

1 CHAPTER 20:43:04

2 AUTHORIZED PRACTICE

- 3 20:43:04:01 ~~Recognized specialty practice—Qualifications~~ Advertising.
- 4 20:43:04:02 Repealed.
- 5 20:43:04:03 Inspections for safety and sanitation.
- 6 20:43:04:04 Dental hygienist -- Practice -- Supervision.
- 7 20:43:04:05 Transferred.
- 8 20:43:04:05.01 Transferred.
- 9 20:43:04:06 Additional duties of dental hygienist.
- 10 20:43:04:07 Mobile office or unit--Authority to operate.
- 11 20:43:04:08 Transferred.
- 12 20:43:04:09 Transferred.
- 13 20:43:04:10 Transferred.
- 14 20:43:04:11 Transferred
- 15 20:43:04:12 Transferred.

16 **20:43:04:01. ~~Recognized specialty practice—Qualifications~~ Advertising.**

17 (1) ~~Dentists~~ A dentist may advertise services in recognized specialty areas or advertise
18 specialty practices advertise or represent oneself as a “specialist” or use the terms “specializes,”
19 “specializing,” or another variation of the term, if they have the dentist has completed a post-
20 doctoral program consisting of at least two full-time years and the post-doctoral program is
21 accredited by an accreditation agency recognized by the United States Department of Education
22 or the post-doctoral program is administered by a dental school accredited by an organization
23 recognized by the United State Department of Education. A dentist who advertises or represents

1 oneself as a “specialist” or uses the terms “specializes,” “specializing,” or another variation of the
2 term must devote a sufficient portion of his or her practice to the announced specialty to maintain
3 expertise in that specialty; postdoctoral training which is recognized and approved by the
4 American Dental Association Commission on Dental Accreditation. Only the following specialties
5 are recognized by the Board of Dentistry:

6 ~~—— (1) Dental public health;~~

7 ~~—— (2) Endodontics;~~

8 ~~—— (3) Oral and maxillofacial pathology;~~

9 ~~—— (4) Oral and maxillofacial radiology~~

10 ~~—— (5) Oral and maxillofacial surgery;~~

11 ~~—— (6) Orthodontics and dentofacial orthopedies;~~

12 ~~—— (7) Pediatric dentistry;~~

13 ~~—— (8) Periodontics; and~~

14 ~~—— (9) Prosthodontics.~~

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

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

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

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

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

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

18 (6) Each licensee who is a director, manager, partner, shareholder, contracted employee
19 or licensed professional employee, acting as an agent of the entity identified in an advertisement,
20 is jointly and severally responsible for the form and content of any advertisement offering services
21 or materials; and

22 (7) A recording of every advertisement communicated by electronic media and a copy
23 of every advertisement communicated by print media indicating the date and place of the

1 advertisement must be retained by the dentist for a period of one year and be made available for
2 review upon request by the board or its designee.

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

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

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

8 **20:43:03:01. Application for license to practice as a dentist -- Requirements.** An
9 applicant for a license to practice as a dentist shall submit to the board the following:

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

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

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

18 (4) Verification of passage of a board approved patient-based or an equivalent simulation
19 or manikin-based clinical competency psychomotor examination that meets the criteria outlined in
20 § 20:43:03:02 within the five years preceding application ~~or, if the clinical competency~~
21 ~~examination was passed prior to July 1, 2018, and within the five years preceding application,~~
22 ~~verification of passage of the Central Regional Dental Testing Service examination or Western~~

1 ~~Regional Examining Board examination.~~ An applicant who fails any combination of board
2 approved clinical competency examinations three times is not eligible for licensure in this state;

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

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

6 (7) A recent photograph;

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

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

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

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

18 **Source:** SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155,
19 effective July 1, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11,
20 1994; 26 SDR 37, effective September 20, 1999; 27 SDR 57, effective December 12, 2000; 38
21 SDR 172, effective April 25, 2012; 45 SDR 35, effective September 19, 2018; 46 SDR 75,
22 effective December 4, 2019; 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.

2 **20:43:03:02. Application for license to practice as a dentist -- Clinical competency**
3 **examination.** The board may approve a patient-based or an equivalent simulation or manikin-
4 based clinical competency psychomotor examination pursuant to subdivision 20:43:03:01(4) that
5 demonstrates evidence of psychometric soundness, including documentation of validity,
6 reliability, fidelity and fairness, allows direct observation by a board designee, and includes, at a
7 minimum, the following components:

8 (1) A patient-based or an equivalent simulation or manikin-based periodontal component;

9 (2) A patient-based or an equivalent simulation or manikin-based restorative component;

10 (3) A simulation or manikin-based prosthodontic component;

11 (4) A simulation or manikin-based endodontic component; and

12 (5) A remediation policy to address candidate deficiencies.

13 ~~—— During and within 180 days following a declared state of emergency pursuant to SDCL 34-~~
14 ~~48A-5 that hinders the operations of and access to approved clinical competency examinations,~~
15 ~~the board may approve verification of clinical competency from a dental school accredited by the~~
16 ~~American Dental Association Commission on Dental Accreditation or other board approved entity~~
17 ~~in lieu of the component required in subdivision (1).~~

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

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

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

1 **20:43:03:04. Application for license to practice as a dentist -- Credential verification.**

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

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

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

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

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

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

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

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

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

1 (9) A recent photograph; and

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

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

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

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

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

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

16 **20:43:03:08. Application for license to practice as a dental hygienist -- Requirements.** An
17 applicant for a license to practice as a dental hygienist shall submit the following:

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

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

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

1 (4) Verification of passage of a board approved patient-based or an equivalent simulation
2 or manikin-based clinical competency psychomotor examination that meets the criteria outlined in
3 § 20:43:03:09 within the five years preceding application ~~or, if the clinical competency~~
4 ~~examination was passed prior to July 1, 2018, and within the five years preceding application,~~
5 ~~verification of passage of the Central Regional Dental Testing Service examination or Western~~
6 ~~Regional Examining Board examination.~~ An applicant who fails any combination of board
7 approved clinical competency examinations three times is not eligible for licensure in South
8 Dakota;

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

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

12 (7) A recent photograph; and

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

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

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

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

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

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

2 **20:43:03:10. Application for license to practice as a dental hygienist -- Credential**
3 **verification.** An applicant for a license to practice as a dental hygienist by credential verification
4 shall submit the following:

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

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 Hygiene Examination;

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

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

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

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

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

23 (9) A recent photograph.

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

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

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

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

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

10 **20:43:03:09. Application for license to practice as a dental hygienist -- Clinical**
11 **competency examination.** The board may approve a patient-based or an equivalent simulation or
12 manikin-based dental hygiene clinical competency psychomotor examination pursuant to
13 subdivision 20:43:03:08(4) that demonstrates evidence of psychometric soundness, including
14 documentation of validity, reliability, fidelity and fairness, allows direct observation by a board
15 designee, and includes, at a minimum, the following components:

- 16 (1) Pocket depth detection;
- 17 (2) Calculus detection and removal;
- 18 (3) An intra oral and extra oral assessment; and
- 19 (4) A remediation policy to address candidate deficiencies.

20 ~~During and within 180 days following a declared state of emergency pursuant to SDCL 34-~~
21 ~~48A-5 that hinders the operations of and access to approved clinical competency examinations,~~
22 ~~the board may approve verification of clinical competency from a dental hygiene school accredited~~

1 ~~by the American Dental Association Commission on Dental Accreditation or other board approved~~
2 ~~entity in lieu of an examination otherwise required in this section.~~

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

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

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