.** Applicants who
15.4 have graduated from a nonaccredited dental college desiring licensure as a dentist pursuant
15.5 to section 150A.06, subdivision 1, shall submit an application for credential review and an
15.6 application fee not to exceed the amount of \$200.

15.7 Sec. 29. Minnesota Statutes 2008, section 150A.091, is amended by adding a
15.8 subdivision to read:

15.9 Subd. 9b. **Limited general license.** Each applicant for licensure as a limited general
15.10 dentist pursuant to section 150A.06, subdivision 9, shall submit the applicable fees
15.11 established by the board not to exceed the following amounts:

- 15.12 (1) initial limited general license application, \$140;
15.13 (2) annual limited general license renewal application, \$155; and
15.14 (3) late fee assessment for renewal application equal to 50 percent of the annual
15.15 limited general license renewal fee.

15.16 Sec. 30. Minnesota Statutes 2008, section 150A.091, subdivision 10, is amended to
15.17 read:

15.18 Subd. 10. **Reinstatement fee.** No dentist, dental hygienist, or ~~registered~~ dental
15.19 assistant whose license ~~or registration~~ has been suspended or revoked may have the
15.20 license ~~or registration~~ reinstated or a new license ~~or registration~~ issued until a fee has been
15.21 submitted to the board in the following amounts:

- 15.22 (1) dentist, \$140;
15.23 (2) dental hygienist, \$55; and
15.24 (3) ~~registered~~ dental assistant, \$35.

15.25 Sec. 31. Minnesota Statutes 2008, section 150A.091, subdivision 11, is amended to
15.26 read:

15.27 Subd. 11. **Certificate application fee for anesthesia/sedation.** Each dentist
15.28 shall submit with a general anesthesia or ~~conscious moderate~~ sedation application or a
15.29 contracted sedation provider application a fee as established by the board not to exceed
15.30 the following amounts:

- 15.31 (1) for both a general anesthesia and ~~conscious moderate~~ sedation application, ~~\$50~~
15.32 \$250;
15.33 (2) for a general anesthesia application only, ~~\$50~~ \$250; and

- 16.1 (3) for a ~~conscious~~ moderate sedation application only, ~~\$50~~ \$250; and
16.2 (4) for a contracted sedation provider application, \$250.

16.3 Sec. 32. Minnesota Statutes 2008, section 150A.091, is amended by adding a
16.4 subdivision to read:

16.5 Subd. 11a. **Certificate for anesthesia/sedation late fee.** Applications for renewal
16.6 of a general anesthesia or moderate sedation certificate or a contracted sedation provider
16.7 certificate received after the time specified in Minnesota Rules, part 3100.3600, subparts
16.8 9 and 9b, must be assessed a late fee equal to 50 percent of the biennial renewal fee for
16.9 an anesthesia/sedation certificate.

16.10 Sec. 33. Minnesota Statutes 2008, section 150A.091, is amended by adding a
16.11 subdivision to read:

16.12 Subd. 11b. **Recertification fee for anesthesia/sedation.** No dentist whose general
16.13 anesthesia or moderate sedation certificate has been terminated by the board or voluntarily
16.14 terminated by the dentist may become recertified until a fee has been submitted to the
16.15 board not to exceed the amount of \$500.

16.16 Sec. 34. Minnesota Statutes 2008, section 150A.091, subdivision 12, is amended to
16.17 read:

16.18 Subd. 12. **Duplicate certificate fee for anesthesia/sedation.** Each dentist shall
16.19 submit with a request for issuance of a duplicate of the original general anesthesia or
16.20 ~~conscious~~ moderate sedation certificate or contracted sedation provider certificate a fee in
16.21 the amount of \$10.

16.22 Sec. 35. Minnesota Statutes 2008, section 150A.091, subdivision 14, is amended to
16.23 read:

16.24 Subd. 14. **Affidavit of licensure.** Each licensee ~~or registrant~~ shall submit with a
16.25 request for an affidavit of licensure a fee in the amount of \$10.

16.26 Sec. 36. Minnesota Statutes 2008, section 150A.091, subdivision 15, is amended to
16.27 read:

16.28 Subd. 15. **Verification of licensure.** Each institution or corporation shall submit
16.29 with a request for verification of a license ~~or registration~~ a fee in the amount of \$5 for
16.30 each license ~~or registration~~ to be verified.

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17.1 Sec. 37. Minnesota Statutes 2008, section 150A.10, subdivision 1a, is amended to read:

17.2 Subd. 1a. **Limited authorization for dental hygienists.** (a) Notwithstanding
17.3 subdivision 1, a dental hygienist licensed under this chapter may be employed or retained
17.4 by a health care facility, program, or nonprofit organization to perform dental hygiene
17.5 services described under paragraph (b) without the patient first being examined by a
17.6 licensed dentist if the dental hygienist:

17.7 (1) has been engaged in the active practice of clinical dental hygiene for not less than
17.8 2,400 hours in the past 18 months or a career total of 3,000 hours, including a minimum of
17.9 200 hours of clinical practice in two of the past three years;

17.10 (2) has entered into a collaborative agreement with a licensed dentist that designates
17.11 authorization for the services provided by the dental hygienist;

17.12 (3) has documented participation in courses in infection control and medical
17.13 emergencies within each continuing education cycle; and

17.14 (4) maintains current ~~certification in advanced or basic cardiac life support as~~
17.15 ~~recognized by the American Heart Association, the American Red Cross, or another~~
17.16 ~~agency that is equivalent to the~~ CPR certification from completion of the American Heart
17.17 Association or healthcare provider course, the American Red Cross professional rescuer
17.18 course, or an equivalent entity.

17.19 (b) The dental hygiene services authorized to be performed by a dental hygienist
17.20 under this subdivision are limited to:

17.21 (1) oral health promotion and disease prevention education;

17.22 (2) removal of deposits and stains from the surfaces of the teeth;

17.23 (3) application of topical preventive or prophylactic agents, including fluoride
17.24 varnishes and pit and fissure sealants;

17.25 (4) polishing and smoothing restorations;

17.26 (5) removal of marginal overhangs;

17.27 (6) performance of preliminary charting;

17.28 (7) taking of radiographs; and

17.29 (8) performance of scaling and root planing.

17.30 The dental hygienist may administer injections of local anesthetic agents or nitrous
17.31 oxide inhalation analgesia as specifically delegated in the collaborative agreement with
17.32 a licensed dentist. The dentist need not first examine the patient or be present. If the
17.33 patient is considered medically compromised, the collaborative dentist shall review the
17.34 patient record, including the medical history, prior to the provision of these services.

17.35 Collaborating dental hygienists may work with ~~unregistered unlicensed~~ and ~~registered~~
17.36 licensed dental assistants who may only perform duties for which ~~registration licensure~~

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18.1 is not required. The performance of dental hygiene services in a health care facility,
18.2 program, or nonprofit organization as authorized under this subdivision is limited to
18.3 patients, students, and residents of the facility, program, or organization.

18.4 (c) A collaborating dentist must be licensed under this chapter and may enter into
18.5 a collaborative agreement with no more than four dental hygienists unless otherwise
18.6 authorized by the board. The board shall develop parameters and a process for obtaining
18.7 authorization to collaborate with more than four dental hygienists. The collaborative
18.8 agreement must include:

18.9 (1) consideration for medically compromised patients and medical conditions for
18.10 which a dental evaluation and treatment plan must occur prior to the provision of dental
18.11 hygiene services;

18.12 (2) age- and procedure-specific standard collaborative practice protocols, including
18.13 recommended intervals for the performance of dental hygiene services and a period of
18.14 time in which an examination by a dentist should occur;

18.15 (3) copies of consent to treatment form provided to the patient by the dental
18.16 hygienist;

18.17 (4) specific protocols for the placement of pit and fissure sealants and requirements
18.18 for follow-up care to assure the efficacy of the sealants after application; and

18.19 (5) a procedure for creating and maintaining dental records for the patients that are
18.20 treated by the dental hygienist. This procedure must specify where these records are
18.21 to be located.

18.22 The collaborative agreement must be signed and maintained by the dentist, the dental
18.23 hygienist, and the facility, program, or organization; must be reviewed annually by the
18.24 collaborating dentist and dental hygienist; and must be made available to the board
18.25 upon request.

18.26 (d) Before performing any services authorized under this subdivision, a dental
18.27 hygienist must provide the patient with a consent to treatment form which must include a
18.28 statement advising the patient that the dental hygiene services provided are not a substitute
18.29 for a dental examination by a licensed dentist. If the dental hygienist makes any referrals
18.30 to the patient for further dental procedures, the dental hygienist must fill out a referral form
18.31 and provide a copy of the form to the collaborating dentist.

18.32 (e) For the purposes of this subdivision, a "health care facility, program, or
18.33 nonprofit organization" is limited to a hospital; nursing home; home health agency; group
18.34 home serving the elderly, disabled, or juveniles; state-operated facility licensed by the
18.35 commissioner of human services or the commissioner of corrections; and federal, state, or
18.36 local public health facility, community clinic, tribal clinic, school authority, Head Start

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19.1 program, or nonprofit organization that serves individuals who are uninsured or who are
19.2 Minnesota health care public program recipients.

19.3 (f) For purposes of this subdivision, a "collaborative agreement" means a written
19.4 agreement with a licensed dentist who authorizes and accepts responsibility for the
19.5 services performed by the dental hygienist. The services authorized under this subdivision
19.6 and the collaborative agreement may be performed without the presence of a licensed
19.7 dentist and may be performed at a location other than the usual place of practice of the
19.8 dentist or dental hygienist and without a dentist's diagnosis and treatment plan, unless
19.9 specified in the collaborative agreement.

19.10 Sec. 38. Minnesota Statutes 2008, section 150A.10, subdivision 2, is amended to read:

19.11 Subd. 2. **Dental assistants.** Every licensed dentist who uses the services of any
19.12 unlicensed person for the purpose of assistance in the practice of dentistry shall be
19.13 responsible for the acts of such unlicensed person while engaged in such assistance.
19.14 Such dentist shall permit such unlicensed assistant to perform only those acts which are
19.15 authorized to be delegated to unlicensed assistants by the Board of Dentistry. Such acts
19.16 shall be performed under supervision of a licensed dentist. The board may permit differing
19.17 levels of dental assistance based upon recognized educational standards, approved by the
19.18 board, for the training of dental assistants. The board may also define by rule the scope of
19.19 practice of ~~registered licensed~~ and ~~nonregistered unlicensed~~ dental assistants. The board
19.20 by rule may require continuing education for differing levels of dental assistants, as a
19.21 condition to their ~~registration~~ license or authority to perform their authorized duties. Any
19.22 licensed dentist who shall permit such unlicensed assistant to perform any dental service
19.23 other than that authorized by the board shall be deemed to be enabling an unlicensed
19.24 person to practice dentistry, and commission of such an act by such unlicensed assistant
19.25 shall constitute a violation of sections 150A.01 to 150A.12.

19.26 Sec. 39. Minnesota Statutes 2008, section 150A.10, subdivision 4, is amended to read:

19.27 Subd. 4. **Restorative procedures.** (a) Notwithstanding subdivisions 1, 1a, and
19.28 2, a licensed dental hygienist or a ~~registered licensed~~ dental assistant may perform the
19.29 following restorative procedures:

- 19.30 (1) place, contour, and adjust amalgam restorations;
19.31 (2) place, contour, and adjust glass ionomer;
19.32 (3) adapt and cement stainless steel crowns; and
19.33 (4) place, contour, and adjust class I and class V supragingival composite restorations
19.34 where the margins are entirely within the enamel.

- 20.1 (b) The restorative procedures described in paragraph (a) may be performed only if:
- 20.2 (1) the licensed dental hygienist or ~~the registered~~ licensed dental assistant has
- 20.3 completed a board-approved course on the specific procedures;
- 20.4 (2) the board-approved course includes a component that sufficiently prepares the
- 20.5 licensed dental hygienist or ~~registered~~ licensed dental assistant to adjust the occlusion
- 20.6 on the newly placed restoration;
- 20.7 (3) a licensed dentist has authorized the procedure to be performed; and
- 20.8 (4) a licensed dentist is available in the clinic while the procedure is being performed.
- 20.9 (c) The dental faculty who teaches the educators of the board-approved courses
- 20.10 specified in paragraph (b) must have prior experience teaching these procedures in an
- 20.11 accredited dental education program.

20.12 Sec. 40. Minnesota Statutes 2008, section 150A.12, is amended to read:

20.13 **150A.12 VIOLATION AND DEFENSES.**

20.14 Every person who violates any of the provisions of sections 150A.01 to 150A.12

20.15 for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor;

20.16 and, upon conviction, punished by a fine of not more than \$3,000 or by imprisonment in

20.17 the county jail for not more than one year or by both such fine and imprisonment. In the

20.18 prosecution of any person for violation of sections 150A.01 to 150A.12, it shall not be

20.19 necessary to allege or prove lack of a valid license to practice dentistry ~~or~~ dental hygiene,

20.20 or dental assisting, but such matter shall be a matter of defense to be established by the

20.21 defendant.

20.22 Sec. 41. Minnesota Statutes 2008, section 150A.13, is amended to read:

20.23 **150A.13 REPORTING OBLIGATIONS.**

20.24 Subdivision 1. **Permission to report.** A person who has knowledge of ~~a registrant~~

20.25 ~~or~~ a licensee unable to practice with reasonable skill and safety by reason of illness, use of

20.26 alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or

20.27 psychological condition may report the ~~registrant or~~ licensee to the board.

20.28 Subd. 2. **Institutions.** A hospital, clinic, or other health care institution or

20.29 organization located in this state shall report to the board any action taken by the agency,

20.30 institution, or organization or any of its administrators or dental or other committees to

20.31 revoke, suspend, restrict, or condition a ~~registrant's or~~ licensee's privilege to practice

20.32 or treat patients or clients in the institution, or as part of the organization, any denial

20.33 of privileges, or any other disciplinary action against a ~~registrant or~~ licensee described

20.34 under subdivision 1. The institution or organization shall also report the resignation of

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21.1 any ~~registrants or~~ licensees prior to the conclusion of any disciplinary action proceeding
21.2 against a ~~registrant or~~ licensee described under subdivision 1.

21.3 Subd. 3. **Dental societies.** A state or local dental society or professional dental
21.4 association shall report to the board any termination, revocation, or suspension of
21.5 membership or any other disciplinary action taken against a ~~registrant or~~ licensee. If the
21.6 society or association has received a complaint against a ~~registrant or~~ licensee described
21.7 under subdivision 1, on which it has not taken any disciplinary action, the society or
21.8 association shall report the complaint and the reason why it has not taken action on it or
21.9 shall direct the complainant to the board. This subdivision does not apply to a society
21.10 or association when it performs peer review functions as an agent of an outside entity,
21.11 organization, or system.

21.12 Subd. 4. **Licensed professionals.** (a) A licensed ~~or registered~~ health professional
21.13 shall report to the board personal knowledge of any conduct by any person who the
21.14 licensed ~~or registered~~ health professional reasonably believes is a ~~registrant or~~ licensee
21.15 described under subdivision 1.

21.16 (b) Notwithstanding paragraph (a), a licensed health professional shall report to the
21.17 board knowledge of any actions which institutions must report under subdivision 2.

21.18 Subd. 5. **Insurers and other entities making liability payments.** (a) Four times
21.19 each year as prescribed by the board, each insurer authorized to sell insurance described in
21.20 section 60A.06, subdivision 1, clause (13), and providing professional liability insurance
21.21 to ~~registrants or~~ licensees, shall submit to the board a report concerning the ~~registrants and~~
21.22 licensees against whom malpractice settlements or awards have been made to the plaintiff.

21.23 The report must contain at least the following information:

21.24 (1) the total number of malpractice settlements or awards made;

21.25 (2) the date the malpractice settlements or awards were made;

21.26 (3) the allegations contained in the claim or complaint leading to the settlements or
21.27 awards made;

21.28 (4) the dollar amount of each malpractice settlement or award;

21.29 (5) the regular address of the practice of the ~~registrant or~~ licensee against whom an
21.30 award was made or with whom a settlement was made; and

21.31 (6) the name of the ~~registrant or~~ licensee against whom an award was made or
21.32 with whom a settlement was made.

21.33 (b) A dental clinic, hospital, political subdivision, or other entity which makes
21.34 professional liability insurance payments on behalf of ~~registrants or~~ licensees shall submit
21.35 to the board a report concerning malpractice settlements or awards paid on behalf of
21.36 ~~registrants or~~ licensees, and any settlements or awards paid by a clinic, hospital, political

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22.1 subdivision, or other entity on its own behalf because of care rendered by ~~registrants or~~
22.2 licensees. This requirement excludes forgiveness of bills. The report shall be made to the
22.3 board within 30 days of payment of all or part of any settlement or award.

22.4 Subd. 6. **Courts.** The court administrator of district court or any other court of
22.5 competent jurisdiction shall report to the board any judgment or other determination
22.6 of the court that adjudges or includes a finding that a ~~registrant or~~ licensee is mentally
22.7 ill, mentally incompetent, guilty of a felony, guilty of a violation of federal or state
22.8 narcotics laws or controlled substances act, or guilty of an abuse or fraud under Medicare
22.9 or Medicaid; or that appoints a guardian of the ~~registrant or~~ licensee pursuant to sections
22.10 524.5-101 to 524.5-502, or commits a ~~registrant or~~ licensee pursuant to chapter 253B.

22.11 Subd. 7. **Self-reporting.** A ~~registrant or~~ licensee shall report to the board any
22.12 personal action that would require that a report be filed by any person, health care facility,
22.13 business, or organization pursuant to subdivisions 2 to 6.

22.14 Subd. 8. **Deadlines; forms.** Reports required by subdivisions 2 to 7 must be
22.15 submitted not later than 30 days after the occurrence of the reportable event or transaction.
22.16 The board may provide forms for the submission of reports required by this section, may
22.17 require that reports be submitted on the forms provided, and may adopt rules necessary
22.18 to assure prompt and accurate reporting.

22.19 Subd. 9. **Subpoenas.** The board may issue subpoenas for the production of any
22.20 reports required by subdivisions 2 to 7 or any related documents.

22.21 Sec. 42. **REPEALER.**

22.22 Minnesota Statutes 2008, section 150A.09, subdivision 6, is repealed.