

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## HOUSE BILL NO. 1104

Introduced by: Representatives Heinemann (Leslie), Anderson, Campbell, Craig, Deutsch, Gibson, Haggar (Don), Hawks, Hunhoff (Jean), McCleerey, Munsterman, Novstrup (Al), Sly, Stalzer, Wollmann, and Zikmund and Senators Haggar (Jenna), Bradford, Buhl O'Donnell, Heinert, Jensen (Phil), Rampelberg, Shorma, Solano, and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the practice of dental  
2 hygiene.

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

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

5 36-6A-1. Terms used in this chapter mean:

6 (1) "Allied dental educational program," a dental hygiene, dental assisting, or laboratory  
7 technology educational program;

8 (2) "Board," the State Board of Dentistry;

9 (3) "Collaborative agreement," a written agreement between a supervising dentist and  
10 a dental hygienist authorizing the preventive and therapeutic services that may be  
11 performed by the dental hygienist under collaborative supervision;

12 (4) "Collaborative supervision," the supervision of a dental hygienist requiring a  
13 collaborative agreement between a supervising dentist and a dental hygienist;



- 1 (5) "Commercial dental laboratory," an enterprise engaged in making, providing,  
2 repairing, or altering oral prosthetic appliances and other artificial materials and  
3 devices which are returned to a dentist and inserted into the human oral cavity or  
4 which come in contact with its adjacent structures and tissues;
- 5 (6) "Complete evaluation," a comprehensive examination, review of medical and dental  
6 history, the formulation of a diagnosis, and the establishment of a written treatment  
7 plan, documented in a written or electronic record to be maintained by the dentist's  
8 clinic or other treatment facility or institution;
- 9 (7) "Dental," pertaining to dentistry;
- 10 (8) "Dental assistant," a person who, under the supervision of a dentist or dental  
11 hygienist, renders assistance as authorized by this chapter;
- 12 (9) "Dental auxiliary," any person, other than a dental hygienist, that works under the  
13 supervision of a dentist and provides dental services to a patient;
- 14 (10) "Dental corporation," any entity formed pursuant to chapter 47-12;
- 15 (11) "Dental hygienist," a person licensed as a dental hygienist pursuant to this chapter,  
16 who, under the supervision of a dentist, renders the diagnostic, preventive, or  
17 therapeutic dental services, and any educational services provided pursuant thereto,  
18 as authorized by this chapter, as well as any related extra-oral procedure required in  
19 the practice of those services;
- 20 (12) "Dental radiographer," a person registered as a dental radiographer pursuant to this  
21 chapter;
- 22 (13) "Dental radiography," the application of X-radiation to human teeth and supporting  
23 structures for diagnostic purposes only;
- 24 (14) "Dental specialist," a dentist in a specialty recognized by the board that has graduated

1 from a postdoctoral specialty program recognized and approved by the American  
2 Dental Association Commission on Dental Accreditation;

3 (15) "Dental technician," a person performing acts authorized pursuant to this chapter,  
4 who, at the authorization of a dentist, makes, provides, repairs, or alters oral  
5 prosthetic appliances and other artificial materials and devices which are returned to  
6 a dentist and inserted into the human oral cavity or which come in contact with its  
7 adjacent structures and tissues;

8 (16) "Dentist," a person licensed as a dentist pursuant to this chapter;

9 (17) "Dentistry," the examination, evaluation, diagnosis, prevention, or treatment,  
10 including surgery and the prescribing of drugs, of diseases, disorders, or conditions  
11 of the human oral cavity or its adjacent or associated tissues and structures of the  
12 maxillofacial area, and their impact on the human body;

13 (18) "Direct supervision," the supervision of a dental hygienist or registered dental  
14 assistant requiring that a dentist diagnose the condition to be treated, a dentist  
15 authorize the procedure to be performed, a dentist remain in the dental clinic while  
16 the procedure is performed, and before dismissal of the patient a dentist approve the  
17 work performed by the dental hygienist or registered dental assistant;

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

20 (20) "General supervision," the supervision of a dental hygienist requiring that a dentist  
21 authorize the procedures to be carried out, and that the patient to be treated is a  
22 patient of record of the supervising dentist, or a dentist practicing within the same  
23 entity or clinic as the supervising dentist, and has had a complete evaluation within  
24 the previous thirteen months of the delegation of procedures. A written treatment

1 plan contained within the patient's record shall accompany any authorization of  
2 treatment procedures;

3 (21) "Indirect supervision," the supervision of a dental hygienist or registered dental  
4 assistant requiring that a dentist authorize the procedures and a dentist be in the  
5 dental clinic while the procedures are performed by the registered dental assistant or  
6 dental hygienist;

7 (22) "Lay member," a person who is not a health professional, and who is not a parent,  
8 spouse, sibling, or child of a health professional or health professional student. For  
9 purposes of board membership, no person with a significant financial interest in a  
10 health service or profession may be a lay member;

11 (23) "Licensee," a dentist or dental hygienist;

12 (24) "Oral health review," a limited assessment of a person's oral health through a dentist's  
13 review of dental and medical history following a limited clinical inspection by a  
14 dental hygienist working under collaborative supervision;

15 (25) "Patient of record," a patient who has undergone a complete evaluation performed  
16 by a dentist;

17 ~~(25)~~(26) "Personal supervision," a level of supervision whereby the dentist or dental  
18 hygienist is personally treating a patient and authorizes the dental assistant to  
19 aid the treatment by concurrently performing a supportive procedure;

20 ~~(26)~~(27) "Practitioner," a dentist or dental hygienist;

21 ~~(27)~~(28) "Registered dental assistant," a person registered as a registered dental  
22 assistant pursuant to this chapter who is authorized to perform expanded  
23 functions under the direct supervision of a dentist as authorized by this  
24 chapter;

- 1       ~~(28)~~(29)       "Registrant," a dental radiographer or registered dental assistant;
- 2       ~~(29)~~(30)       "Satellite office," an office, building, or location used regularly by a dentist for
- 3                       the practice of dentistry other than the clinic listed as the primary clinic; and
- 4       ~~(30)~~(31)       "Teledentistry," the practice of dentistry where the patient and the dentist are
- 5                       not in the same physical location, and which utilizes the exchange of clinical
- 6                       information and images over remote distances.

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

8       36-6A-40. Only a dental hygienist licensed to practice pursuant to this chapter may practice  
9       dental hygiene unless otherwise stated in this chapter. A dental hygienist may perform those  
10       services which are diagnostic, therapeutic, or preventive in nature and are authorized by the  
11       board and any educational services provided pursuant to those authorized services. Such  
12       services may not include the establishment of a final diagnosis or treatment plan for a dental  
13       patient. The services shall be performed under the supervision of a dentist.

14       A dental hygienist may perform preventive and therapeutic services under general  
15       supervision if all individuals treated are patients of record and all care rendered by the dental  
16       hygienist is completed under the definition of patient of record. A dental hygienist may perform  
17       preventive and therapeutic services under collaborative supervision if the requirements of § 36-  
18       6A-40.1 are met. However, no dental hygienist may perform preventive and therapeutic services  
19       under collaborative supervision for more than thirteen months for any person who has not had  
20       a complete evaluation or an oral health review by a dentist, ~~unless employed by Delta Dental~~  
21       ~~Plan of South Dakota, a nonprofit dental service corporation organized under chapter 58-39,~~  
22       ~~providing services through written agreement with the Indian Health Service or a federally~~  
23       ~~recognized tribe in South Dakota. The exemption for a dental hygienist employed by Delta~~  
24       ~~Dental Plan of South Dakota providing services through written agreement with the Indian~~

1 ~~Health Service of a federally recognized tribe in South Dakota expires on June 30, 2016.~~