

20:43:01:01. Petition for declaratory rulings. Any person ~~who wishes the Board of Dentistry to make a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the Board of Dentistry may initiate such action by filing a petition with the president of the board or with the Division of Professional and Occupational Licensing of the Department of Commerce and Regulation containing~~ may petition the board to issue a declaratory ruling by filing a written request that contains the following information:

(1) The name and contact information of the person, ~~agency, or group~~ submitting the petition;

~~—— (2) The requested action and the reason for the action;~~

~~(3) The specific administrative rule, statute, or order in question, if any, referred to;~~

~~—— (3) The facts and circumstances which give rise to the issue to be answered by the board's declaratory ruling;~~

~~—— (4) The precise issue to be answered by the board's declaratory ruling; and~~

~~(4) The signature of the person or the authorization of a group or agency making the petition; and~~

~~—— (5) The notarization of the signature or authorization. .~~

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL ~~36-6A-14~~ 1-26-15.

Law Implemented: SDCL 1-26-15.

Cross-Reference: Procedure to initiate rules, SDCL 1-26-13.

20:43:01:02. Agency action on petition for declaratory ruling. ~~Upon receipt of~~ After receiving a petition for a declaratory ruling, the board may request from the petitioner any additional

1 information required for the issuance of a ruling the president shall immediately mail one copy to
2 each board member and set a meeting to be held within 90 days to act on the petition. When
3 necessary, the board shall set a hearing date when testimony can be given by parties of interest in the
4 declaratory ruling. Unless the petitioner agrees to a longer period of time, the board shall issue a
5 declaratory ruling within 90 days after the receipt of the petition, within 90 days following the receipt of
6 further requested information, or within 45 days following a hearing held on the petition. The board's
7 action on the petition is the final order of the board in the matter and starts the time running
8 within which an appeal may be taken on its action.

9 Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR
10 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992.

11 General Authority: SDCL ~~36-6A-14~~ 1-26-15.

12 Law Implemented: SDCL 1-26-15.

13 20:43:01:05. Board hearings -- Procedure. A record of the hearing in a contested case
14 shall be taken by court reporter or recording equipment. ~~All disciplinary proceedings and~~
15 ~~procedures to deny renewal of the license or registration of a licensed dentist or dental hygienist~~
16 ~~or of a registered dental radiographer shall be conducted in accordance with SDCL 1-26.~~

17 Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR
18 155, effective July 1, 1986; 13 SDR 23, effective September 3, 1986; 18 SDR 132, effective
19 February 17, 1992.

20 General Authority: SDCL 36-6A-14(2), (20).

21 Law Implemented: SDCL 36-6A-14(2).

22 20:43:02:01. Requirements for jurisprudence examinations. An applicant for a license to
23 practice dentistry as a dentist or dental hygiene hygienist must pass a written examination given

1 administered by the board on ~~its~~ the relevant administrative rules and ~~SDCL chapter 36-6A~~
2 statutes. A score of 70 percent or higher is considered passing.

3 Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 11 SDR 73, effective
4 November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective
5 February 17, 1992; 19 SDR 32, effective September 6, 1992; 20 SDR 166, effective April 11,
6 1994; 26 SDR 37, effective September 20, 1999; 27 SDR 57, effective December 12, 2000; 38
7 SDR 172, effective April 25, 2012.

8 General Authority: SDCL ~~36-6A-45~~, ~~36-6A-47(7)(10)~~, 36-6A-47.1(10).

9 Law Implemented: SDCL ~~36-6A-45~~, ~~36-6A-47(7)(10)~~, 36-6A-47.1(10).

10 20:43:02:02. Application for exams. ~~All~~ Each jurisprudence ~~examinations~~ examination
11 must be submitted to the board ~~together~~ with the examination fee of \$225 for a dentist or \$115
12 for a dental hygienist.

13 Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective
14 February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective
15 February 17, 1992; 20 SDR 166, effective April 11, 1994; 38 SDR 172, effective April 25, 2012.

16 General Authority: SDCL ~~36-6A-45~~, ~~36-6A-47(7)(10)~~, 36-6A-47.1(10), 36-6A-50(1) and
17 (2).

18 Law Implemented: SDCL ~~36-6A-45~~, ~~36-6A-47(7)(10)~~, 36-6A-47.1(10), 36-6A-50(1) and
19 (2).

20 CHAPTER 20:43:05

21 PROFESSIONAL CONDUCT

22 Section

23 20:43:05:01 ~~Advertising~~ Repealed.

1 20:43:05:02 Repealed.

2 20:43:05:03 Repealed.

3 20:43:05:04 Repealed.

4 20:43:05:05 Repealed.

5 20:43:05:06 Repealed.

6 20:43:05:07 Repealed.

7 20:43:05:08 ~~Institutional advertising~~ Repealed.

8 20:43:05:01. Advertising. ~~Fraudulent or misleading advertising is not allowed.~~ Repealed.

9 Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 9 SDR 49, effective
10 October 25, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

11 General Authority: SDCL 36-6A-14.

12 Law Implemented: SDCL 36-6A-29.

13 20:43:05:08. Institutional advertising. ~~Institutional advertising, promoting dentistry~~
14 ~~generally, by dental associations and groups is approved.~~ Repealed.

15 Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR
16 155, effective July 1, 1986.

17 General Authority: SDCL 36-6A-14.

18 Law Implemented: SDCL ~~36-6A-2~~, 36-6A-29.

19 24:43:10:02. Qualifications. A dental hygienist providing services under collaborative
20 supervision must hold a license in good standing in the state of South Dakota and meet the
21 following requirements:

22 (1) Completion of three years of clinical practice in dental hygiene; and

(2) Completion of a minimum of 4,000 practice hours. A minimum of 2,000 of those hours must have been completed within ~~two of the~~ three years preceding application.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.1, 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.1, 36-6A-40.2.

20:43:10:03. Application for registration. A dental hygienist registering to provide services under collaborative supervision must submit the following:

(1) A completed application form;

(2) A completed board approved collaborative agreement;

(3) A fee of \$20;

(4) Verification of completion of three years of clinical practice in dental hygiene;

(5) Verification of completion of a minimum of 4,000 practice hours; and

(6) Verification of completion of a minimum of 2,000 practice hours within ~~two of the~~ three years preceding application.

Source: 38 SDR 172, effective April 25, 2012.

General Authority: SDCL 36-6A-40.1, 36-6A-40.2.

Law Implemented: SDCL 36-6A-40.1, 36-6A-40.2.

20:43:10:04. Collaborative agreement. When working together in a collaborative supervision relationship, a dentist and dental hygienist shall enter into a written board approved collaborative agreement that specifies the following responsibilities:

(1) A dentist providing collaborative supervision must:

(a) Provide appropriate communication and consultation with the dental hygienist;

(b) Have age and procedure specific standing orders for the performance of dental hygiene services. Those standing orders must include consideration for medically compromised patients and medical conditions for which a dental evaluation must occur prior to the provision of dental hygiene services;

(c) Specify a period of time, no more than 13 months, in which ~~an examination a~~ complete evaluation or an oral health review by a dentist must occur prior to providing further hygiene services; and

(d) Limit the number of dental hygienists that ~~he or she~~ the dentist has a collaborative agreement with to four or less;

(2) A dental hygienist providing services under collaborative supervision may provide all preventative and therapeutic services that a hygienist is allowed to provide pursuant to SDCL chapter 36-6A and this chapter, except for the administration of local anesthesia and nitrous oxide inhalation analgesia, and must:

(a) Maintain appropriate contact and communication with the dentist providing collaborative supervision;

(b) Practice according to age and procedure specific standing orders as directed by the supervising dentist, unless otherwise directed by the dentist for a specific patient;

(c) Provide to the patient, parent, or guardian a written plan for referral to a dentist and assessment of further dental treatment needs;

(d) Have each patient sign a consent form that notifies the patient that the services that will be provided do not take the place of regular dental checkups at a dental office and are meant for people who otherwise would not have access to services; and

1 (e) Specify a procedure for creating and maintaining dental records for patients that are
2 treated by the dental hygienist, including where these records are to be located;

3 (3) A copy of the collaborative agreement shall be filed with the board. If any changes are
4 made to the collaborative agreement, an updated copy of the agreement shall be filed with the
5 board and must be approved;

6 (4) If the agreement is terminated by the dentist or dental hygienist, the board shall be
7 notified in writing within 30 days. A termination of the collaborative agreement constitutes a
8 suspension of the registration;

9 (5) The collaborative agreement must be maintained by the dentist and the dental hygienist
10 in each location where collaborative supervision is provided and must be made available to the
11 board upon request. The dentist and dental hygienist must review the agreement annually.

12 Source: 38 SDR 172, effective April 25, 2012.

13 General Authority: SDCL 36-6A-40.2.

14 Law Implemented: SDCL 36-6A-40.2.