

**HOUSE BILL NO. 1454**

Introduced by

Representatives M. Nelson, Holman

1 A BILL ~~for an Act to create and enact chapter 43-20.1 of the North Dakota Century Code,~~  
2 ~~relating to regulation of dental therapists; to amend and reenact subdivision cc of subsection 2-~~  
3 ~~of section 12-60-24 and sections 43-20-13, 43-28-02, 43-28-06, and 43-28-18 of the North~~  
4 ~~Dakota Century Code, relating to the regulation of dental therapists; and to provide a penalty for~~  
5 an Act to provide for a legislative management study of access to dental services.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 ~~— **SECTION 1. AMENDMENT.** Subdivision cc of subsection 2 of section 12-60-24 of the North-~~  
8 ~~Dakota Century Code is amended and reenacted as follows:~~

9 ~~— cc. The board of dental examiners for investigations of applicants or, dentists, or~~  
10 ~~dental therapists under section 43-28-11.2 or 43-20.1-04, except that criminal~~  
11 ~~history record checks need not be made unless required by the board.~~

12 ~~— **SECTION 2. AMENDMENT.** Section 43-20-13 of the North Dakota Century Code is~~  
13 ~~amended and reenacted as follows:~~

14 ~~— **43-20-13. Dental assistant – Scope of permitted practice.**~~

15 ~~— A dental assistant is an auxiliary to the practice of dentistry. To the extent applicable and to~~  
16 ~~the extent they are not inconsistent with this chapter, the requirements and rules adopted by the~~  
17 ~~board of dental examiners under chapter 43-28 apply to the practice of dental assistants. A~~  
18 ~~dentist or dental therapist may delegate to a dental assistant who is under that dentist's or~~  
19 ~~dental therapist's direct, indirect, or general supervision procedures over which the dentist or~~  
20 ~~dental therapist exercises full responsibility as provided by rules adopted by the board of dental~~  
21 ~~examiners.~~

22 ~~— **SECTION 3.** Chapter 43-20.1 of the North Dakota Century Code is created and enacted as~~  
23 ~~follows:~~

1 ~~43-20.1-01. Definitions.~~

2 ~~As used in this chapter:~~

3 ~~1. "Advanced dental therapist" means an individual licensed as a dental therapist under~~  
4 ~~this chapter and who has been certified by the board to practice as an advanced~~  
5 ~~dental therapist under section 43-20.1-15.~~

6 ~~2. "Board" means the state board of dental examiners.~~

7 ~~3. "Dental therapist" means an individual licensed under this chapter to perform the~~  
8 ~~services authorized under section 43-20.1-10 or any other services authorized under~~  
9 ~~this chapter.~~

10 ~~4. "Practice of dental therapy" means an individual who:~~

11 ~~a. Works under the supervision of a North Dakota-licensed dentist under a~~  
12 ~~collaborative management agreement as specified under section 43-20.1-09; and~~

13 ~~b. Provides oral health care services, including preventive, oral evaluation and~~  
14 ~~assessment, educational, palliative, therapeutic, and restorative services, as~~  
15 ~~authorized under sections 43-20.1-10 and 43-20.1-11 and within the context of a~~  
16 ~~collaborative management agreement.~~

17 ~~43-20.1-02. License required - Exceptions.~~

18 ~~1. A person may not practice dental therapy in this state unless that person is a dental~~  
19 ~~therapist.~~

20 ~~2. Subsection 1 does not apply to a licensed dentist, physician, dental assistant, dental~~  
21 ~~hygienist, or other regulated professional who is practicing within the scope of practice~~  
22 ~~of that regulated profession.~~

23 ~~43-20.1-03. Requirements for licensure.~~

24 ~~1. The board may grant a license to practice dental therapy to an applicant who has met~~  
25 ~~all of the following requirements:~~

26 ~~a. The applicant has a baccalaureate degree or a master's degree from a~~  
27 ~~board-approved dental therapy education program. The board may require that~~  
28 ~~the education program be accredited by the American dental association~~  
29 ~~commission on dental accreditation or another board-approved national~~  
30 ~~accreditation organization.~~

1 ~~b. The applicant has passed a comprehensive, competency-based clinical~~  
2 ~~examination that is approved by the board and administered independently of an~~  
3 ~~institution providing dental therapy education and has passed an examination~~  
4 ~~testing the applicant's knowledge of this state's laws and rules relating to the~~  
5 ~~practice of dentistry. An applicant who has failed the clinical examination twice is~~  
6 ~~ineligible to retake the clinical examination until further education and training are~~  
7 ~~obtained as specified by the board.~~

8 ~~2. An applicant shall apply to the board on forms prescribed by the board. The~~  
9 ~~application must be verified under oath to the effect that all of the statements~~  
10 ~~contained in the application are true to the applicant's knowledge.~~

11 ~~3. The board may deny an application or take disciplinary action against a licensee or~~  
12 ~~applicant in the same manner and upon the same basis as provided under chapter~~  
13 ~~43-28. Conviction of an offense does not disqualify an individual from licensure under~~  
14 ~~this chapter unless the board determines that the offense has a direct bearing upon an~~  
15 ~~individual's ability to serve the public as a dental therapist or that following conviction~~  
16 ~~of any offense, the individual is not sufficiently rehabilitated under section~~  
17 ~~12.1-33-02.1.~~

18 ~~4. An applicant shall submit an application and fee as prescribed by the board and a~~  
19 ~~diploma or certificate from a dental therapy education program.~~

20 ~~**43-20.1-04. Fitness - Criminal history record check - Costs.**~~

21 ~~The board may investigate an applicant's or a dental therapist's fitness, qualification, and~~  
22 ~~previous professional record and performance. The board may seek information sought under~~  
23 ~~this section from recognized data sources, including the national practitioners data bank, data~~  
24 ~~repositories, licensing and disciplinary authorities of other jurisdictions, professional education~~  
25 ~~and training institutions, liability insurers, health care institutions, and law enforcement~~  
26 ~~agencies. An applicant or a dental therapist for whom the board is performing an investigation~~  
27 ~~under this section shall cooperate with the board if necessary to access the information sought~~  
28 ~~by the board. The board or the board's investigative disciplinary panels may require an~~  
29 ~~applicant or a dental therapist who is the subject of a disciplinary investigation to submit to a~~  
30 ~~statewide and nationwide criminal history record check. The criminal history record check must~~  
31 ~~be conducted in the manner provided by section 12-60-24. All costs associated with a criminal~~

1 ~~history record check performed under this section are the responsibility of the dental therapist or~~  
2 ~~applicant.~~

3 ~~**43-20.1-05. License renewal – Continuing education – Inactive status.**~~

4 ~~1. Licenses expire on December thirty first of every odd-numbered year.~~

5 ~~2. Licenses may be renewed by December thirty-first of the odd-numbered year by~~  
6 ~~submitting a renewal application, a renewal fee established by the board by rule, and~~  
7 ~~proof of completion of the continuing education requirements established by the board~~  
8 ~~by rule, provided the dentist's license is not revoked or grounds for denial under~~  
9 ~~section 43-28-18 do not exist.~~

10 ~~3. If the renewal application, renewal fee, and proof of completion of continuing~~  
11 ~~education are not received by December thirty-first of the odd-numbered year, the~~  
12 ~~license expires and the dental therapist may not practice dental therapy.~~

13 ~~4. Within sixty days after December thirty-first of the odd-numbered year, an expired~~  
14 ~~license may be renewed by submitting the renewal application, renewal fee, proof of~~  
15 ~~completion of continuing education, and a late fee established by the board by rule.~~

16 ~~5. If the renewal application, renewal fee, proof of completion of continuing education,~~  
17 ~~and late fee are not received within sixty days after December thirty-first of the~~  
18 ~~odd-numbered year, the license may not be renewed, and the dental therapist must~~  
19 ~~apply for and meet the requirements for licensure to be granted a license.~~

20 ~~6. The board may extend the renewal deadlines for a dental therapist providing proof of~~  
21 ~~medical or other hardship rendering the dental therapist unable to meet the deadline.~~

22 ~~7. Upon payment of a fee determined by the board, a dental therapist may request to~~  
23 ~~have the dental therapist's license placed on inactive status. While on inactive status,~~  
24 ~~the dental therapist may not engage in the practice of dental therapy in the state until~~  
25 ~~the inactive dental therapist applies for reinstatement, pays a renewal fee, and meets~~  
26 ~~any additional requirements established by the board by rule.~~

27 ~~**43-20.1-06. State board of dental examiners – Powers – Duties.**~~

28 ~~The board shall enforce this chapter. The board may adopt rules the board determines~~  
29 ~~necessary for the proper enforcement of this chapter and the examination of dental therapists~~  
30 ~~for their conduct and practice. For purposes of this chapter, the board has the powers set forth~~  
31 ~~in section 43-28-06.~~

1 ~~— **43-20.1-07. Practice of dental therapy supplemental to practice of dentistry.**~~

2 ~~— The practice of dental therapy is supplemental and auxiliary to the practice of dentistry in~~  
3 ~~North Dakota. The provisions of chapter 43-28 apply with equal force to the extent the~~  
4 ~~provisions are applicable to the practice of dental therapy, except as otherwise provided for in~~  
5 ~~this chapter.~~

6 ~~— **43-20.1-08. Change of address.**~~

7 ~~— A dental therapist shall notify the executive director of the board of any new address within~~  
8 ~~thirty days of the address change. The notice required under this section must be given by~~  
9 ~~certified mail, return receipt requested. A dental therapist may not practice in this state for more~~  
10 ~~than thirty days after the change of address without complying with this section.~~

11 ~~— **43-20.1-09. Collaborative management agreement.**~~

12 ~~— 1. A person may not practice dental therapy unless that person is licensed under this~~  
13 ~~section as a dental therapist and has entered a written collaborative management~~  
14 ~~agreement with a North Dakota licensed dentist.~~

15 ~~— 2. A collaborating dentist may not enter collaborative agreements with more than five~~  
16 ~~dental therapists at any one time.~~

17 ~~— 3. A collaborative management agreement must include:~~

18 ~~— a. Practice settings where services may be provided and the populations to be~~  
19 ~~served;~~

20 ~~— b. Any limitations on the services that may be provided by the dental therapist,~~  
21 ~~including the level of supervision required by the collaborating dentist;~~

22 ~~— c. Age and procedure specific practice protocols, including case selection criteria,~~  
23 ~~assessment guidelines, and imaging frequency;~~

24 ~~— d. A procedure for creating and maintaining dental records for the patients treated~~  
25 ~~by the dental therapist;~~

26 ~~— e. A plan to manage medical emergencies in each practice setting where the dental~~  
27 ~~therapist provides care;~~

28 ~~— f. A quality assurance plan for monitoring care provided by the dental therapist,~~  
29 ~~including patient care review, referral followup, and a quality assurance chart~~  
30 ~~review;~~

- 1 ~~g. Protocols for administering and dispensing medications authorized under section~~  
2 ~~43-20.1-12, including the specific conditions and circumstance under which these~~  
3 ~~medications are to be dispensed and administered;~~
- 4 ~~h. Criteria relating to the provision of care to patients with specific medical~~  
5 ~~conditions or complex medication histories, including requirements for~~  
6 ~~consultation before the initiation of care;~~
- 7 ~~i. Supervision criteria of dental assistants; and~~
- 8 ~~j. A plan for the provision of clinical resources and referrals in situations that are~~  
9 ~~beyond the capabilities of the dental therapist.~~
- 10 ~~4. A collaborating dentist must be licensed and practicing in the state. The collaborating~~  
11 ~~dentist shall accept responsibility for all services authorized and performed by the~~  
12 ~~dental therapist pursuant to the management agreement. Any licensed dentist who~~  
13 ~~permits a dental therapist to perform a dental service other than those authorized~~  
14 ~~under this section or by the board, or any dental therapist who performs an~~  
15 ~~unauthorized service, violates section 43-28-18.~~
- 16 ~~5. Collaborative management agreements must be signed and maintained by the~~  
17 ~~collaborating dentist and the dental therapist. Agreements must be reviewed, updated,~~  
18 ~~and submitted to the board on an annual basis.~~
- 19 ~~**43-20.1-10. Dental therapist - Scope of practice.**~~
- 20 ~~1. A dental therapist may perform dental services as authorized under this section within~~  
21 ~~the parameters of the collaborative management agreement.~~
- 22 ~~2. The services authorized to be performed by a dental therapist include the oral health~~  
23 ~~services, as specified in subsections 3 and 4 and within the parameters of the~~  
24 ~~collaborative management agreement.~~
- 25 ~~3. A dental therapist may perform the following services under general supervision,~~  
26 ~~unless restricted or prohibited in the collaborative management agreement:~~
- 27 ~~a. Oral health instruction and disease prevention education, including nutritional~~  
28 ~~counseling and dietary analysis;~~
- 29 ~~b. Preliminary charting of the oral cavity;~~
- 30 ~~c. Making radiographs;~~
- 31 ~~d. Mechanical polishing;~~

- 1 ~~e. Application of topical preventive or prophylactic agents, including fluoride-~~
- 2 ~~varnishes and pit and fissure sealants;~~
- 3 ~~f. Pulp vitality testing;~~
- 4 ~~g. Application of desensitizing medication or resin;~~
- 5 ~~h. Fabrication of athletic mouth guards;~~
- 6 ~~i. Placement of temporary restorations;~~
- 7 ~~j. Fabrication of soft occlusal guards;~~
- 8 ~~k. Tissue conditioning and soft reline;~~
- 9 ~~l. Atraumatic restorative therapy;~~
- 10 ~~m. Dressing changes;~~
- 11 ~~n. Tooth reimplantation;~~
- 12 ~~o. Administration of local anesthetic; and~~
- 13 ~~p. Administration of nitrous oxide;~~
- 14 ~~4. A dental therapist may perform the following services under indirect supervision:~~
- 15 ~~a. Emergency palliative treatment of dental pain;~~
- 16 ~~b. The placement and removal of space maintainers;~~
- 17 ~~c. Cavity preparation;~~
- 18 ~~d. Restoration of primary and permanent teeth;~~
- 19 ~~e. Placement of temporary crowns;~~
- 20 ~~f. Preparation and placement of preformed crowns;~~
- 21 ~~g. Pulpotomies on primary teeth;~~
- 22 ~~h. Indirect and direct pulp capping on primary and permanent teeth;~~
- 23 ~~i. Stabilization of reimplanted teeth;~~
- 24 ~~j. Extractions of primary teeth;~~
- 25 ~~k. Suture removal;~~
- 26 ~~l. Brush biopsies;~~
- 27 ~~m. Repair of defective prosthetic devices; and~~
- 28 ~~n. Recementing of permanent crowns.~~
- 29 ~~**43-20.1-11. Advanced dental therapist - Scope of practice.**~~
- 30 ~~1. An advanced dental therapist may perform the following services and procedures-~~
- 31 ~~pursuant to the written collaborative management agreement:~~

- 1 ~~a. An oral evaluation and assessment of dental disease and the formulation of an~~  
2 ~~individualized treatment plan authorized by the collaborating dentist;~~
- 3 ~~b. The services and procedures described under subsections 3 and 4 of section-~~  
4 ~~43-20.1-10; and~~
- 5 ~~c. Nonsurgical extractions of permanent teeth as limited in subsection 4.~~
- 6 ~~2. The services and procedures described under subsection 1 may be performed under~~  
7 ~~general supervision.~~
- 8 ~~3. An advanced practice dental therapist may not perform any service or procedure~~  
9 ~~described in subsection 1 except as authorized by the collaborating dentist.~~
- 10 ~~4. An advanced dental therapist may perform nonsurgical extractions of periodontally-~~  
11 ~~diseased permanent teeth with tooth mobility of +3 to +4 under general supervision if~~  
12 ~~authorized in advance by the collaborating dentist. The advanced dental therapist may-~~  
13 ~~not extract a tooth of any patient if the tooth is unerupted, impacted, fractured, or~~  
14 ~~needs to be sectioned for removal.~~
- 15 ~~5. The collaborating dentist is responsible for directly providing or arranging for another~~  
16 ~~dentist or specialist to provide any necessary advanced services needed by the~~  
17 ~~patient.~~
- 18 ~~6. An advanced dental therapist in accordance with the collaborative management~~  
19 ~~agreement shall refer patients to another qualified dental or health care professional to~~  
20 ~~receive any needed services that exceed the scope of practice of the advanced dental~~  
21 ~~therapist.~~
- 22 ~~7. In addition to the collaborative management agreement requirements described in~~  
23 ~~section 43-20.1-09, a collaborative management agreement entered with an advanced~~  
24 ~~dental therapist must include specific written protocols to govern situations in which~~  
25 ~~the advanced dental therapist encounters a patient who requires treatment that~~  
26 ~~exceeds the authorized scope of practice of the advanced dental therapist. The~~  
27 ~~collaborating dentist shall ensure that a dentist is available to the advanced dental~~  
28 ~~therapist for timely consultation during treatment if needed and shall provide or~~  
29 ~~arrange with another dentist or specialist to provide the necessary treatment to any~~  
30 ~~patient who requires more treatment than the advanced dental therapist is authorized~~  
31 ~~to provide.~~

1 ~~43-20.1-12. Dispensing authority.~~

2 ~~1. A dental therapist may dispense and administer analgesics, anti-inflammatories, and~~  
3 ~~antibiotics within the parameters of the collaborative management agreement and~~  
4 ~~within the scope of practice of the dental therapist. The authority to dispense and~~  
5 ~~administer is limited to the categories of drugs identified in this subsection, and may~~  
6 ~~be further limited by the collaborative management agreement. The authority to~~  
7 ~~dispense includes the authority to dispense sample drugs within the categories~~  
8 ~~identified in this subsection if dispensing is permitted by the collaborative management~~  
9 ~~agreement. A dental therapist may not dispense or administer a narcotic drug.~~

10 ~~2. An advanced dental therapist may provide, dispense, and administer analgesics,~~  
11 ~~anti-inflammatories, and antibiotics within the parameters of the collaborative~~  
12 ~~management agreement, within the scope of practice of the advanced dental therapist~~  
13 ~~practitioner, and with the authorization of the collaborating dentist. The authority to~~  
14 ~~provide, dispense, and administer is limited to the categories of drugs identified in this~~  
15 ~~subsection and may be further limited by the collaborative management agreement.~~  
16 ~~The authority to dispense includes the authority to dispense sample drugs within the~~  
17 ~~categories identified in this subsection if dispensing is permitted by the collaborative~~  
18 ~~management agreement. Notwithstanding this subsection, an advanced dental~~  
19 ~~therapist may not provide, dispense, or administer a narcotic drug.~~

20 ~~43-20.1-13. Application of other laws.~~

21 ~~A dental therapist authorized to practice under this chapter is not in violation of chapter~~  
22 ~~43-28 as it relates to the unauthorized practice of dentistry if the practice is authorized under~~  
23 ~~this chapter and is within the parameters of the collaborative management agreement.~~

24 ~~43-20.1-14. Use of dental assistants.~~

25 ~~1. A dental therapist may supervise dental assistants to the extent permitted in the~~  
26 ~~collaborative management agreement and according to section 43-20.1-13.~~

27 ~~2. Notwithstanding subsection 1, a dental therapist may supervise no more than four~~  
28 ~~dental assistants at any one practice setting.~~

29 ~~43-20.1-15. Advance practice dental therapists.~~

30 ~~In order to be certified by the board to practice as an advanced dental therapist, an~~  
31 ~~applicant must:~~

- 1 ~~1. Complete a board-approved dental therapy education program;~~
- 2 ~~2. Pass a board-approved examination to demonstrate competency under the dental~~
- 3 ~~therapy scope of practice;~~
- 4 ~~3. Be a dental therapist;~~
- 5 ~~4. Complete two thousand hours of dental therapy clinical practice under direct or indirect~~
- 6 ~~supervision;~~
- 7 ~~5. Graduate from a board-approved master's advanced dental therapy education~~
- 8 ~~program;~~
- 9 ~~6. Pass a board-approved certification examination to demonstrate competency under~~
- 10 ~~the advanced scope of practice; and~~
- 11 ~~7. Submit an application and fee for certification as prescribed by the board.~~

12 ~~**43-20.1-16. Penalty.**~~

13 ~~It is a class B misdemeanor for any person to knowingly:~~

- 14 ~~1. Falsely claim or pretend to be a graduate from any dental therapist education program~~
- 15 ~~or the holder of any diploma or degree from such program;~~
- 16 ~~2. Practice any fraud and deceit in obtaining a license or certificate;~~
- 17 ~~3. Falsely claim or pretend to have or hold a license or certificate from the board to~~
- 18 ~~practice dental therapy; or~~
- 19 ~~4. Practice dental therapy in this state without a license or certificate.~~

20 ~~**SECTION 4. AMENDMENT.** Section 43-28-02 of the North Dakota Century Code is~~

21 ~~amended and reenacted as follows:~~

22 ~~**43-28-02. Exceptions.**~~

23 ~~The provisions of this chapter do not apply:~~

- 24 ~~1. To the filling of written prescriptions of a licensed and registered dentist by any person~~
- 25 ~~for the construction, reproduction, or repair of prosthetic dentures, bridges, plates, or~~
- 26 ~~appliances, to be used or worn as substitutes for natural teeth, provided, that such~~
- 27 ~~person or legal entity may not solicit or advertise, directly or indirectly, by mail, card,~~
- 28 ~~newspaper, pamphlet, radio, television, or otherwise to the general public to construct,~~
- 29 ~~reproduce, repair prosthetic dentures, bridges, plates, or other appliances to be used~~
- 30 ~~or worn as substitutes for natural teeth.~~

- 1 ~~2. To a student enrolled in and regularly attending any dental college, dental hygiene, or~~  
2 ~~dental assisting, or dental therapy education program recognized as such by the~~  
3 ~~board, if the student's acts are done in the dental college, dental hygiene, or dental~~  
4 ~~assisting, or dental therapy program and under the direct supervision of the student's~~  
5 ~~instructor; or to a student who is in training in any dental program recognized as such~~  
6 ~~by the board and who is continuing the student's training and performing the duties of~~  
7 ~~an extern or resident under the supervision of a dentist who has received approval to~~  
8 ~~supervise an externship or residency by the appropriate accrediting committee,~~  
9 ~~including the board.~~
- 10 ~~3. To a legally qualified and licensed physician, surgeon, or other practitioner authorized~~  
11 ~~by law, who in emergency cases performs any act within the scope of the practice of~~  
12 ~~dentistry.~~
- 13 ~~4. To a duly licensed and registered dentist of another state temporarily operating in this~~  
14 ~~state as a clinician, lecturer, or attendant of an educational program under the~~  
15 ~~auspices of a dental college, a reputable dental society, dental hygienist society, or~~  
16 ~~dental assistant society.~~
- 17 ~~5. To the practice of dentistry in the discharge of their official duties by graduate dentists~~  
18 ~~or dental surgeons in the United States army, navy, air force, public health service,~~  
19 ~~coast guard, veterans' bureau, or director of the dental division of the state department~~  
20 ~~of health.~~
- 21 ~~6. To a registered nurse, licensed practical nurse, registered dental hygienist, or~~  
22 ~~registered dental assistant who is applying topical fluoride varnish to an individual and~~  
23 ~~is acting under the direct or general supervision of a physician or licensed dentist if the~~  
24 ~~registered nurse, licensed practical nurse, registered dental hygienist, or registered~~  
25 ~~dental assistant has successfully completed a training program approved by the~~  
26 ~~board.~~
- 27 ~~7. To an advanced practice registered nurse licensed under chapter 43-12.1 who is~~  
28 ~~applying topical fluoride varnish to an individual and is acting within the scope of~~  
29 ~~practice of the advanced practice registered nurse and has successfully completed a~~  
30 ~~training program approved by the board.~~

1 ~~8. To registered dental hygienists, registered dental assistants, qualified dental~~  
2 ~~assistants, and dental assistants practicing within the scope of practice and under~~  
3 ~~supervision as required by chapter 43-20 and by rule.~~

4 ~~**SECTION 5. AMENDMENT.** Section 43-28-06 of the North Dakota Century Code is~~  
5 ~~amended and reenacted as follows:~~

6 ~~**43-28-06. Powers of board.**~~

7 ~~The board may:~~

8 ~~1. Adopt and enforce reasonable rules to govern its proceedings and to carry out this~~  
9 ~~chapter.~~

10 ~~2. Examine applicants for licenses or registration to practice dentistry, dental hygiene, or~~  
11 ~~dental assisting, or dental therapy in this state, either by direct examination or by~~  
12 ~~accepting the results of national or regional dental testing services in which the board~~  
13 ~~participates or which the board recognizes.~~

14 ~~3. Issue, suspend, revoke, limit, cancel, restrict, and reinstate licenses to practice~~  
15 ~~dentistry, dental therapy, or dental hygiene and the biennial certificates of registration~~  
16 ~~upon any grounds authorized by this chapter.~~

17 ~~4. Issue subpoenas to require the attendance of witnesses and the production of~~  
18 ~~documentary evidence and may administer oaths. Any member or executive officer of~~  
19 ~~the board may administer oaths to witnesses, or issue subpoenas, but all subpoenas~~  
20 ~~so issued must be attested by the secretary who shall affix the seal of the board~~  
21 ~~thereto.~~

22 ~~5. Employ and compensate an executive director, attorneys, investigative staff, and~~  
23 ~~clerical assistants and may perform any other duties imposed upon the board by this~~  
24 ~~chapter.~~

25 ~~6. Establish minimum continuing professional education requirements for dentists, dental~~  
26 ~~therapists, dental hygienists, and dental assistants.~~

27 ~~**SECTION 6. AMENDMENT.** Section 43-28-18 of the North Dakota Century Code is~~  
28 ~~amended and reenacted as follows:~~

29 ~~**43-28-18. Grounds for denial of or disciplinary action against license and certificate.**~~

30 ~~The board may deny an application or take disciplinary action against the license and the~~  
31 ~~certificate of registration of any applicant or dentist who has:~~

- 1 ~~1. Engaged in dishonorable, unprofessional, or immoral conduct.~~
- 2 ~~2. Been convicted of an offense determined by the board to have a direct bearing upon~~
- 3 ~~the individual's ability to serve the public as a dentist, or the board determines,~~
- 4 ~~following conviction for any offense, that the individual is not sufficiently rehabilitated~~
- 5 ~~under section 12.1-33-02.1.~~
- 6 ~~3. Been adjudged mentally ill and not judicially restored by the regularly constituted~~
- 7 ~~authorities.~~
- 8 ~~4. Abused, is dependent on, or addicted to the use of alcohol or drugs.~~
- 9 ~~5. Employed or permitted an unlicensed individual to practice dentistry in the office under~~
- 10 ~~the dentist's control.~~
- 11 ~~6. Been grossly negligent in the practice of dentistry.~~
- 12 ~~7. Engaged in fraud or deceit in obtaining the license or in the practice of dentistry.~~
- 13 ~~8. Disclosed confidential information.~~
- 14 ~~9. Shared any professional fee with anyone or paid anyone for sending or referring~~
- 15 ~~patients to the dentist. However, this does not prohibit dentists from practicing in a~~
- 16 ~~partnership and sharing one another's professional fees, nor prohibit a dentist from~~
- 17 ~~employing any other dentist, dental therapist, or dental hygienist.~~
- 18 ~~10. Used any advertising of any character tending to mislead and deceive the public,~~
- 19 ~~including advertising the public could reasonably interpret as indicating the dentist is~~
- 20 ~~qualified to practice a dental specialty, if the practice of that dental specialty would be~~
- 21 ~~outside the scope of practice for which the dentist is qualified to practice.~~
- 22 ~~11. Failed to meet minimum standards of professional competence.~~
- 23 ~~12. Prescribed, administered, or dispensed medications for reasons or conditions outside~~
- 24 ~~the scope of dental practice.~~
- 25 ~~13. Fraudulently, carelessly, negligently, or inappropriately prescribed drugs or~~
- 26 ~~medications.~~
- 27 ~~14. Directed others to perform acts or provide dental services for which they were not~~
- 28 ~~licensed or qualified or were prohibited by law or rule from performing or providing.~~
- 29 ~~15. Submitted fraudulent insurance claims.~~
- 30 ~~16. Made any false or untrue statements in an application for an examination to obtain a~~
- 31 ~~license to practice dentistry.~~

- 1 ~~—17.— Made any false representations that the individual is the holder of a license or~~
- 2 ~~certificate of registration to practice dentistry.~~
- 3 ~~—18.— Made any false claims that the individual is a graduate of a dental college or the holder~~
- 4 ~~of any diploma or degree from a dental college.~~
- 5 ~~—19.— Failed to comply with commonly accepted national infection control guidelines and~~
- 6 ~~standards.~~
- 7 ~~—20.— Abandoned the dentist's practice in violation of rules adopted by the board.~~
- 8 ~~—21.— Failed to report to the board as required under section 43-28-18.1.~~
- 9 ~~—22.— Failed to practice within the scope of that dentist's education or advanced training as~~
- 10 ~~recognized by the board, the American dental association, or other professional entity~~
- 11 ~~recognized by the board.~~
- 12 ~~—23.— Failed to release copies of dental or medical records requested by a patient of record~~
- 13 ~~or violated section 23-12-14. Dental records may include any document, charting,~~
- 14 ~~study models, doctor's notations, billing information, insurance document or~~
- 15 ~~combination of documents that pertains to a patient's medical history, diagnosis,~~
- 16 ~~prognosis, or medical condition, which is generated and maintained in the process of~~
- 17 ~~the patient's dental health care treatment.~~
- 18 ~~—24.— Advised or directed patients to dental laboratories or dental laboratory technicians for~~
- 19 ~~any dental service or advised or directed patients to deal directly with laboratories or~~
- 20 ~~dental laboratory technicians without first having furnished the dental laboratory or~~
- 21 ~~dental laboratory technician a written prescription.~~
- 22 ~~—25.— Worked or cooperated with dental laboratories that advertise for public patronage by~~
- 23 ~~delegating work to such laboratories in return for the referral of laboratory patrons for~~
- 24 ~~professional services.~~
- 25 ~~—26.— Used the services of a person or entity not licensed to practice dentistry in this state,~~
- 26 ~~or constructed, altered, repaired, or duplicated a denture, plate, partial plate, bridge,~~
- 27 ~~splint, or orthodontic or prosthetic appliance, except as provided by rule adopted by~~
- 28 ~~the board.~~
- 29 ~~—27.— Violated the code of ethics adopted by the board by rule.~~
- 30 ~~—28.— Violated this chapter or rules adopted by the board.~~

1 ~~—29.— Had the applicant's or dentist's license suspended, revoked, or disciplined in another~~  
2 ~~jurisdiction.~~

3 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ACCESS TO DENTAL SERVICES.**

4 During the 2013-14 interim, the legislative management shall consider studying how to improve  
5 access to dental services and ways to address dental service provider shortages, including the  
6 feasibility of utilizing mid-level providers, whether the use of incentives for dental service  
7 providers to locate in underserved areas in the state may improve access, and whether the  
8 state's medical assistance reimbursement rates impact access to dental services. The  
9 legislative management shall report its findings and recommendations, together with any  
10 legislation required to implement the recommendations, to the sixty-fourth legislative assembly.