

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

940S0076

HOUSE BILL NO. 1045

Introduced by: Representatives Haggar, Blake, Boomgarden, Gibson, Hickey, Jensen, Lucas, Magstadt, Munsterman, Romkema, and Stricherz and Senators Hunhoff (Jean), Bradford, Gray, Heineman, Holien, Kraus, Krebs, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to authorize dental hygienists to provide preventive and
2 therapeutic services to more persons under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-6A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A dental hygienist may provide preventive and therapeutic services under collaborative
7 supervision of a dentist if the dental hygienist has met the following requirements:

- 8 (1) Possesses a license to practice in the state and has been actively engaged in the
9 practice of clinical dental hygiene in two of the previous three years;
- 10 (2) Has a written collaborative agreement with a licensed dentist; and
- 11 (3) Has satisfactorily demonstrated knowledge of medical and dental emergencies and
12 their management; infection control; pharmacology; disease transmission;
13 management of early childhood caries; and management of special needs
14 populations.



1 Section 2. That chapter 36-6A be amended by adding thereto a NEW SECTION to read as
2 follows:

3 A dental hygienist seeking to provide preventive and therapeutic services under
4 collaborative supervision shall submit evidence, as prescribed by the board, of meeting the
5 requirements of section 1 of this Act and a fee not to exceed thirty dollars. The board shall, by
6 rules promulgated pursuant to chapter 1-26, establish the required fee, the minimum
7 requirements for a collaborative agreement, the preventive and therapeutic services that may be
8 performed, and the evidence required to demonstrate the active practice and knowledge required
9 pursuant to section 1 of this Act.

10 Section 3. That chapter 36-6A be amended by adding thereto a NEW SECTION to read as
11 follows:

12 A dental hygienist may only provide preventive and therapeutic services under collaborative
13 supervision at a nursing facility, an extended care facility or by a home health agency serving
14 the elderly or disabled, a public institution under the Department of Human Services, Social
15 Services, Health, or Corrections, a federally qualified health center, a public health facility, a
16 tribal or Indian health service facility, a mobile dental unit, or a public or nonpublic school, or
17 through a head start program or the Special Supplemental Nutrition Program for Women,
18 Infants, and Children.

19 Section 4. That § 36-6A-40 be amended to read as follows:

20 36-6A-40. Any licensed dentist, public institution, or school authority may use the services
21 of a licensed dental hygienist. Such licensed dental hygienist may perform those services which
22 are educational, diagnostic, therapeutic, or preventive in nature and are authorized by the Board
23 of Dentistry, including those additional procedures authorized by subdivision 36-6A-14(10).
24 Such services may not include the establishment of a final diagnosis or treatment plan for a

1 dental patient. Such services shall be performed under supervision of a licensed dentist.

2 As an employee of a public institution or school authority, functioning without the
3 supervision of a licensed dentist, a licensed dental hygienist may only provide educational
4 services.

5 ~~All A dental hygienist may perform~~ preventive and therapeutic services ~~may be performed~~
6 under general supervision ~~provided if~~ all individuals treated are patients of record of a licensed
7 dentist and ~~that~~ all care rendered by the hygienist is completed under the definition of patient
8 of record. A dental hygienist may perform preventive and therapeutic services under
9 collaborative supervision if the requirements of section 1 of this Act are met. However, no
10 dental hygienist may perform preventive and therapeutic services under collaborative
11 supervision for more than thirteen months for any person who has not had a complete evaluation
12 by the supervising dentist.

13 Section 5. That § 36-6A-26 be amended by adding thereto NEW SUBDIVISIONS to read
14 as follows:

15 "Collaborative agreement," a written agreement between a supervising dentist and a dental
16 hygienist authorizing the preventive and therapeutic services that may be performed by the
17 dental hygienist under collaborative supervision;

18 "Collaborative supervision," the supervision of a dental hygienist requiring a collaborative
19 agreement between a supervising dentist and dental hygienist;