

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

535L0198

SENATE BILL NO. 89

Introduced by: Senators Hansen (Tom), Gray, Hundstad, Olson (Ed), and Schoenbeck and
Representatives Rave, Boomgarden, Frost, Glover, McCoy, Miles,
Thompson, and Weems

1 FOR AN ACT ENTITLED, An Act to revise certain supervision requirements regarding the
2 delegation of procedures to dental hygienists.

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

4 Section 1. That § 36-6A-26 be amended to read as follows:

5 36-6A-26. Terms used in this chapter mean:

- 6 (1) "Board," the ~~State~~ Board of Dentistry;
- 7 (2) "Commercial dental laboratory," an enterprise engaged in making, providing,
8 repairing, or altering oral prosthetic appliances and other artificial materials and
9 devices which are returned to a dentist and inserted into the human oral cavity or
10 which come in contact with its adjacent structures and tissues;
- 11 (3) "Complete evaluation," an examination, review of medical and dental history, the
12 formulation of a diagnosis, and the establishment of a written treatment plan,
13 documented in a written record to be maintained in the dentist's office or other
14 treatment facility or institution;
- 15 (4) "Dental," pertaining to dentistry;



- 1 (5) "Dental assistant," a person performing acts authorized under this chapter, who,
2 under the supervision of a dentist or dental hygienist, renders assistance to a dentist,
3 dental hygienist, dental technician, or other dental assistant in the manner described
4 in § 36-6A-41;
- 5 (6) "Dental auxiliary," a dental hygienist, a dental assistant or a dental technician,
6 employed by a licensed dentist;
- 7 (7) "Dental hygienist," a person licensed pursuant to this chapter, who, under the
8 supervision of a dentist, renders the educational, preventive, and therapeutic dental
9 services authorized by § 36-6A-40, as well as any related extra-oral procedure
10 required in the practice of those services;
- 11 (8) "Dental radiographer," a person who has been authorized by the State Board of
12 Dentistry to perform dental radiography;
- 13 (9) "Dental radiography," the application of X-radiation to human teeth and supporting
14 structures for diagnostic purposes only;
- 15 (10) "Dental specialist," a dentist who has graduated from a postdoctoral specialty
16 program recognized and approved by the American Dental Association Commission
17 on dental accreditation;
- 18 (11) "Dental technician," a person performing acts authorized under this chapter, who, at
19 the authorization of a dentist, makes, provides, repairs, or alters oral prosthetic
20 appliances and other artificial materials and devices which are returned to a dentist
21 and inserted into the human oral cavity or which come in contact with its adjacent
22 structures and tissues;
- 23 (12) "Dentist," a person licensed pursuant to this chapter, who performs any intra-oral or
24 extra-oral procedure required in the practice of dentistry and to whom is reserved the

- 1 responsibilities specified in § 36-6A-31;
- 2 (13) "Dentistry," the healing art which is concerned with the examination, diagnosis,
3 treatment, planning, and care of conditions within the human oral cavity and its
4 adjacent tissues and structures, including the use of laser or ionizing radiation as
5 authorized by rule by the board pursuant to chapter 1-26 to operate for any disease,
6 pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth,
7 alveolar process, gums, or jaw or adjacent or associated structures;
- 8 (14) "Direct supervision," the supervision of a dental hygienist or dental assistant
9 requiring that a dentist diagnose the condition to be treated, a dentist authorize the
10 procedure to be performed, a dentist remain in the dental office while the procedures
11 are performed, and before dismissal of the patient a dentist has approved the work
12 performed by the dental hygienist or dental assistant;
- 13 (15) "General supervision," the supervision of a dental hygienist requiring that a dentist
14 authorize the procedures to be carried out, and that the patient to be treated is a
15 patient of record of the supervising dentist and has had a complete evaluation within
16 the previous ~~six~~ thirteen months of the delegation of procedures;
- 17 (16) "Indirect supervision," the supervision of a dental hygienist or dental assistant
18 requiring that a dentist authorize the procedure and a dentist be in the dental office
19 while the procedures are performed by the dental assistant or dental hygienist;
- 20 (17) "Lay member," a person who is not a health professional, and who is not a parent,
21 spouse, sibling or child of a health professional or health professional student. For
22 purposes of board membership, a person with a significant financial interest in a
23 health service or profession may not be a lay member;
- 24 (18) "Patient of record," a patient who has undergone a complete evaluation performed

1 by a licensed dentist;

2 (19) "Personal supervision," a level of supervision indicating that the dentist or dental
3 hygienist is personally treating a patient and authorizes the dental hygienist or dental
4 assistant to aid his treatment by concurrently performing a supportive procedure;

5 (20) "Practitioner," a licensed dentist or dental hygienist;

6 (21) "Satellite office," an office, building, or location used at any time by a dentist for the
7 practice of dentistry other than the office listed on his annual registration certificate.

8 Section 2. That § 36-6A-31 be amended to read as follows:

9 36-6A-31. Only a dentist licensed or otherwise permitted to practice under this chapter may
10 carry on the profession of dentistry in this state. Dentists have the exclusive responsibility for:

11 (1) The diagnosis of conditions within the human oral cavity and its adjacent tissues and
12 structures;

13 (2) The treatment plan of a dental patient;

14 (3) The prescribing of drugs which are administered to patients in the practice of
15 dentistry;

16 (4) The overall quality of patient care which is rendered or performed in the practice of
17 dentistry, regardless of whether the care is rendered personally by a dentist or dental
18 auxiliary;

19 (5) The supervision of dental auxiliaries and authorization of procedures to be performed
20 by dental auxiliaries;

21 (6) The review, reading, and evaluation of dental radiographs;

22 (7) The delegation of procedures to a dental hygienist under general supervision. The
23 dentist shall have completed the last evaluation of the patient within ~~six~~ thirteen
24 months of the delegation of procedures. The written treatment plan contained within

- 1 the patient's record shall accompany any delegation of treatment procedures; and
- 2 (8) Any other specific services within the scope of dental practice.