

# House Research Act Summary

**CHAPTER:** 341

**SESSION:** 2002 Regular Session

**TOPIC:** Requirements to report to the Board of Dentistry

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## Overview

This act requires various individuals and entities to report specific information about dentists, dental hygienists, and dental assistants to the Board of Dentistry. It also provides immunity for individuals and entities who report, and for actions by the Board and its employees relating to their official duties relating to reports received.

- 1 **Dentists, dental hygienists, and dental assistants.** Amends § 13.383, subd. 13. Amends a subdivision in the Data Practices Act containing cross-references to other statutes that classify data about dentists, dental hygienists, and dental assistants, by adding a cross-reference to the section in this act that classifies reports held by the Board of Dentistry on providers regulated by the Board.
- 2 **Reporting obligations.** Adds § 150A.13. Authorizes any person to report to the Board of Dentistry if the person knows that a provider regulated by the Board cannot practice with reasonable skill and safety. Requires reporting to the Board by health care institutions, dental societies, other regulated health care professionals, insurers, and court administrators.

**Subd. 1. Permission to report.** Allows any person to report to the Board if the person knows of conduct by a provider regulated by the Board of Dentistry (a dentist, dental hygienist, or dental assistant) cannot practice with reasonable skill and safety due to illness, use of alcohol or drugs, or a mental, physical, or psychological condition.

**Subd. 2. Institutions.** Requires health care institutions in the state to report the following to the Board: (1) any action taken by the entity that affects the ability of a provider regulated by the Board to practice at that entity; (2) any disciplinary action by the entity if the provider cannot practice with reasonable skill and safety due to illness, use of alcohol or drugs, or a mental, physical, or psychological condition; and (3) the resignation of any provider before disciplinary action is imposed, if the provider cannot practice with reasonable skill and safety due to illness, use of alcohol or drugs, or a mental, physical, or psychological condition.

**Subd. 3. Dental societies.** Requires state and local dental societies to report to the Board any disciplinary action taken against a dental provider, and any complaints the society receives for which discipline is not imposed if the complaints address a provider's inability to practice with reasonable skill and safety due to illness, drug or alcohol use, or a mental, physical, or psychological condition. Exempts a society from reporting when it is performing peer review.

**Subd. 4. Licensed professionals.** Requires licensed or registered health professionals to report to the Board if the professional reasonably believes a provider regulated by the Board cannot practice with reasonable skill and safety due to illness, use of alcohol or drugs, or a mental, physical, or psychological condition. Also requires these health professionals to report information about actions listed under subdivision 2.

**Subd. 5. Insurers and other entities making liability payments.** Paragraph (a) requires insurers that provide professional liability insurance to providers regulated by the Board to report on providers regulated by the Board against whom malpractice settlements or awards have been made. Requires these reports to be made four times a year, and lists information the reports must contain. Paragraph (b) requires entities that make professional liability insurance payments for providers regulated by the Board to report on malpractice settlements or awards paid for providers or for the entity because of care given by a provider. Requires these reports to be made within 30 days of paying a settlement or award.

**Subd. 6. Courts.** Requires court administrators to report any court determinations in which a provider regulated by the Board is found mentally ill, mentally incompetent, guilty of a felony, guilty of violating drug laws, or guilty of fraud or abuse under Medicare or Medicaid; has a guardian appointed; or is civilly committed.

**Subd. 7. Self-reporting.** Requires a provider regulated by the Board to self-report any actions for which a report would otherwise be required under this section.

**Subd. 8. Deadlines; forms.** Requires reports required under this section to be submitted not more than 30 days after the reportable event, and allows the Board to provide forms for submission of reports and to adopt rules on reporting.

**Subd. 9. Subpoenas.** Allows the Board to issue subpoenas to compel the production of required reports or related documents.

- 3 **Immunity.** Adds § 150A.14. Provides immunity from civil liability or criminal prosecution to any person who submits a report to the Board in good faith or cooperates with an investigation; and to members of the Board, persons employed by the Board, and Board consultants, for any actions relating to their duties under section 2. Classifies reports made to the Board as confidential data on individuals and privileged communications.