

HOUSE BILL NO. 1426

Introduced by

Representatives Devlin, D. Anderson, Dobervich, Johnston, Rohr, Schneider

Senators Dever, Heckaman, O. Larsen, J. Lee, Schaible

1 A BILL for an Act to create and enact four new sections to chapter 43-20 of the North Dakota
2 Century Code, relating to regulation of dental therapists; and to amend and reenact sections
3 43-20-01.1 and 43-20-08 of the North Dakota Century Code, relating to dental therapist
4 definition and unlawful practice of dental hygiene, dental therapy, and dentistry.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 43-20-01.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-20-01.1. Definitions.**

9 As used in this chapter and chapter 43-28, unless the context otherwise requires:

- 10 1. "Dental assistant" means an individual who provides dental assistance under the
11 supervision of a dentist and within the scope of practice established by rule and
12 section 43-20-13.
- 13 2. "Dental hygienist" means an individual licensed to practice dental hygiene.
- 14 3. "Dental therapist" means an individual licensed to practice dental therapy.
- 15 4. "Federally qualified health center look-alike" means a community-based health care
16 provider that meets the requirements of the federal health resources and services
17 administration health center program but does not receive health center program
18 funding.
- 19 5. "Qualified dental assistant" means an individual registered as a qualified dental
20 assistant to provide dental assistance as established by rule.
- 21 4.6. "Registered dental assistant" means an individual registered as a registered dental
22 assistant to provide dental assistance as established by rule.

23 **SECTION 2. AMENDMENT.** Section 43-20-08 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **43-20-08. Unlawful to practice without license or registration.**

2 A person may not practice dental therapy or dental hygiene or practice as a registered or
3 qualified dental assistant in the state, without first obtaining from the board a license or
4 registration. A person may not practice as a dental assistant outside the scope of practice
5 established by the board by rule and section 43-20-13.

6 **SECTION 3.** A new section to chapter 43-20 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Dental therapist licensing.**

9 1. Except as otherwise specified in this chapter, an individual seeking to practice dental
10 therapy in this state shall apply to the executive director of the board on forms and in
11 the manner prescribed by the board and using the processes for licensing of dentists
12 and dental hygienists. The board shall grant a license to practice dental therapy to an
13 applicant who has met the following requirements:

14 a. The applicant is a graduate of a board-approved dental therapy education
15 program.

16 (1) In determining whether to approve an education program, the board shall
17 consider whether the program is accredited by the American dental
18 association's commission on dental accreditation.

19 (2) If, after a review under paragraph 1 the board does not approve a dental
20 therapy education program, and the applicant graduated from or is enrolled
21 in a dental therapy education program before January 1, 2020, the board
22 shall consider whether the education program is approved by a regulatory
23 board of another jurisdiction and whether the program's education is
24 comparable to an accredited program, including any postgraduation
25 education the applicant may have obtained to achieve a comparable
26 education.

27 b. The applicant passed a board-approved examination to demonstrate competency
28 in dental therapy.

29 c. Within one year of submitting the application, the applicant passed a written
30 examination on the laws and rules governing the practice of dentistry in this state.

- 1 d. The applicant completed five hundred hours of dental therapist clinical practice
2 under the direct or indirect supervision of a dentist which may be completed
3 during or after the applicant's education program or a combination of both.
4 Supervised clinical practice under this subdivision for the purpose of qualifying for
5 licensure is not a violation of section 43-20-08.
6 e. Grounds for denial of the application under section 43-20-05 do not exist.
7 f. The applicant has met any requirement for licensure established by the board by
8 rule.
9 2. Except as otherwise provided in this chapter, sections 43-20-01.3, 43-20-01.4,
10 43-20-02.1, 43-20-05, 43-20-06, 43-20-10, 43-20-11, 43-20-12.2, and 43-28-06 also
11 apply to dental therapist licensing.

12 **SECTION 4.** A new section to chapter 43-20 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Dental therapists - Limitations on practice.**

- 15 1. A dental therapist may not practice dental therapy unless the dental therapist is an
16 employee or contracted provider of:
17 a. A federally qualified health center or a federally qualified health center look-alike.
18 b. A not-for-profit or governmental dental practice or organization that serves
19 primarily low-income and underserved individuals.
20 c. An organization providing services on behalf of or under the authorization of
21 Indian health services, a tribal entity providing health care under the federal
22 Indian Self-Determination and Education Assistance Act of 1975 [Pub. L.
23 No. 93-638; 88 Stat. 2203; 25 U.S.C. 5301 et seq.], or other organization
24 providing services to members of a federally recognized Indian tribe in this state.
25 2. To the extent authorized by the organization and the supervising dentist, a dental
26 therapist employed by or under contract with an organization described in
27 subsection 1 may provide services in a community setting, including a school, nursing
28 home, veterans' facility, or dental clinic.

29 **SECTION 5.** A new section to chapter 43-20 of the North Dakota Century Code is created
30 and enacted as follows:

1 **Dental therapists - Scope of practice.**

2 1. Unless restricted or prohibited by the supervising dentist in the written collaborative
3 management agreement, a dental therapist may perform the following services under
4 the supervision of a supervising dentist:

5 a. The dental therapy services listed in the American dental association's
6 commission on dental accreditation's accreditation standards for dental therapy
7 education programs;

8 b. Processing radiographic images;

9 c. Fabricating soft occlusal guards;

10 d. Administration of nitrous oxide analgesics;

11 e. Nonsurgical extractions of periodontally diseased permanent teeth that exhibit
12 plus three or grade 3 mobility and that are not impacted, fractured, unerupted, or
13 in need of sectioning for removal;

14 f. Pulpotomy on primary teeth;

15 g. Recement permanent crown;

16 h. Intraoral suturing;

17 i. Placement of space maintainers;

18 j. All functions of a dental assistant;

19 k. Other related services and functions that are authorized by the supervising
20 dentist within the dental therapist's scope of practice and for which the dental
21 therapist is trained; and

22 l. Other services of a dental therapist authorized by the board by rule.

23 2. A dental therapist may not prescribe any drug. Within the parameters of the written
24 collaborative management agreement, within the practice of dental therapy, and with
25 the authorization of the supervising dentist, a dental therapist may provide, dispense,
26 and administer the following drugs: analgesics, anti-inflammatories, and antibiotics. A
27 dental therapist may not provide, dispense, or administer a narcotic drug.

28 **SECTION 6.** A new section to chapter 43-20 of the North Dakota Century Code is created
29 and enacted as follows:

1 **Dental therapist supervision.**

2 ~~1.~~ Except under the supervision of a dentist and pursuant to a written collaborative
3 management agreement with the supervising dentist, a dental therapist may not practice dental
4 therapy. A dental therapist may perform dental therapy services under indirect supervision, or
5 under general supervision if authorized by rules adopted by the board, to the extent authorized
6 by the supervising dentist and consistent with protocols, conditions, and limitations contained in
7 the collaborative management agreement. The written collaborative management agreement
8 entered between a dentist and a dental therapist must:

9 ~~a.1.~~ Address any limitation on services established by the supervising dentist, the level of
10 supervision required for various services or treatment settings, practice protocols,
11 recordkeeping, managing medical emergencies, quality assurance, administering and
12 dispensing medications, and supervision of dental assistants;

13 ~~b.2.~~ Include specific written protocols to govern situations in which the dental therapist
14 encounters a patient requiring treatment that exceeds the authorized scope of practice
15 of the dental therapist;

16 ~~c.3.~~ Be signed and maintained by the supervising dentist and the dental therapist; and

17 ~~d.4.~~ Be submitted to the board upon request of the board.

18 ~~2.~~ To the extent authorized by the supervising dentist in the written collaborative
19 management agreement, a dental therapist may evaluate and assess oral health
20 conditions, plan treatment, and perform dental therapy services in a practice setting at
21 which the supervising dentist is not onsite and has not previously examined or
22 diagnosed the patient. The supervising dentist must be available for consultation by
23 telephone or other means of electronic communication.