

AN ACT

ENTITLED, An Act to revise certain supervision requirements regarding the delegation of procedures to dental hygienists.

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

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

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

- (1) "Board," the Board of Dentistry;
- (2) "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;
- (3) "Complete evaluation," an examination, review of medical and dental history, the formulation of a diagnosis, and the establishment of a written treatment plan, documented in a written record to be maintained in the dentist's office or other treatment facility or institution;
- (4) "Dental," pertaining to dentistry;
- (5) "Dental assistant," a person performing acts authorized under this chapter, who, under the supervision of a dentist or dental hygienist, renders assistance to a dentist, dental hygienist, dental technician, or other dental assistant in the manner described in § 36-6A-41;
- (6) "Dental auxiliary," a dental hygienist, a dental assistant or a dental technician, employed by a licensed dentist;
- (7) "Dental hygienist," a person licensed pursuant to this chapter, who, under the supervision of a dentist, renders the educational, preventive, and therapeutic dental services authorized

by § 36-6A-40, as well as any related extra-oral procedure required in the practice of those services;

- (8) "Dental radiographer," a person who has been authorized by the Board of Dentistry to perform dental radiography;
- (9) "Dental radiography," the application of X-radiation to human teeth and supporting structures for diagnostic purposes only;
- (10) "Dental specialist," a dentist who has graduated from a postdoctoral specialty program recognized and approved by the American Dental Association Commission on dental accreditation;
- (11) "Dental technician," a person performing acts authorized under 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;
- (12) "Dentist," a person licensed pursuant to this chapter, who performs any intra-oral or extra-oral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in § 36-6A-31;
- (13) "Dentistry," the healing art which is concerned with the examination, diagnosis, treatment, planning, and care of conditions within the human oral cavity and its adjacent tissues and structures, including the use of laser or ionizing radiation as authorized by rule by the board pursuant to chapter 1-26 to operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums, or jaw or adjacent or associated structures;
- (14) "Direct supervision," the supervision of a dental hygienist or 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 office while the procedures are performed, and before dismissal of the patient a dentist has approved the work performed by the dental hygienist or dental assistant;

- (15) "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 and has had a complete evaluation within the previous thirteen months of the delegation of procedures;
- (16) "Indirect supervision," the supervision of a dental hygienist or dental assistant requiring that a dentist authorize the procedure and a dentist be in the dental office while the procedures are performed by the dental assistant or dental hygienist;
- (17) "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, a person with a significant financial interest in a health service or profession may not be a lay member;
- (18) "Patient of record," a patient who has undergone a complete evaluation performed by a licensed dentist;
- (19) "Personal supervision," a level of supervision indicating that the dentist or dental hygienist is personally treating a patient and authorizes the dental hygienist or dental assistant to aid his treatment by concurrently performing a supportive procedure;
- (20) "Practitioner," a licensed dentist or dental hygienist;
- (21) "Satellite office," an office, building, or location used at any time by a dentist for the practice of dentistry other than the office listed on his annual registration certificate.

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

36-6A-31. Only a dentist licensed or otherwise permitted to practice under this chapter may carry

on the profession of dentistry in this state. Dentists have the exclusive responsibility for:

- (1) The diagnosis of conditions within the human oral cavity and its adjacent tissues and structures;
- (2) The treatment plan of a dental patient;
- (3) The prescribing of drugs which are administered to patients in the practice of dentistry;
- (4) The overall quality of patient care which is rendered or performed in the practice of dentistry, regardless of whether the care is rendered personally by a dentist or dental auxiliary;
- (5) The supervision of dental auxiliaries and authorization of procedures to be performed by dental auxiliaries;
- (6) The review, reading, and evaluation of dental radiographs;
- (7) The delegation of procedures to a dental hygienist under general supervision. The dentist shall have completed the last evaluation of the patient within thirteen months of the delegation of procedures. The written treatment plan contained within the patient's record shall accompany any delegation of treatment procedures; and
- (8) Any other specific services within the scope of dental practice.

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I certify that the attached Act
originated in the

SENATE as Bill No. 89

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 89
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