

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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        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        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        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        3. Be signed and maintained by the supervising dentist and the dental therapist; and
- 17        4. Be submitted to the board upon request of the board.