

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2084
(Human Services Committee)
(At the request of the State Board of Dental Examiners)

AN ACT to create and enact a new subsection to section 43-28-06 of the North Dakota Century Code, relating to powers of the state board of dental examiners; and to amend and reenact subsection 7 of section 43-20-01.4, section 43-20-03, subsection 3 of section 43-28-06, section 43-28-10.1, and subsection 3 of section 43-28-25 of the North Dakota Century Code, relating to the practice and licensing of dental hygienists and dentists and the ownership of a practice.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 43-20-01.4 of the North Dakota Century Code is amended and reenacted as follows:

7. The board may ~~select a random sample of the license renewal applications for~~ audit of continuing education credits. Each licensee shall maintain certificates or records of continuing education activities for three years. Upon receiving notice of an audit from the board, a licensee shall provide satisfactory documentation of attendance at, or participation in, the continuing education activities listed on the licensee's continuing education form. Failure to comply with the audit is grounds for nonrenewal of or disciplinary action against the license.

SECTION 2. AMENDMENT. Section 43-20-03 of the North Dakota Century Code is amended and reenacted as follows:

43-20-03. Dental hygienists - Practice by.

As used in this chapter, "dental hygiene" and the practice thereof means the removal of accumulated matter from the natural and restored surfaces of teeth and from restorations in the human mouth, the polishing of such surfaces, and the topical application of drugs to the surface tissues of the mouth and to the surface of teeth if such acts are performed under the direct, ~~modified general~~ indirect, or general supervision of a licensed dentist. General supervision may be used if the procedures are authorized in advance by the supervising dentist, except procedures which may only be used under direct supervision as established by the board by rule.

Only a person licensed as a dental hygienist may be referred to as a dental hygienist. Additional tasks permitted to be performed by licensed dental hygienists may be outlined by the board of dental examiners by appropriate rules.

SECTION 3. AMENDMENT. Subsection 3 of section 43-28-06 of the North Dakota Century Code is amended and reenacted as follows:

3. Issue, suspend, revoke, limit, cancel, restrict, and reinstate licenses to practice dentistry or dental hygiene and the biennial certificates of registration upon any grounds authorized by this chapter or rules adopted by the board.

SECTION 4. A new subsection to section 43-28-06 of the North Dakota Century Code is created and enacted as follows:

Enter an agreement with the same professional organization with which the state board of medical examiners has entered an agreement under subsection 6 of section 43-17-07.1.

SECTION 5. AMENDMENT. Section 43-28-10.1 of the North Dakota Century Code is amended and reenacted as follows:

43-28-10.1. Requirements for licensure.

The board may grant a license to practice dentistry to an applicant who has met all of the following requirements:

1. The applicant has a doctorate of dental surgery or doctorate of dental medicine degree from an accredited dental school.
2. The applicant has passed the examination administered by the joint commission on national dental examinations or the national dental examining board of Canada.
3. The applicant has passed a clinical competency examination administered by a regional dental testing service approved by the board by rule.
4. The applicant has passed, within one year of making application, a written examination on the laws and rules governing the practice of dentistry in this state ~~administered by the board at a meeting.~~
5. Grounds for denial of the application under section 43-28-18 do not exist.
6. The applicant has met any requirement for licensure established by the board by rule.

SECTION 6. AMENDMENT. Subsection 3 of section 43-28-25 of the North Dakota Century Code is amended and reenacted as follows:

3. For any person, except a ~~North Dakota licensed practicing~~ dentist, to own more than forty-nine percent of an office practice or business at which the practice of dentistry is performed. This provision does not apply to a board-approved medical clinic, hospital, or public health setting with which a dentist is associated; a board-approved nonprofit organization created to serve the dental needs of an underserved population; or the heir or personal representative of a deceased dentist. The board may inspect and approve a medical clinic, hospital, public health setting, or nonprofit organization at which the practice of dentistry is performed. The heir or personal representative may operate an office under the name of the deceased dentist for a period of not longer than two years from the date of the dentist's death.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2084.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 93 Nays 1 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State