

1 CHAPTER 20:43:04

2 AUTHORIZED PRACTICE

3 20:43:04:01 ~~Recognized Representation of specialty practice and advertising—~~
4 ~~Qualifications.~~

5 20:43:04:02 Repealed.

6 20:43:04:03 Inspections for safety and sanitation.

7 20:43:04:04 Dental hygienist -- Practice -- Supervision.

8 20:43:04:05 Transferred.

9 20:43:04:05.01 Transferred.

10 20:43:04:06 Additional duties of dental hygienist.

11 20:43:04:07 Mobile office or unit--Authority to operate.

12 20:43:04:08 Transferred.

13 20:43:04:09 Transferred.

14 20:43:04:10 Transferred.

15 20:43:04:11 Transferred

16 20:43:04:12 Transferred.

17 **20:43:04:01. ~~Recognized~~ Representation of specialty practice and advertising -**
18 **~~—Qualifications.~~**

19 (1) ~~Dentists~~ A dentist may advertise services in recognized specialty areas or advertise
20 specialty practices if they have ~~advertise or represent oneself as a “specialist” or use the terms~~
21 “specializes,” “specializing,” or another variation of the term, for any specialty in which the dentist
22 has completed a post-doctoral program consisting of at least two full-time years and the post-
23 doctoral program is accredited by an accreditation agency recognized by the United States

1 Department of Education or the post-doctoral program is administered by a dental school
2 accredited by an organization recognized by the United State Department of Education. A dentist
3 who advertises or represents oneself as a “specialist” or uses the terms “specializes,”
4 “specializing,” or another variation of the term must devote a sufficient portion of his or her
5 practice to the announced specialty to maintain expertise in that specialty; postdoctoral training
6 which is recognized and approved by the American Dental Association Commission on Dental
7 Accreditation. Only the following specialties are recognized by the Board of Dentistry:

- 8 ~~—— (1) Dental public health;~~
- 9 ~~—— (2) Endodontics;~~
- 10 ~~—— (3) Oral and maxillofacial pathology;~~
- 11 ~~—— (4) Oral and maxillofacial radiology~~
- 12 ~~—— (5) Oral and maxillofacial surgery;~~
- 13 ~~—— (6) Orthodontics and dentofacial orthopedics;~~
- 14 ~~—— (7) Pediatric dentistry;~~
- 15 ~~—— (8) Periodontics; and~~
- 16 ~~—— (9) Prosthodontics.~~

17 ~~—— Dentists that meet the qualifications of this section must disclose in all advertisements the~~
18 ~~specialty area in which they practice. Dentists that do not meet the qualifications of this section~~
19 ~~must disclose in all advertisements that they are a general dentist. This disclaimer shall be clearly~~
20 ~~legible with print equal to or larger than the print advertising the service or clearly audible with~~
21 ~~speech volume and pace equal to the advertisement.~~

1 ~~—— This section does not apply to those dentists who began limiting their practices to a~~
2 ~~recognized specialty prior to April 20, 1972. Declaration to the public of a specialty practice or the~~
3 ~~inference of specialty status in any other area is a violation of SDCL 36-6A-29 and this section.~~

4 (2) A dentist who advertises or represents oneself as a “specialist” or uses another
5 variation of the term, such as “specializes” or “specializing,” must avoid any implication that
6 another dentist associated with the same practice or entity is a specialist, unless that dentist also
7 meets the requirements of this section;

8 (3) Declaration to the public of a specialty practice or the inference of specialty status
9 outside of this section is unprofessional conduct as defined in § 36-6A-59.1(13);

10 (4) Any dentist may announce an “emphasis” in any area of dental practice without
11 violating this section;

12 (5) The Board may require a dentist to substantiate the truthfulness of any assertion or
13 representation of material fact set forth in an advertisement. At the time an advertisement is placed,
14 the dentist must possess and rely upon information which, when produced, would substantiate the
15 truthfulness of any assertion, omission, or representation of material fact set forth in the
16 advertisement. The failure to possess and rely upon the information required at the time the
17 advertisement is placed is unprofessional conduct as defined in § 36-6A-59.1(13). The failure or
18 refusal to provide to the Board the factual substantiation to support a representation or assertion
19 when requested by the Board is unprofessional conduct as defined in § 36-6A-59.1(13) and
20 grounds for disciplinary action as defined in § 36-1C-3;

21 (6) Each dentist who is a director, manager, partner, shareholder, contracted employee
22 or licensed professional employee, acting as an agent of the entity identified in an advertisement,

1 is jointly and severally responsible for the form and content of any advertisement offering services
2 or materials; and

3 (7) A recording of every advertisement communicated by electronic media and a copy
4 of every advertisement communicated by print media indicating the date and place of the
5 advertisement must be retained by the dentist for a period of one year and be made available for
6 review upon request by the board or its designee.

7 **Source:** SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 11 SDR 73, effective
8 November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective
9 February 17, 1992; 37 SDR 131, effective January 6, 2011.

10 **General Authority:** SDCL 36-6A-14(1)(20), 36-6A-28, 37-6A-29.

11 **Law Implemented:** SDCL 36-6A-14(1)(22), 36-6A-59.1(13).

12 **20:43:03:01. Application for license to practice as a dentist -- Requirements.** An
13 applicant for a license to practice as a dentist shall submit to the board the following:

14 (1) A completed application form and a fee of \$150;

15 (2) Certified transcripts or, when approved, a certified letter from a dental school official
16 verifying that the applicant has graduated from a United States dental school accredited by the
17 American Dental Association Commission on Dental Accreditation, having obtained a doctor of
18 dental medicine or a doctor of dental surgery degree;

19 (3) Verification of passage of the National Board Dental Examination Parts I and II or the
20 Integrated National Board Dental Examination administered by the Joint Commission on National
21 Dental Examinations;

22 (4) Verification of passage of a board approved patient-based or an equivalent simulation
23 or manikin-based clinical competency psychomotor examination that meets the criteria outlined in

1 § 20:43:03:02 within the five years preceding application ~~or, if the clinical competency~~
2 ~~examination was passed prior to July 1, 2018, and within the five years preceding application,~~
3 ~~verification of passage of the Central Regional Dental Testing Service examination or Western~~
4 ~~Regional Examining Board examination.~~ An applicant who fails any combination of board
5 approved clinical competency examinations three times is not eligible for licensure in this state;

6 (5) ~~A certified letter verifying~~ Verification of the license number and status of the license
7 from the board of dentistry in each state in which the applicant is or has been licensed, if applicable;

8 (6) A copy of the applicant's birth certificate or equivalent documentation;

9 (7) A recent photograph;

10 (8) A copy of the applicant's current cardiopulmonary resuscitation card. The board accepts
11 only the American Heart Association for the Healthcare Provider, the American Red Cross for the
12 Professional Rescuer, or an equivalent program approved by the board; and

13 (9) Completed fingerprint cards necessary to conduct a state and federal criminal
14 background check.

15 An applicant for a license to practice as a dentist shall pass a written examination
16 administered by the board on the relevant administrative rules and statutes. A cut score of 70
17 percent is considered passing.

18 To be considered, a complete application and all supporting documentation must be received
19 at least 30 days before the board meeting. If requested, an applicant shall appear for a personal
20 interview conducted by the board on a date set by the board.

21 **Source:** SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155,
22 effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11,
23 1994; 26 SDR 37, effective September 20, 1999; 27 SDR 57, effective December 12, 2000; 38

1 SDR 172, effective April 25, 2012; 45 SDR 35, effective September 19, 2018; 46 SDR 75,
2 effective December 4, 2019; 47 SDR 11, effective August 12, 2020.

3 **General Authority:** SDCL 36-6A-14(20).

4 **Law Implemented:** SDCL 36-6A-14(3), 36-6A-44.

5 **20:43:03:02. Application for license to practice as a dentist -- Clinical competency**
6 **examination.** The board may approve a patient-based or an equivalent simulation or manikin-
7 based clinical competency psychomotor examination pursuant to subdivision 20:43:03:01(4) that
8 demonstrates evidence of psychometric soundness, including documentation of validity,
9 reliability, fidelity and fairness, allows direct observation by a board designee, and includes, at a
10 minimum, the following components:

- 11 (1) A patient-based or an equivalent simulation or manikin-based periodontal component;
- 12 (2) A patient-based or an equivalent simulation or manikin-based restorative component;
- 13 (3) A simulation or manikin-based prosthodontic component;
- 14 (4) A simulation or manikin-based endodontic component; and
- 15 (5) A remediation policy to address candidate deficiencies.

16 ~~During and within 180 days following a declared state of emergency pursuant to SDCL 34-~~
17 ~~48A-5 that hinders the operations of and access to approved clinical competency examinations,~~
18 ~~the board may approve verification of clinical competency from a dental school accredited by the~~
19 ~~American Dental Association Commission on Dental Accreditation or other board approved entity~~
20 ~~in lieu of the component required in subdivision (1).~~

21 **Source:** 45 SDR 35, effective September 19, 2018; 46 SDR 75, effective December 4, 2019;
22 47 SDR 11, effective August 12, 2020.

23 **General Authority:** SDCL 36-6A-14(20).

1 **Law Implemented:** SDCL 36-6A-14(3), 36-6A-44(4).

2 **20:43:03:04. Application for license to practice as a dentist -- Credential verification.**

3 An applicant for a license to practice as a dentist by credential verification shall submit the
4 following:

5 (1) A completed application form and fee of \$500;

6 (2) A statement from a licensed doctor of medicine, doctor of osteopathic medicine,
7 physician assistant, or certified nurse practitioner attesting to the applicant's physical and mental
8 condition;

9 (3) Verification of passage of the National Board Dental Examination Parts I and II or the
10 Integrated National Board Dental Examination administered by the Joint Commission on National
11 Dental Examinations;

12 (4) Verification of passage of a patient-based or an equivalent simulation or manikin-based
13 clinical competency psychomotor examination that has been approved by the board or passage of
14 a state examination or examinations that the board considers equivalent;

15 (5) ~~A certified letter verifying~~ Verification of the license number and status of the license
16 from the board of dentistry in each state in which the applicant is or has been licensed;

17 (6) Certified transcripts or, when approved, a certified letter from a dental school official
18 verifying that the applicant has graduated from a United States dental school accredited by the
19 American Dental Association Commission on Dental Accreditation, having obtained a doctor of
20 dental medicine or a doctor of dental surgery degree;

21 (7) A copy of the applicant's birth certificate or equivalent documentation;

1 (8) A copy of the applicant's current cardiopulmonary resuscitation (CPR) card. The board
2 accepts only the American Heart Association for the Healthcare Provider, the American Red Cross
3 for the Professional Rescuer, or an equivalent program approved by the board;

4 (9) A recent photograph; and

5 (10) Completed fingerprint cards necessary to conduct a state and federal criminal
6 background check.

7 An applicant for a license to practice as a dentist shall pass a written examination
8 administered by the board on the relevant administrative rules and statutes. A cut score of 70
9 percent is considered passing.

10 To be considered, a complete application and all supporting documentation must be received
11 at least 30 days before the board meeting. If requested, an applicant for licensure by credential
12 verification shall appear for a personal interview conducted by the board on a date set by the board.

13 **Source:** SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 8 SDR 95, effective
14 February 15, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 32, effective
15 September 6, 1992; 26 SDR 37, effective September 20, 1999; 38 SDR 172, effective April 25,
16 2012; 45 SDR 35, effective September 19, 2018; 47 SDR 11, effective August 12, 2020.

17 **General Authority:** SDCL 36-6A-14(20), 36-6A-47, 36-6A-50(18).

18 **Law Implemented:** SDCL 36-6A-14(3), 36-6A-47, 36-6A-50(18).

19 **20:43:03:08. Application for license to practice as a dental hygienist -- Requirements.** An
20 applicant for a license to practice as a dental hygienist shall submit the following:

21 (1) A completed application form and a fee of \$100;

22 (2) Certified transcripts or, when approved, a certified letter from a dental hygiene school
23 official verifying that the applicant has graduated from a United States dental hygiene program

1 accredited by the American Dental Association Commission on Dental Accreditation, having
2 obtained a dental hygiene degree;

3 (3) Verification of passage of the National Board Dental Hygiene Examination;

4 (4) Verification of passage of a board approved patient-based or an equivalent simulation
5 or manikin-based clinical competency psychomotor examination that meets the criteria outlined in
6 § 20:43:03:09 within the five years preceding application ~~or, if the clinical competency~~
7 ~~examination was passed prior to July 1, 2018, and within the five years preceding application,~~
8 ~~verification of passage of the Central Regional Dental Testing Service examination or Western~~
9 ~~Regional Examining Board examination.~~ An applicant who fails any combination of board
10 approved clinical competency examinations three times is not eligible for licensure in South
11 Dakota;

12 (5) ~~A certified letter verifying~~ Verification of the license number and status of the license
13 from the board of dentistry in each state in which the applicant is or has been licensed, if applicable;

14 (6) A copy of the applicant's birth certificate or equivalent documentation;

15 (7) A recent photograph; and

16 (8) A copy of the applicant's current cardiopulmonary resuscitation (CPR) card. The board
17 accepts only the American Heart Association for the Healthcare Provider, the American Red Cross
18 for the Professional Rescuer, or an equivalent program approved by the board.

19 An applicant for a license to practice as a dental hygienist shall pass a written examination
20 administered by the board on the relevant administrative rules and statutes. A cut score of 70
21 percent is considered passing.

1 To be considered, a complete application and all supporting documentation must be
2 received at least 30 days before the board meeting. If requested, an applicant shall appear for a
3 personal interview conducted by the board on a date set by the board.

4 **Source:** 45 SDR 35, effective September 19, 2018; 47 SDR 11, effective August 12, 2020.

5 **General Authority:** 36-6A-14(3)(20), 36-6A-44.2, 36-6A-50(14).

6 **Law Implemented:** 36-6A-14(3), 36-6A-44.2.

7 **20:43:03:10. Application for license to practice as a dental hygienist -- Credential**
8 **verification.** An applicant for a license to practice as a dental hygienist by credential verification
9 shall submit the following:

10 (1) A completed application form and fee of \$200;

11 (2) A statement from a licensed doctor of medicine, doctor of osteopathic medicine,
12 physician assistant, or certified nurse practitioner attesting to the applicant's physical and mental
13 condition;

14 (3) Verification of passage of the National Board Dental Hygiene Examination;

15 (4) Verification of passage of a patient-based or an equivalent simulation or manikin-based
16 clinical competency psychomotor examination that has been approved by the board or passage of
17 a state examination or examinations that the board considers equivalent;

18 (5) ~~A certified letter verifying~~ Verification of the license number and status of the license
19 from the board of dentistry in each state in which the applicant is or has been licensed;

20 (6) Certified transcripts or, when approved, a certified letter from a dental hygiene school
21 official verifying that the applicant has graduated from a United States dental hygiene school
22 accredited by the American Dental Association Commission on Dental Accreditation, having
23 obtained a dental hygiene degree;

- 1 (7) A copy of the applicant's birth certificate or equivalent documentation;
- 2 (8) A copy of the applicant's current cardiopulmonary resuscitation (CPR) card. The board
- 3 accepts only the American Heart Association for the Healthcare Provider, the American Red Cross
- 4 for the Professional Rescuer, or an equivalent program approved by the board; and
- 5 (9) A recent photograph.

6 An applicant for a license to practice as a dental hygienist shall pass a written examination
7 administered by the board on the relevant administrative rules and statutes. A cut score of 70
8 percent is considered passing.

9 To be considered, a complete application and all supporting documentation must be
10 received at least 30 days before the board meeting. If requested, an applicant shall appear for a
11 personal interview conducted by the board on a date set by the board.

12 **Source:** 45 SDR 35, effective September 19, 2018; 47 SDR 11, effective August 12, 2020.

13 **General Authority:** SDCL 36-6A-14(20), 36-6A-47.1, 36-6A-50(18).

14 **Law Implemented:** SDCL 36-6A-14(3), 36-6A-47.1, 36-6A-50(18).

15 **20:43:03:09. Application for license to practice as a dental hygienist -- Clinical**
16 **competency examination.** The board may approve a patient-based or an equivalent simulation or
17 manikin-based dental hygiene clinical competency psychomotor examination pursuant to
18 subdivision 20:43:03:08(4) that demonstrates evidence of psychometric soundness, including
19 documentation of validity, reliability, fidelity and fairness, allows direct observation by a board
20 designee, and includes, at a minimum, the following components:

- 21 (1) Pocket depth detection;
- 22 (2) Calculus detection and removal;
- 23 (3) An intra oral and extra oral assessment; and

1 (4) A remediation policy to address candidate deficiencies.

2 ~~During and within 180 days following a declared state of emergency pursuant to SDCL 34-~~
3 ~~48A-5 that hinders the operations of and access to approved clinical competency examinations,~~
4 ~~the board may approve verification of clinical competency from a dental hygiene school accredited~~
5 ~~by the American Dental Association Commission on Dental Accreditation or other board approved~~
6 ~~entity in lieu of an examination otherwise required in this section.~~

7 **Source:** 45 SDR 35, effective September 19, 2018; 46 SDR 75, effective December 4,
8 2019; 47 SDR 11, effective August 12, 2020.

9 **General Authority:** SDCL 36-6A-14(20), 36-6A-44.2.

10 **Law Implemented:** SDCL 36-6A-14(3), 36-6A-44.2(4).