

1 **20:43:03:01. Application for license to practice as a dentist -- Requirements.** An
2 applicant for a license to practice as a dentist shall submit ~~the following~~ to the board:

3 (1) A completed application form and a fee of \$150;

4 (2) Certified transcripts or, when approved, a certified letter from a dental school official
5 verifying that the applicant has graduated from an American Dental Association Commission on
6 Dental Accreditation accredited United States dental school, having obtained a doctor of dental
7 medicine or a doctor of dental surgery degree;

8 (3) Verification of passage of the National Board Dental Examination Parts I and II or the
9 Integrated National Board Dental Examination administered by the Joint Commission on National
10 Dental Examinations;

11 (4) Verification of passage of a board approved patient-based clinical competency
12 examination that meets the criteria outlined in § 20:43:03:02 within the five years preceding
13 application or, if the patient-based clinical competency examination was passed prior to July 1,
14 2018, and within the five years preceding application, verification of passage of the Central
15 Regional Dental Testing Service examination or Western Regional Examining Board examination.
16 An applicant who fails any combination of board approved clinical competency examinations three
17 times is not eligible for licensure in ~~South Dakota~~ this state;

18 (5) A certified letter verifying the license number and status of the license from the ~~Board~~
19 board of Dentistry ~~dentistry~~ in each state in which the applicant is or has been licensed, if
20 applicable;

21 (6) A copy of the applicant's birth certificate or equivalent documentation;

22 (7) A recent photograph;

(8) A copy of the applicant's current cardiopulmonary resuscitation (~~CPR~~) card. The board accepts only the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board; and

(9) Completed fingerprint cards necessary to conduct a state and federal criminal background check.

An applicant for a license to practice as a dentist shall pass a written examination administered by the board on the relevant administrative rules and statutes. A ~~cut~~ score of 70 percent is considered passing.

To be considered, a complete application and all supporting documentation must be received at least 30 days before the board meeting ~~to be considered~~. If requested, an applicant shall appear for a personal interview conducted by the board on a date set by the board.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11, 1994; 26 SDR 37, effective September 20, 1999; 27 SDR 57, effective December 12, 2000; 38 SDR 172, effective April 25, 2012; 45 SDR 35, effective September 19, 2018.

General Authority: SDCL 36-6A-14(3), 36-6A-44, 36-6A-50(13).

Law Implemented: SDCL 36-6A-14(3), 36-6A-44.

20:43:03:02. Clinical competency examination -- License to practice as a dentist. The board may approve a patient-based clinical competency examination pursuant to subdivision 20:43:03:01(4) that demonstrates evidence of psychometric soundness, including documentation of validity, reliability, fidelity and fairness, allows direct observation by a board designee, and includes, at a minimum, ~~a cut score of 75 percent along with~~ the following components:

(1) A patient-based periodontal component ~~that includes at least the following:~~

~~———— (a) Pocket depth detection;~~

~~———— (b) Calculus detection and removal; and~~

~~———— (c) An intra-oral and extra-oral assessment;~~

(2) A patient-based restorative component ~~that includes at least the following:~~

~~———— (a) A Class II composite or amalgam preparation and restoration. Slot preparations will not be accepted as fulfilling this requirement; and~~

~~———— (b) A Class III anterior composite preparation and restoration;~~

(3) A manikin-based prosthodontic component ~~that includes at least the following:~~

~~———— (a) An all-ceramic anterior crown preparation; and~~

~~———— (b) A three-unit fixed bridge that includes:~~

~~———— (i) A cast-gold posterior crown preparation; and~~

~~———— (ii) A porcelain fused to metal crown preparation;~~

(4) A manikin-based endodontic component ~~that includes at least the following:~~

~~———— (a) An anterior endodontic procedure that includes access opening, instrumentation, and obturation; and~~

~~———— (b) A posterior endodontic procedure that includes access opening and canal location;~~
and

(5) A remediation policy to address candidate deficiencies.

Source: 45 SDR 35, effective September 19, 2018.

General Authority: SDCL 36-6A-14(3), 36-6A-44(4).

Law Implemented: SDCL 36-6A-14(3), 36-6A-44(4).

20:43:03:09. Clinical competency examination -- License to practice as a dental hygienist. The board may approve a patient-based dental hygiene clinical competency

examination pursuant to subdivision 20:43:03:08(4) that demonstrates evidence of psychometric soundness, including documentation of validity, reliability, fidelity and fairness, allows direct observation by a board designee, and includes, at a minimum, a cut score of 75 percent along with the following components:

- (1) Pocket depth detection;
- (2) Calculus detection and removal;
- (3) An intra oral and extra oral assessment; and
- (4) A remediation policy to address candidate deficiencies.

Source: 45 SDR 35, effective September 19, 2018.

General Authority: SDCL 36-6A-14(3), 36-6A-44.2(4).

Law Implemented: SDCL 36-6A-14(3), 36-6A-44.2(4).

20:43:04:06. Additional duties of dental hygienist. In addition to the duties prescribed in SDCL chapter 36-6A and § 20:43:04:04, a dental hygienist, ~~under direct supervision of a dentist,~~ may perform all services permitted other registered dental assistants ~~and dental assistants~~ if the services are performed under the level of supervision required of a registered dental assistant.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 10 SDR 75, effective January 23, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 32, effective September 6, 1992; 26 SDR 37, effective September 20, 1999; 37 SDR 131, effective January 6, 2011; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14(10).

Law Implemented: SDCL 36-6A-40.

CHAPTER 20:43:08

REGISTERED DENTAL ASSISTANTS AND DENTAL ASSISTANTS

1 Section

2 20:43:08:01 Definitions.

3 20:43:08:02 Dental assistant – ~~Requirements~~ Duties.

4 20:43:08:02.01 Dental assistant – Prohibited duties.

5 20:43:08:03 Registered dental assistant -- Requirements.

6 20:43:08:04 ~~Qualifications by endorsement~~ Knowledge of infection control and applicable

7 Occupational Safety and Health Administration standards.

8 20:43:08:05 ~~Approval of~~ Certificate of competency programs -- Application.

9 20:43:08:06 ~~Certificate of competency – Examination~~ Repealed.

10 20:43:08:07 ~~Repealed~~ Student exemption.

11 20:43:08:08 ~~Application for registration~~ Repealed.

12 20:43:08:09 ~~Fee for registration –~~ Registered dental assistant - Renewal.

13 20:43:08:09.01. Registered dental assistant -- Continuing education requirements ~~– Registered~~

14 ~~dental assistants.~~

15 20:43:08:10 ~~Delegation of duties – Supervision~~ Registered dental assistant – Duties.

16 20:43:08:11 ~~Procedures that may not be delegated~~ Repealed.

17 **20:43:08:01. Definitions.** Terms As used in this chapter mean:

18 (1) "Certificate of competency" means a certificate attesting that an individual is qualified

19 to perform expanded functions by having successfully completed a program as described in

20 § 20:43:08:05;

21 (2) “Dental assistant” means a person who performs duties or procedures as authorized by

22 this article that does not need to be registered or licensed with the board;

(3) "Expanded functions" means reversible procedures which require professional proficiency and specific training, performed under the direct supervision of a dentist;

(4) "Registered dental assistant;" means a person registered as a registered dental assistant who is authorized to perform expanded functions under the direct supervision of a dentist as authorized by this article;

~~—— (2) "Expanded functions," reversible procedures which require professional proficiency and specific training, performed under the direct supervision of a dentist;~~

~~(3) "Certificate of competency," a certificate attesting that a dental assistant is qualified to perform expanded functions by successfully completing a registered dental assistant examination as described in § 20:43:08:06.~~

Source: 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

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

Law Implemented: SDCL 36-6A-14, 36-6A-41.

20:43:08:02. Dental assistant – Requirements Duties. ~~The minimal requirements for a dental assistant are graduation from high school or its equivalent of eighteen years of age.~~

Subject to the supervising dentist exercising full responsibility, a dental assistant may perform duties or procedures incidental to patient care, including intraoral services or assisting in the performance of clinical or clinical-related duties, if the duties or procedures are performed under direct or indirect supervision of a dentist or personal supervision of a dental hygienist.

Subject to the supervising dentist exercising full responsibility, a dental assistant may perform the following duties or procedures if the supervising dentist is not present in the dental clinic, but has prior knowledge of and has authorized the performance:

(1) Making impressions or obtaining digital records for casts and appliances;

- (2) Creating or delivering vacuum-formed orthodontic retainers;
- (3) Taking photographs extraorally or intraorally;
- (4) Cutting long or broken wires;
- (5) Removing loose bands, clasps, or brackets on orthodontic appliances or retainers;
- (6) Removing and replacing existing ligature ties and arch wires on orthodontic appliances;
- (7) Removing existing and replacing lost or missing elastic orthodontic separators;
- (8) Recementing existing provisional restorations;
- (9) Manipulating dental software for designing restorations;
- (10) Duties or procedures that involve infection control; and
- (11) Taking vital signs and updating health history.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14(1)(10), 36-6A-41.

20:43:08:02.01. Dental assistant – Prohibited duties. The following list of duties or procedures may not be performed by a dental assistant:

- (1) Placing sealants;
- (2) Placing nonsurgical retraction materials for gingival displacement;
- (3) Fabricating provisional restorations;
- (4) Using electronic instruments for caries detection;
- (5) Adjusting dentures or partials;
- (6) Intraoral use of rotary hand instruments or ultrasonic instruments;

(7) Any duty or procedure that falls outside of the relevant education, training, and experience of the dental assistant;

(8) Any procedure that cannot be performed by a registered dental assistant; and

(9) Other duties or procedures prohibited by the board.

Source:

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14(1)(10), 36-6A-41.

20:43:08:03. Registered dental assistant -- Requirements. ~~In addition to the minimum requirements in § 20:43:08:02, a registered dental assistant must meet one of the following requirements~~

~~(1) Successfully complete a dental assisting program approved by the board pursuant to § 20:43:08:05;~~

~~—— (2) Hold current credentials as a nationally certified dental assistant; or~~

~~—— (3) Hold a certificate of competency from the board.~~

An applicant for a registration to practice as a registered dental assistant must be at least eighteen years of age and shall submit to the board:

(1) A completed application form and an application fee of \$40;

(2) A copy of the applicant's birth certificate or equivalent documentation;

(3) Proof of one of the following:

a. Graduation from an American Dental Association Commission on Dental Accreditation (CODA) accredited dental assisting program;

b. Current certification as a Certified Dental Assistant through the Dental Assisting National Board, Inc.; or

c. Completion of a program approved pursuant to § 20:43:08:05 resulting in a registered dental assistant certificate of competency;

(4) A certified letter verifying the registration number and status of the registration from the board of dentistry in each state in which the applicant is or has been registered to perform expanded functions; and

(5) A copy of the applicant's current board approved cardiopulmonary resuscitation card. The board accepts only the American Heart Association for the Healthcare Provider, American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.

Applicants who have completed a CODA accredited dental assisting program or obtained a certificate of competency must apply within five years of completion of the program or, if the program was completed more than five years prior to application, must have legally provided expanded functions within five years preceding application. Written documentation verifying the current clinical proficiency of the applicant to perform expanded functions may be required from a dentist who has employed or supervised the applicant within the five years prior to application.

The board may issue a registration to practice as a registered dental assistant if an applicant meets the requirements in this section. A registered dental assistant may perform expanded functions under the direct supervision of a dentist as authorized by this article.

Source: 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14, 36-6A-50(15).

Law Implemented: SDCL 36-6A-14(6)(7), 36-6A-41, ~~36-6A-42~~ 36-6A-50(15).

20:43:08:04. Knowledge of infection control and applicable Occupational Safety and Health Administration standards –~~Qualifications by endorsement.~~ ~~A person who has a~~

1 ~~current certificate to perform expanded functions issued by another state, jurisdiction, agency, or~~
2 ~~recognized professional registry may, upon presentation of the certificate to the board be~~
3 ~~considered to meet the requirements of § 20:43:08:03 if the board finds that the standards and~~
4 ~~procedures for qualification in the state, jurisdiction, agency, or recognized professional registry~~
5 ~~which issued the certificate are equivalent to the standards of this chapter. Dental assistants and~~
6 ~~registered dental assistants must be knowledgeable in the following:~~

7 (1) Occupational Safety and Health Administration Hazard Communication Standard as
8 outlined in 29 CFR §1910.1200 (May 25, 2012);

9 (2) Occupational Safety and Health Administration Bloodborne Pathogens Standard as
10 outlined in 29 CFR §1910.1030 (April 3, 2012); and

11 (3) Centers for Disease Control and Prevention Guidelines for Infection Control in
12 Dental Health Care Settings, 2003.

13 **Source:** ~~19 SDR 32, effective September 6, 1992.~~

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

15 **Law Implemented:** SDCL 36-6A-14 (1)(7), 36-6A-41, ~~36-6A-42.~~

16 **Reference: Guidelines for Infection Control in Dental Health Care Settings, 2003, Center**
17 **for Disease Control and Prevention.** Copies may be obtained from the Center for Disease
18 Control and Prevention free of charge at <http://www.cdc.gov/>.

19 **20:43:08:05. ~~Approval of~~ Registered dental assistant training programs -- Application.**

20 ~~A~~ The board may approve a program of learning leading to a registered dental assistant certificate
21 ~~of competency or registration as a registered dental assistant as required by § 20:43:08:03 may be~~
22 ~~approved by the board if the program meets the following standards~~ requirements:

(1) ~~It constitutes an organized program of learning which contributes to the proficiency and skills of the individual in training to become registered as a registered dental assistant performing expanded functions~~ The program is conducted by an entity that administers an American Dental Association Commission on Dental Accreditation (CODA) accredited dental assisting program or has applied for and is completing the application process to obtain CODA accreditation for its dental assisting program; and

(2) ~~It is conducted by individuals who are qualified by special education, training, and experience to conduct the program of learning in expanded functions~~ The program verifies the competency of participants on areas generally included in the curriculum of a CODA accredited dental assisting program.

Application for approval of programs ~~of learning~~ shall be made to the board.

Source: 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14.

Law Implemented: SDCL 36-6A-14(7).

~~**20:43:08:06. Certificate of competency — Examination.** An applicant for a certificate of competency must pass a written examination on expanded functions administered by the board or the dental assisting national board or any substantially similar test. The applicant must also present to the board written documentation from a South Dakota dentist attesting to the clinical proficiency of the applicant who has performed expanded functions under personal supervision of the dentist for at least 180 days. The passing grade for the examination is 75. Repealed.~~

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14, 36-6A-41.

~~**Law Implemented:** SDCL 36-6A-14, 36-6A-42.~~

1 **20:43:08:07. ~~Exemption to training requirements~~ Student exemption.** ~~Repealed.~~ An
2 individual who does not hold a registration to practice as a registered dental assistant may
3 perform dental assisting duties or procedures and expanded functions, if the following
4 requirements are met:

5 (1) The individual is enrolled in an American Dental Association Commission on Dental
6 Accreditation accredited dental assisting program or board approved dental assisting educational
7 program, and is performing the dental assisting duty, procedure, or expanded function under the
8 auspices of that program;

9 (2) The duty, procedure, or expanded function is performed under the supervision of a
10 faculty member of that program who is appropriately registered or licensed in the state where the
11 program is located; and

12 (3) The faculty member authorizes the dental assisting duty, procedure, or expanded function
13 to be performed, remains in the dental clinic while it is performed, and before dismissal of a
14 patient, the faculty member approves the work that was performed.

15 **Source:** ~~19 SDR 32, effective September 6, 1992; repealed, 26 SDR 37, effective~~
16 ~~September 20, 1999.~~

17 **General Authority:** SDCL 36-6A-14, 36-6A-33(2)

18 **Law Implemented:** SDCL 36-6A-14(7), 36-6A-33(2)

19 **20:43:08:08. ~~Application for registration.~~** ~~Each person desiring to engage in performing~~
20 ~~expanded functions, except a licensed dentist or dental hygienist, shall apply for registration to~~
21 ~~the board before engaging in such expanded functions. The application shall be made on a form~~
22 ~~furnished by the board and shall be filled out completely. The application shall contain a~~
23 ~~statement that the requirements of this chapter has been read and understood by the applicant and~~

1 shall document the training, experience, and education that qualify the applicant to engage in
2 performing expanded functions. Repealed.

3 **Source:** 19 SDR 32, effective September 6, 1992.

4 ~~General Authority:~~ SDCL 36-6A-14, 36-6A-41, 36-6A-42.

5 ~~Law Implemented:~~ SDCL 36-6A-14, 36-6A-41, 36-6A-42.

6 **20:43:08:09. Fee for registration – Registered dental assistant - Renewal.** If an applicant
7 meets the requirements of § 20:43:08:03, the board shall issue a registration as a registered dental
8 assistant upon payment of a fee of \$40 for initial registration. Each person registered to practice as
9 a registered dental assistant shall annually procure a certificate of registration from the board by
10 July first. Each person registered as a registered dental assistant shall maintain a current board
11 approved cardiopulmonary resuscitation (~~CPR~~) card. The board accepts only the American Heart
12 Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or
13 an equivalent program approved by the board. A registered dental assistant shall pay an annual
14 renewal fee of \$20. A registered dental assistant shall display the registration in the office.

15 **Source:** 19 SDR 32, effective September 6, 1992; 38 SDR 172, effective April 25, 2012;
16 42 SDR 19, effective August 17, 2015; 45 SDR 35, effective September 19, 2018.

17 **General Authority:** SDCL 36-6A-14(6)(7), 36-6A-50(15)(17).

18 **Law Implemented:** SDCL 36-6A-14(6)(7), 36-6A-50(15)(17).

19 **20:43:08:09.01. Registered dental assistant - Continuing education requirements –**
20 ~~Registered dental assistants.~~ A registered dental assistant shall complete at least 60 hours of
21 board approved continuing education in each five-year licensure cycle. One hour of continuing
22 education may be earned for each hour of attendance at a board approved continuing education
23 course.

Credit for nutrition continuing education is limited to 15 hours per five-year licensure cycle. Credit for practice management continuing education is limited to 10 hours per five-year licensure cycle. Credit for home study continuing education is limited to 30 hours per five-year licensure cycle. Credit for cardiopulmonary resuscitation continuing education is limited to 15 hours per five-year licensure cycle. Credit for clinical continuing education is unlimited per five-year licensure cycle. Up to five hours of clinical continuing education may be earned for attendance at exhibits at a each state, regional, or national dental conference with a limit of 20 hours per five-year licensure cycle.

The board's continuing education guidelines shall be reviewed annually.

Source: Transferred from § 20:43:03:07.02, 45 SDR 35, effective September 19, 2018.

General Authority: SDCL 36-6A-14(1)(7), 36-6A-55.

Law Implemented: SDCL 36-6A-55.

20:43:08:10. Delegation of duties — Supervision. ~~Subject to the dentist exercising full responsibility, a dental assistant may perform duties and procedures incidental to patient treatment while under the direct or indirect supervision of a licensed dentist or under personal supervision of a licensed dental hygienist.~~ **Registered dental assistant – Duties.** A If the supervising dentist exercises full responsibility, a registered dental assistant may perform expanded function procedures functions only under the direct supervision of a dentist.

A registered dental assistant may not perform the following procedures:

(1) Irreversible procedures;

(2) Cutting of hard or soft tissue;

(3) Using lasers that are capable of altering, cutting, burning or damaging hard or soft tissue;

- (4) Intraoral placing, finishing, and adjusting of final restorations;
- (5) Supra and subgingival scaling and periodontal probing as it pertains to dental hygiene and those procedures dental hygienists may perform as provided in SDCL 36-6A-40 and in § 20:43:04:04 with the exception of placing sealants and coronal polishing;
- (6) Injecting medication other than as permitted in § 20:43:09:10.01;
- (7) Administering nitrous oxide analgesia other than as permitted in § 20:43:09:06;
- (8) Monitoring patients under general anesthesia, deep sedation, or moderate sedation other than as permitted in § 20:43:09:10;
- (9) Applying X-radiation to human teeth and supporting structures other than as permitted in chapter 20:43:07;
- (10) Establishing a final diagnosis or treatment plan;
- (11) Any procedure that falls outside of the relevant education, training, and experience of the registered dental assistant; and
- (12) Other procedures prohibited by the board.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 118, effective March 24, 1988; transferred from § 20:43:04:05, 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14, ~~36-6A-26~~ 36-6A-41.

Law Implemented: SDCL 36-6A-14(7)(10), ~~36-6A-26~~ 36-6A-41.

20:43:08:11. ~~Procedures that may not be delegated.~~ The following list of procedures may not be delegated by a dentist or dental hygienist to either a dental assistant or a registered dental assistant:

- (1) The cutting of hard or soft tissue;

~~—— (2) Intraoral procedures that will be used directly in the fabrication of a dental prosthesis;~~
~~—— (3) Irreversible procedures;~~
~~—— (4) The injection of medication other than as permitted in § 20:43:09:10.01;~~
~~—— (5) The administration of nitrous oxide analgesia other than as permitted in § 20:43:09:06;~~
~~—— (6) The placing, finishing, and adjusting of final restorations; and~~
~~(7) Those procedures allocated by SDCL 36-6A-40 and by §§ 20:43:04:04 and 20:43:04:06~~
~~to dental hygienists with the exception of placement of sealants and coronal polishing~~
~~following a prophylaxis by a dentist or dental hygienist. Repealed.~~

Source: 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:43:04:05.01, 19 SDR 32, effective September 6, 1992; 32 SDR 188, effective May 15, 2006; 42 SDR 19, effective August 17, 2015; 42 SDR 83, effective December 3, 2015.

General Authority: ~~SDCL 36-6A-14(10)(13).~~

~~—— **Law Implemented:** SDCL 36-6A-14(10)(13).~~