

February 24, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2066

Page 1, line 1, replace "section" with "sections 43-28-02.1 and"

Page 1, line 2, after the first "to" insert "tribal sovereignty and"

Page 1, line 2, remove the first "and"

Page 1, line 2, after "sections" insert "43-20-01.3,"

Page 1, line 3, after the third comma insert "43-28-03, 43-28-04,"

Page 1, line 3, remove "and"

Page 1, line 3, after "43-28-18.2" insert ", and 43-28-25"

Page 1, line 5, after "dentists" insert "; and to provide a penalty"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 43-20-01.3 of the North Dakota Century Code is amended and reenacted as follows:

43-20-01.3. Licensure by credential review.

Applications for licensure to practice dental hygiene by credential review must be made on forms provided by the board and submitted thirty days before the examination administered by the board. The board may issue a license and certificate of registration to practice dental hygiene to an applicant who meets all of the following requirements:

1. The applicant, ~~for at least three~~ within the five years immediately preceding application, has been licensed in good standing and has been actively practicing dental hygiene in another jurisdiction where the requirements are at least substantially equivalent to those of this state.
2. Grounds for denial of the application under section 43-20-05 do not exist.
3. The applicant has paid to the board the fee established by the board by rule.
4. The applicant has delivered to the board a certificate from the examining or licensing board of every jurisdiction in which the individual is licensed to practice, certifying that the individual is a licensed and registered dental hygienist in good standing in that jurisdiction.
5. The applicant has passed a written examination on the laws and rules governing the practice of dentistry in this state administered by the board at a meeting.
6. The applicant has met any requirement for licensure established by the board by rule."

Page 2, line 17, remove the underscored period

Page 2, line 18, remove "4. The applicant met any requirement for registration established by the board by rule"

Page 2, after line 18 insert:

"SECTION 5. Section 43-28-02.1 of the North Dakota Century Code is created and enacted as follows:

43-28-02.1. Tribal sovereignty.

This section reaffirms the sovereignty of native American tribes in the state. The legislative assembly recognizes that in accordance with federal law, a native American tribe in this state may authorize a dental provider, who is licensed, certified, or otherwise sanctioned by another jurisdiction to provide dental services, to provide dental services on that Indian reservation.

SECTION 6. AMENDMENT. Section 43-28-03 of the North Dakota Century Code is amended and reenacted as follows:

43-28-03. State board of dental examiners - Members - Appointment - Terms of office - Oath - Vacancies.

The state board of dental examiners consists of ~~seven~~eight members appointed by the governor. The membership of the board must include five dentist members, one dental hygienist member, one registered dental assistant member, and one consumer member. Appointment to the board is for a term of five years, with terms of office arranged so that one term expires on March sixteenth of each year, except that each fifth year there must be two new board members appointed, one of whom is a dentist and the other a dental hygienist ~~and~~, two years later two new board members must be appointed, one of whom is a dentist; and one of whom is a consumer member, and two years later two new board members must be appointed, one of whom is a dentist and one of whom is a registered dental assistant. ~~The first five-year term of the consumer member commences on July 1, 1993, and continues through March 15, 1998.~~ Each member of the board shall hold office until a successor is appointed and qualified. Persons appointed to the board shall qualify by taking the oath required of civil officers. No member may serve more than ten years or two 5-year terms of office. If the terms of more than two board members expire in the same year, the governor may extend for no more than two years the terms of one or more of those board members in order to comply with this section. If a member of the board is absent from two consecutive regular meetings, the board may declare a vacancy to exist. All vacancies on the board must be filled by the governor by appointment.

SECTION 7. AMENDMENT. Section 43-28-04 of the North Dakota Century Code is amended and reenacted as follows:

43-28-04. Qualifications and appointment of members of the board - Limited vote.

1. An individual may not be appointed as a dentist member of the board unless that individual:
 - a. Is a dentist licensed and registered under this chapter; and

- b. Is actively engaged in the practice of dentistry and has been so engaged in this state for at least five years immediately preceding the appointment.
2. An individual may not be appointed as the dental hygienist member of the board unless that individual:
 - a. Is a licensed and registered dental hygienist in accordance with chapter 43-20; and
 - b. Is actively engaged in the practice of dental hygiene and has been so engaged in this state for at least five years immediately preceding the dental hygienist's appointment.
3. An individual may not be appointed as the consumer member of the board unless that individual:
 - a. Has been a resident of North Dakota for five years immediately preceding appointment;
 - b. Has no personal or family financial relationship with the dental profession; and
 - c. Is not a dentist, a dental hygienist, a dental assistant, a physician, a nurse, or the spouse of an individual engaged in any of those occupations.
4. An individual may not be appointed as the registered dental assistant member of the board unless the individual:
 - a. Is a registered dental assistant under chapter 43-20; and
 - b. Is actively engaged in the practice of dental assistance in this state for at least five years immediately preceding the dental assistant's appointment.
5. The dental hygienist, the registered dental assistant, and consumer member of the board shall exercise full voting privileges in all areas except that the dental hygienist may not participate in the clinical examination of dentists for licensure and the registered dental assistant and the consumer member may not participate in the clinical examination of dentists or hygienists for licensure."

Page 2, line 24, overstrike "for at least" and insert immediately thereafter "within the"

Page 5, after line 4, insert:

"SECTION 11. AMENDMENT. Section 43-28-25 of the North Dakota Century Code is amended and reenacted as follows:

43-28-25. Unlawful acts - Penalty.

It is a class A misdemeanor:

1. For any unlicensed person to construct, alter, repair, or duplicate any denture, partial denture, bridge, splint, or orthodontic or prosthetic appliance, except as provided by rule adopted by the board.

2. For any person:
 - a. To falsely claim or pretend to be a graduate from any dental college or the holder of any diploma or degree from such college;
 - b. To practice any fraud and deceit either in obtaining a license or a certificate of registration;
 - c. To falsely claim or pretend to have or hold a license or certificate of registration from the board to practice dentistry; or
 - d. To practice dentistry in this state without a license and certificate of registration.

3. For any person, except a 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~~shall appoint a dentist to 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.

The board may institute a civil action for an injunction prohibiting violations of this section without proof that anyone suffered actual damages."

Page 5, line 9, after "dentist" insert "or dentists"

Page 5, line 9, after "director" insert "or directors"

Page 5, line 27, after the underscored semicolon insert "or"

Page 5, line 28, remove the first semicolon

Page 5, line 29, remove "or the heir or personal representative of a deceased dentist"

Renumber accordingly