



# North Dakota State Board of Dental Examiners

Administrative Office • P.O. Box 7246, Bismarck, ND 58507-7246 • 701-258-8600 • Fax 701-224-9824 • [info@nddentalboard.org](mailto:info@nddentalboard.org) • <http://www.nddentalboard.org>

February 15, 2022

Ms. Jennifer S. N. Clark  
Senior Counsel and Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2nd Floor  
Bismarck, ND 58505-0360

Dear Ms. Clark:

The Notice of Intent to **Adopt, Amend, Repeal** Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in black ink, appearing to read "Rita Sommers".

Rita Sommers, RDH, MBA

Executive Director

ND Board of Dental Examiners

Enclosures

# *The North Dakota Board of Dental Examiners*

ABBREVIATED NOTICE OF INTENT TO ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES RELATING TO THE PRACTICE OF DENTISTRY, DENTAL HYGIENE AND DENTAL ASSISTING.

TAKE NOTICE that the North Dakota Board of Dental Examiners will hold a public hearing to address proposed changes to the North Dakota Administrative Code Title 20, at 1:00 PM on Monday, March 28, 2022, at the Radisson Hotel, 605 East Broadway Avenue, Bismarck.

A copy of the proposed rules may be obtained on the Board's website at <https://www.nddentalboard.org/laws-and-rules/activity.asp> under the Legislative Activity tab or by writing the North Dakota Board of Dental Examiners, PO Box 7246, Bismarck, ND 58507-7246 or calling 701-255-8600. Also, written comments may be submitted to Rita Sommers, Executive Director, PO Box 7246, Bismarck, ND 58507-7246 until April 8, 2022. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the ND Board of Dental Examiners at the above telephone number or address at least 10 days prior to the public hearing.

Dated this 15th day of February 2022.

Rita Sommers, RDH, MBA  
Executive Director  
North Dakota Board of Dental Examiners

## FULL NOTICE OF INTENT TO ADOPT, AMEND, REPEAL ADMINISTRATIVE RULES

**TAKE NOTICE** that the North Dakota Board of Dental Examiners will hold a public hearing to address proposed new, amendments to, and repeal of Title 20 of the North Dakota Administrative Code. The hearing will be held at 1:00 PM on March 28, 2022, at the Radisson Hotel, 605 East Broadway, Bismarck, ND. The purpose of the amendments are as follows:

**Chapter 20-01-01, Section 20-01-01-01(1). Organization of the Board;** Implements statute which added two new members to the North Dakota Board of Dental Examiners, Pursuant to 2021 legislation introduced by Representatives Devlin, Rohr, M. Ruby, Weisz and Senators Lee, and K. Roers in House Bill No. 1151.

**Chapter 20-01-02, Section 20-01-02-01. Definitions;** Added many new definitions, remove obsolete definitions, and clarify existing definitions.

**Chapter 20-02-01;** relates to the practice of dentistry.

**20-02-01-01 Advertising;** addresses advertising and qualifying specialty board standards.

**20-02-01-03 Nitrous Oxide [Repeal]** moved the section to the anesthesia and sedation section.

**20-02-01-04.2 Volunteer License to Practice Dentistry;** addresses remuneration of volunteer.

**20-02-01-04.3 Inactive Status - License Reinstatement;** specifies clinical practice requirements.

**20-02-01-05 Anesthesia and Sedation Permit for Anesthesia Use Requirements;**

Appropriately identifies content of section with new title; provides specifications for providing sedation, standards for patient monitoring; requirements for reporting sedation anesthesia related incident; anesthesia; auxiliary requirements; office requirements and educational requirements, names drugs and equipment that must be available with emphasis on emergency management and airway education; requirement for mock codes; introduces nitrous oxide section and standards for authorization to administer, training, office equipment. Provides educational requirements for dental auxiliary who wish to pursue the duty of administration of nitrous oxide inhalation therapy.

**20-02-01-06 Continuing Dental Education for Dentists;** specifies type of education required; specifies education for those authorized for sedation and anesthesia and in 2026 requires simulation training course every 5 years; provides further clarification re webinars, proctor.

**20-02-01-08 Discontinuance of Practice - Retirement - Discontinuance of Treatment;** provides clarification of an 'active' patient and provides guidance to dentists retiring from group practice.

**20-02-01-09 Retention of Patient Records;** provides record keeping information regarding radiographs, required information of dental records, quality of transferred patient records and record retention.

**20-02-01-11 Permit for the Use of Dermal Fillers and Botulinum Toxin for Dental Use;** provides authorization to newly licensed foreign practitioners who provide the necessary requirements.

**Chapter 20-03-01** relates to the practice of dental assisting. The three levels - dental assistant, qualified dental assistant, registered dental assistant are based on training and education.

**20-03-01-01 Duties;** expands basic dental assistant duties and reorganizes duties according to level of supervision required to perform authorized duties.

**20-03-01-01.1 Expanded Duties of Registered Dental Assistants;** describes authorized duties of dental assistant authorized by permit.

**NEW SECTION 20-03-01-01.2 Requirements of Permit for Expanded Duties;** describes training and educational requirements to obtain a permit.

**20-03-01-02 Prohibited Services;** provides clarification of prohibited duties

**20-03-01-05 Registration of Registered and Qualified Dental Assistants;** describes requirements of registration of qualified dental assistant and registered dental assistant.

**~~20-03-01-05.1 Additional Expanded Duties of Registered Dental Assistants [moved]~~**

**20-03-01-06 Continuing Dental Education for Qualified and Registered Dental Assistants;** provides further clarification related to webinars and a proctor.

**Chapter 20-04-01;** relate to the practice of dental hygiene.

**20-04-01-01 Duties;** reorganized according to authorized level of supervision.

**20-04-01-02 Prohibited Services;** provides clarification.

**20-04-01-03 Duties of Dental Hygienists - Administration of Local Anesthesia – Authorization;** amended title to reflect duty.

**20-04-01-03.1 Duties of a Dental Hygienist Requiring a Requirements of Permit;** added clarification to title slight amendment to content for duties requiring a permit.

**20-04-01-04 Additional Requirements for Licensure by Examination;** amended examining board to reflect new name of the organization.

**20-04-01-05.1 NEW SECTION Refresher Course;** added section to address re-entry into the profession.

**20-04-01-08 Continuing Dental Education for Dental Hygienists;** provides further clarification related to webinars and a proctor.

The proposed rules, amendments, and repeal is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of the ND Board of Dental Examiners, PO Box 7246, 2900 East Broadway, Suite 5, Bismarck, ND 58507-7246 (701-833-8551). A copy of the proposed rules and/or a regulatory analysis may be requested by writing to the above address or emailing [rita@nddentalboard.org](mailto:rita@nddentalboard.org). Written or oral comments on the proposed rules sent to the above address or email address and received by April 8, 2022 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Board of Dental Examiners at the above telephone number or address at least 10 days prior to the public hearing.

Dated this 15th day of February, 2022.

Rita Sommers, Executive Director  
North Dakota Board of Dental Examiners