

## GUIDANCE ON THE USE OF UNLICENSED DENTAL ASSISTANTS

The Board of Dentistry is issuing this guidance to educate dentists on current laws and rules pertaining to professional responsibilities of Minnesota licensed dentists when employing unlicensed dental assistants. **There is also guidance on employing workers under the age of 18 due to current statewide efforts to introduce high school students to dental clinic experience part time, while they are still in school.** This guidance shall not bind any court or other adjudicatory body. [214.108 HEALTH-RELATED LICENSING BOARDS; LICENSEE GUIDANCE](#). The Board of Dentistry is required to hold individual licensees accountable for competency and behaviors that influence patient care, public health and safety, and compliance with Minnesota Statutes Chapters 150A, 214, and 319B.

### **ALLIED DENTAL PERSONNEL- Includes individuals listed in rule below**

#### **Responsibilities of Licensed Dentists [3100.8300 Responsibilities of a Licensed Dentist](#)**

Dentists employing assistants, technicians, hygienists, or dental therapists shall be fully responsible for all acts or omissions of these personnel if the acts or omissions are within the normal scope of their employment.

#### **Delegation to *Unlicensed* Allied Dental Professionals [3100.8400 Assistants without a License or Permit](#)**

Unlicensed dental assistants can be utilized for room set up and sterilization, suctioning (saliva, blood, debris), oral irrigation and drying (air water syringe), application of fluoride varnish, retraction of cheek, assisting with rubber dam placement, and other basic chairside duties under personal supervision of the dentist (**dentist is chairside and instructing in conjunction with procedure**).

#### **Recordkeeping [3100.9600](#)**

Diagnosis, Treatment Planning, and Informed Consent

- The dentist is responsible for maintaining the dental record, which must include diagnosis, treatment plan, and informed consent by the treating provider.

#### **Minimal Requirements for Unlicensed Dental Assistants working in the Provision of Clinical Patient Care (Board of Dentistry rules)**

- Continuous CPR through American Heart Association or American Red Cross
- Compliance with infection control requirements (most current CDC guidelines)
- May not perform any dental treatment or procedure on patients not otherwise authorized

**Requirements for Sterilization Assistants** (assisting with sterilizing, operatory prep and break down, etc.)

- Compliance with infection control requirements (most current CDC guidelines)

### **Other Regulatory Training Considerations (OSHA, MDH)**

- Bloodborne Pathogens (if assistant has potential for exposure to blood or OPIM) upon hire and annually thereafter
- Hazard Communications  
See <https://www.osha.gov/dentistry>
- Radiation Safety – Unlicensed assistants may not perform radiographic procedures without a special permit issued by the Board of Dentistry, but they do need knowledge of best practices in radiation safety based on education and training provided upon hire. See [MDH X-Ray Dental Regulatory Guide](#)

### **PPE Considerations**

- Both OSHA and CDC have PPE requirements - exposure prevention from blood or OPIM, lasers, and chemicals
- Donning and Doffing PPE [CDC Infographics and Instructions](#)
- Use of Respirators [Training](#)

Dental professionals that want to access a resource for all Board of Dentistry applicable laws and rules can order a book from Allegra Printing (state contracted vendor) here: [Dentistry Laws and Rules](#)

Dental professionals may also take the MN Jurisprudence examination for continuing education credit. This exam has many questions on appropriate delegation to allied professionals. More information can be found here: [PSI Exam Candidate Bulletin](#)

## Additional OSHA and Labor Considerations

Many dental clinics have expressed interest in hiring high school students to work in dental practices as administrative assistants, sterilization assistants, or unlicensed clinical assistants. The stated intent shared by many stakeholder groups is to introduce younger individuals to the dental profession. There are additional considerations if the employee is under 18 years of age.

### Employer Responsibilities: For Young Workers

- Understand and comply with the relevant federal and state child labor laws. For example, these laws prohibit youth from working certain hours and from performing dangerous/hazardous work.
- Ensure that young workers receive training to recognize hazards and are competent in safe work practices. Training should be in a language and vocabulary that workers can understand and should include prevention of fires, accidents and violent situations and what to do if injured.
- Implement a mentoring or buddy system for new young workers. Have an adult or experienced young worker answer questions and help the new young worker learn the ropes of a new job.
- Encourage young workers to ask questions about tasks or procedures that are unclear or not understood. Tell them whom to ask.
- Remember that young workers are not just "little adults." You must be mindful of the unique aspects of communicating with young workers.
- Ensure that equipment operated by young workers is both legal and safe for them to use. Employers should label equipment that young workers are not allowed to operate.
- Tell young workers what to do if they get hurt on the job.

Images from <https://www.osha.gov/youngworkers/employers.html>

### Employer Responsibilities: For All Workers

- Provide a workplace free from serious recognized hazards and follow all OSHA safety and health standards.
- Find and correct safety and health hazards.
- Inform employees about hazards in the workplace and train them about applicable OSHA standards in a language they understand.
- Provide safety training on workplace hazards.
- Provide the required personal protective equipment (PPE) and pay for most types of required PPE.



Employers are strongly encouraged to develop an injury and illness prevention program. An effective program benefits all workers, including youth, and involves supervisors, management, experienced workers and new workers.

## General Safety

[Promoting Safety and Health to Young Workers](#)

If you have questions about workplace safety or health, contact Minnesota OSHA Workplace Safety Consultation at 651-284-5060, 800-657-3776 or [osha.consultation@state.mn.us](mailto:osha.consultation@state.mn.us).

## Working Hours

Minors ages **14** and **15** may **not** work:

- on school days during school hours, without an employment certificate issued by the school district superintendent
- Before 7 a.m. or after 9 p.m.
- More than eight hours a day
- More than 40 hours a week

During the school year, large employers with sales of more than \$500,000 annually- (**which would include most dental clinics**) are prohibited from letting minors younger than **16** work later than 7 p.m., work more than three hours a day and work more than 18 hours a week.

Small employers (sales of less than \$500,000 annually) may allow minors younger than **16** to work until 9 p.m.

High school students aged **16** and **17** may not work after 11 p.m. on an evening before a school day or before 5 a.m. on a school day. (**Not as applicable to normal dental operation hours**)

\*Information gathered from MN Department of Labor Youth Rules.

MN DEPARTMENT OF LABOR INFORMATION- TEEN WORKER WAGES, HOURS, SAFETY, HEALTH - [HTTPS://WWW.DLI.MN.GOV/BUSINESS/EMPLOYMENT-PRACTICES/TEEN-WORKER-WAGES-HOURS-SAFETY-HEALTH](https://www.dli.mn.gov/business/employment-practices/teen-worker-wages-hours-safety-health)

For questions related to labor laws, contact Minnesota Department of Labor - Labor Standards Division at [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us), 651-284-5075 or 800-342-5354.



Developed in partnership with the Minnesota Dental Association.