

AN ACT

ENTITLED, An Act to revise certain provisions regarding the practice of dental hygiene.

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

Section 1. That § 36-6A-1 be amended to read:

36-6A-1. Terms used in this chapter mean:

- (1) "Allied dental educational program," a dental hygiene, dental assisting, or laboratory technology educational program;
- (2) "Board," the State Board of Dentistry;
- (3) "Collaborative agreement," a written agreement between a supervising dentist and a dental hygienist authorizing the preventive and therapeutic services that may be performed by the dental hygienist under collaborative supervision;
- (4) "Collaborative supervision," the supervision of a dental hygienist requiring a collaborative agreement between a supervising dentist and a dental hygienist;
- (5) "Commercial dental laboratory," an enterprise engaged in making, providing, repairing, or altering oral prosthetic appliances and other artificial materials and devices which are returned to a dentist and inserted into the human oral cavity or which come in contact with its adjacent structures and tissues;
- (6) "Complete evaluation," a comprehensive examination, review of medical and dental history, the formulation of a diagnosis, and the establishment of a written treatment plan, documented in a written or electronic record to be maintained by the dentist's clinic or other treatment facility or institution;
- (7) "Dental," pertaining to dentistry;
- (8) "Dental assistant," a person who, under the supervision of a dentist or dental hygienist, renders assistance as authorized by this chapter;

- (9) "Dental auxiliary," any person, other than a dental hygienist, that works under the supervision of a dentist and provides dental services to a patient;
- (10) "Dental corporation," any entity formed pursuant to chapter 47-12;
- (11) "Dental hygienist," a person licensed as a dental hygienist pursuant to this chapter, who, under the supervision of a dentist, renders the diagnostic, preventive, or therapeutic dental services, and any educational services provided pursuant thereto, as authorized by this chapter, as well as any related extra-oral procedure required in the practice of those services;
- (12) "Dental radiographer," a person registered as a dental radiographer pursuant to this chapter;
- (13) "Dental radiography," the application of X-radiation to human teeth and supporting structures for diagnostic purposes only;
- (14) "Dental specialist," a dentist in a specialty recognized by the board that has graduated from a postdoctoral specialty program recognized and approved by the American Dental Association Commission on Dental Accreditation;
- (15) "Dental technician," a person performing acts authorized pursuant to this chapter, who, at the authorization of a dentist, makes, provides, repairs, or alters oral prosthetic appliances and other artificial materials and devices which are returned to a dentist and inserted into the human oral cavity or which come in contact with its adjacent structures and tissues;
- (16) "Dentist," a person licensed as a dentist pursuant to this chapter;
- (17) "Dentistry," the examination, evaluation, diagnosis, prevention, or treatment, including surgery and the prescribing of drugs, of diseases, disorders, or conditions of the human oral cavity or its adjacent or associated tissues and structures of the maxillofacial area, and

their impact on the human body;

- (18) "Direct supervision," the supervision of a dental hygienist or registered dental assistant requiring that a dentist diagnose the condition to be treated, a dentist authorize the procedure to be performed, a dentist remain in the dental clinic while the procedure is performed, and before dismissal of the patient a dentist approve the work performed by the dental hygienist or registered dental assistant;
- (19) "Expanded functions," reversible procedures which require professional proficiency and specific training, performed under the direct supervision of a dentist;
- (20) "General supervision," the supervision of a dental hygienist requiring that a dentist authorize the procedures to be carried out, and that the patient to be treated is a patient of record of the supervising dentist, or a dentist practicing within the same entity or clinic as the supervising dentist, and has had a complete evaluation within the previous thirteen months of the delegation of procedures. A written treatment plan contained within the patient's record shall accompany any authorization of treatment procedures;
- (21) "Indirect supervision," the supervision of a dental hygienist or registered dental assistant requiring that a dentist authorize the procedures and a dentist be in the dental clinic while the procedures are performed by the registered dental assistant or dental hygienist;
- (22) "Lay member," a person who is not a health professional, and who is not a parent, spouse, sibling, or child of a health professional or health professional student. For purposes of board membership, no person with a significant financial interest in a health service or profession may be a lay member;
- (23) "Licensee," a dentist or dental hygienist;
- (24) "Oral health review," a limited assessment of a person's oral health through a dentist's review of dental and medical history following a limited clinical inspection by a dental

hygienist working under collaborative supervision;

- (25) "Patient of record," a patient who has undergone a complete evaluation performed by a dentist;
- (26) "Personal supervision," a level of supervision whereby the dentist or dental hygienist is personally treating a patient and authorizes the dental assistant to aid the treatment by concurrently performing a supportive procedure;
- (27) "Practitioner," a dentist or dental hygienist;
- (28) "Registered dental assistant," a person registered as a registered dental assistant pursuant to this chapter who is authorized to perform expanded functions under the direct supervision of a dentist as authorized by this chapter;
- (29) "Registrant," a dental radiographer or registered dental assistant;
- (30) "Satellite office," an office, building, or location used regularly by a dentist for the practice of dentistry other than the clinic listed as the primary clinic; and
- (31) "Teledentistry," the practice of dentistry where the patient and the dentist are not in the same physical location, and which utilizes the exchange of clinical information and images over remote distances.

Section 2. That § 36-6A-40 be amended to read:

36-6A-40. Only a dental hygienist licensed to practice pursuant to this chapter may practice dental hygiene unless otherwise stated in this chapter. A dental hygienist may perform those services which are diagnostic, therapeutic, or preventive in nature and are authorized by the board and any educational services provided pursuant to those authorized services. Such services may not include the establishment of a final diagnosis or treatment plan for a dental patient. The services shall be performed under the supervision of a dentist.

A dental hygienist may perform preventive and therapeutic services under general supervision

if all individuals treated are patients of record and all care rendered by the dental hygienist is completed under the definition of patient of record. A dental hygienist may perform preventive and therapeutic services under collaborative supervision if the requirements of § 36-6A-40.1 are met. However, no dental hygienist may perform preventive and therapeutic services under collaborative supervision for more than thirteen months for any person who has not had a complete evaluation or an oral health review by a dentist.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1104

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1104
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State