

SOUTH DAKOTA STATE BOARD OF DENTISTRY  
PUBLIC HEARING FEBRUARY 9, 2024

Dr. Renemans called the Public Hearing to order at 10:11 a.m. on Friday, February 9, 2024 and noted that this was the time and place for the South Dakota State Board of Dentistry Public Hearing to consider changes to the administrative rules as provided in the Notice of Public Hearing to Adopt Rules.

Dr. Renemans noted that statements made during the hearing were being recorded in the minutes and due notice of this public hearing was published in three South Dakota newspapers and was made to interested parties in advance of the hearing. Dr. Renemans noted that the proposed rules had been edited for compliance with the requirements for form, style and legality as requested by the South Dakota Legislative Research Council pursuant to SDCL 1-26.

Hearing Officer: Dr. Nick Renemans

Members of the Board: Dr. Nick Renemans, Zona Hornstra, Dr. Scott Van Dam, Dr. Brian Prouty, and Dr. Harold Doerr.

Board staff: Brittany Novotny, Lisa Harsma and Dusti Palecek.

Legal Counsel: Megan Borchert.

Others: Paul Knecht, South Dakota Dental Association; Ann Schwartz, Delta Dental of South Dakota; and Mike Mueller, Delta Dental of South Dakota.

Dr. Renemans discussed the proposed rules, noting that the proposed rules will address maintenance, timelines, transfer, and destruction of records maintained by dentists and dental entities.

**Written Testimony:** Dr. Renemans entered into the record the following letters that were received prior to the hearing:

- A. SD Dental Association – Letter of Support
- B. Delta Dental of South Dakota - Letter of Support with two questions and two recommendations.

The Board reviewed the questions and recommendations by Delta Dental.

Delta Dental asked if it would be helpful to outline specific requirements regarding financial records. The Board discussed this point and determined that common business practices, along with requirements in place for participation in and audits by insurance and other programs, cover the financial records requirements. Therefore, the Board did not believe additional administrative rules specific to financial records were necessary at this time. The Board noted that it will continue to review its rules, so any needed changes or additions could be brought forward in the future.

Delta Dental asked if page 3, line 7 and 8, subdivision 1(b) required the name and signature, initials, or electronic verification of other providers administering treatment, such as a CRNA providing sedation services. The Board clarified that yes, the verification would be by the provider administering the treatment.

Delta Dental recommended on line 11 of page 4 changing the term “discussion” to “communication”. The Board discussed this change and agreed that a broader term like communication was appropriate.

Delta Dental requested on page 6, lines 3 and 6, that the required timeframe for retaining patient records be extended to ten years. The Board discussed this change and noted that the generally recognized time frame for retention is seven years and that the cost of storage and the environmental impact of data storage can be significant. The Board noted that while specific programs may require retention of dental records for more than seven years, it did not believe the rules should require all dentists and dental entities to retain records for that extended timeframe. Instead, the rules set a uniform baseline for retention and dentists and dental entities must be aware of the requirements of programs they participate in that may extend past that timeframe.

**Verbal Testimony:** Dr. Renemans called for Verbal Testimony. There was no verbal testimony.

Dr. Renemans closed testimony and opened the public hearing to Board Discussion and/or action.

Hornstra moved to adopt the proposed change from “discussion” to “communication” on page 4, line 11 so subdivision 10(a) would read “Notation of informed consent, including communication of potential risks and benefits of proposed treatment...” Second by Prouty. Motion carried.

Van Dam moved that the South Dakota State Board of Dentistry approve the adoption of the amended rules §§ 20:43:11:01; 20:43:11:02; 20:43:11:03; 20:43:11:04, including the LRC edits for compliance with its requirements for form, style and legality. Second by Doerr. Motion carried.

There being no further business, the public hearing was adjourned at 10:27 a.m.

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Zona Hornstra, Secretary