

1 **DENTISTS**

2 Chapter

3 20:43:01 Administration.

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13 20:43:11 Medical records.

14 **20:43:11:01. Medical record - Content.** A licensed dentist who treats patients shall maintain
15 legible, complete, and accurate medical records. The medical record must contain the clinical
16 records and the financial records. The clinical record must include the following information:

17 (1) For each clinical record entry note:

18 (a) The signature, initials, or electronic verification of the individual making the entry
19 note;

20 (b) If treatment was provided, the name and the signature, initials, or electronic
21 verification of the individual that provided treatment;

22 (2) The date of each patient record entry, document, radiograph or model;

- 1 (3) The examination findings documented by subjective complaints, objective findings,
2 an assessment or diagnosis of the patient's condition, and proposed treatment options;
- 3 (4) Current dental and medical history that may affect dental treatment;
- 4 (5) Any diagnostic aid used including, but not limited to, images, radiographs, and test
5 results. All film or digital radiographs must be of diagnostic quality. Retention of
6 molds or study models is at the discretion of the dentist, except for molds or study
7 models for orthodontia or full mouth reconstruction which shall be retained as part of
8 the clinical record;
- 9 (6) An agreed upon treatment plan based on the assessment or diagnosis of the patient's
10 condition;
- 11 (7) A complete description of all treatment or procedures administered at each visit;
- 12 (8) A record of any medication administered or dispensed in office, or prescribed,
13 including:
- 14 (a) The date administered, dispensed, or prescribed;
- 15 (b) The name of the patient administered, dispensed, or prescribed to;
- 16 (c) The name of the medication; and
- 17 (d) The dosage and amount of the medication administered, dispensed, or prescribed,
18 including refills;
- 19 (9) Referrals, patient response to referrals, and any communication to and from any
20 health care provider;
- 21 (10) Notation of communication to and from the patient or patient's parent or guardian,
22 including:

1 (a) Notation of the informed consent discussion, including a discussion of potential
2 risks and benefits of proposed treatment, recommended tests, and alternatives to
3 treatment, including no treatment or tests;

4 (b) Notation of posttreatment instructions or reference to an instruction pamphlet
5 given to the patient;

6 (c) Notation regarding patient complaints or concerns associated with treatment,
7 including complaints or concerns obtained in person, by phone call, mail,
8 electronic communication, or digital communication; and

9 (d) Termination of doctor-patient relationship; and

10 (11) A copy of, or notation regarding, each laboratory order.

11 **Source:**

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

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

14 **20:43:11:02. Medical record – Editing.** Clinical record entries must not be erased or deleted
15 from the record, but may be edited or corrected as follows:

16 (1) If the medical record is a written record, entries must be edited with a single line
17 drawn through the incorrect information. New or corrected information must be
18 initialed and dated. The individual initialing the record must identify who the
19 individual is on the written medical record; or

20 (2) If the medical record is an electronic record, a record audit trail must be maintained
21 with the medical record that includes a time and date history of deletions, edits, and
22 corrections to electronically signed or locked medical records.

23 **Source:**

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

2 Law Implemented: SDCL 36-6A-1(6), 36-6A-14(1).

3 **20:43:11:03. Medical Record - Retention and destruction.** The following applies to medical
4 records subject to this chapter:

5 (1) If a patient is an adult, the dentist must retain the medical records for seven years from
6 the date of the last treatment, examination, or prescription;

7 (2) If a patient is a minor, the dentist must retain the medical records for one year after the
8 patient reaches the age of eighteen or seven years from the date of the last treatment,
9 examination, or prescription, whichever is longer;

10 (3) If medical records subject to this section are part of an investigation by the State Board of
11 Dentistry, the dentist must extend retention of medical records until the dentist is notified
12 that the investigation is complete;

13 (4) If a dentist is employed by a dental entity or another dentist, the dental entity or
14 employing dentist is responsible for maintaining the medical records as outlined in this
15 section; and

16 (5) When medical records are destroyed, confidentiality must be preserved.

17 **Source:**

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

19 Law Implemented: SDCL 36-6A-1(6), 36-6A-14(1), 36-6A-21.1.

20 **20:43:11:04. Medical record – Furnishing and transfer.** The following applies to medical
21 records subject to this chapter:

22 (1) Upon receiving of a written request pursuant to SDCL 36-2-16.2, the dentist or dental
23 entity responsible for the medical records shall furnish copies of the medical records

1 within ten business days, which shall be legible and include copies of radiographs that are
2 of diagnostic quality;

3 (2) When closing a dental practice, a dentist or dental entity responsible for the medical
4 records shall not transfer the medical records until the dentist or dental entity has
5 attempted to provide notice of the pending transfer to patients that received treatment
6 from the dentist or dental entity within the five years preceding the date of the notice, by
7 sending such notice electronically or by mail to the patient's last known address. The
8 notice shall include that, at the written request of the patient or an authorized
9 representative, the medical records or copies will be sent to another provider of the
10 patient's choice or provided to the patient. The notice shall also disclose whether any
11 charges will be billed to the patient for supplying the patient or the provider chosen by
12 the patient with the originals or copies of the patient's medical records; and

13 (3) When medical records are transferred to a dentist or dental entity as part of a sale of a
14 dental practice, the dentist or dental entity receiving the medical records is responsible for
15 maintaining the patient records as outlined in § 20:43:11:03.

16 **Source:**

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

18 **Law Implemented:** SDCL 36-6A-1(6), 36-6A-14(1), 36-2-16.2.