

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

200

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Dentistry Board (Agency or Board)

Regulation No. DE one thru 82

Subject: General Provisions, auxiliary personnel application, Suspension, Revocation, Education, Minn. Professional Corp. act & Contested Cases

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAY 7 1976
BY [signature]
AUTH. SIGNATURE

Stamped and filed with the Secretary of State May 7, 11:00 AM 11:30 AM

Rev. 9-72

200

March 11, 1976

William E. Fox
Special Assistant
Attorney General
State Board of Dentistry
4200 I.D.S. Center
Minneapolis, Minnesota 55402

Re: Rules of the Board of Dentistry

Dear Bill:

Returned herewith are the rules of the Board of Dentistry. Having further considered the problem of conflict of procedural rules with those of the State Hearing Examiner, I recommend repeal by order of all of the Board's procedural rules before resubmission.

Please call me if you wish to discuss this matter in more detail.

Very truly yours,

Michael B. Miller
Special Assistant
Attorney General

MBM/mb

Enclosure

2.00

Richard A. Wexler
Assistant Attorney General
Department of Health

May 7, 1976

- Board of Dentistry rules.

THOMAS VENNUM
LEONARD E. LINDQUIST
NORMAN L. NEWHALL
LAURESS V. ACKMAN
GERALD E. MAGNUSON
EDWARD M. GLENNON
MELVIN I. ORENSTEIN
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WAYZATA OFFICE

WAYZATA MEDICAL BUILDING

250 NORTH CENTRAL AVENUE

WAYZATA, MINNESOTA 55391

April 19, 1976

Mr. Michael B. Miller
Special Assistant Attorney
General
State of Minnesota
Office of the Attorney General
St. Paul, Minnesota 55155

Re: Rules of the Minnesota State Board of Dentistry

Dear Mike:

I enclose an additional copy of the above captioned rules and regulations as adopted by the Board of Dentistry. I have made the correction in DE 2(h) and have removed pages 23 through 32 which contain the rescinded Chapter Eight.

Very truly yours,

LINDQUIST & VENNUM

Bill

William E. Fox

WEF:lh
Enclosure

THOMAS VENNUM
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250 NORTH CENTRAL AVENUE
WAYZATA, MINNESOTA 55391

April 6, 1976

Mr. Michael B. Miller
Special Assistant Attorney
General
State of Minnesota
Office of the Attorney General
St. Paul, Minnesota 55155

Re: Rules of the Board of Dentistry

Dear Mike:

I resubmit herewith the Rules of the Minnesota State Board of Dentistry, together with all supporting materials previously submitted.

The additional enclosures consist of two copies each of an Order repealing and rescinding Chapter Eight and a Certificate of the Board's adoption of a resolution of rescission of said Chapter Eight.

Very truly yours,

LINDQUIST & VENNUM

Wm. E. Fox

William E. Fox

WEF:lh
Enclosures
cc: Mr. Dale Forseth

ments, the license or registration may not be reinstated until the applicant has successfully completed the applicable examination specified in part 3100.1850, subparts 2 and 3.

Subp. 5. Scope. Nothing in this part prohibits a dentist or dental hygienist from applying for licensure pursuant to part 3100.1400.

3100.3300 EXAMINATION OF DENTISTS.

Subpart 1. [Unchanged.]

Subp. 2. National board examination. Each applicant must pass a national board examination. At the discretion of the board, any dentist who has lawfully practiced dentistry in another state for five years may be exempted from taking ~~the~~ a national board examination.

Subp. 3. to 5. [Unchanged.]

3100.3400 EXAMINATION OF DENTAL HYGIENISTS.

Subpart 1. [Unchanged.]

Subp. 2. National board examination. Each applicant must pass ~~the~~ a national board examination. At the discretion of the board, any dental hygienist duly licensed to practice as such in another state which has and maintains laws regulating the practice of dental hygiene by dental hygienists, equivalent to this state's, who is of good professional character and is desirous of licensure in this state and presents a certificate from the examining board of the state in which the applicant is licensed so certifying, may be exempted from taking a national board examination provided the applicant has been licensed for five or more years.

Subp. 3 and 4. [Unchanged.]

REPEALER. Minnesota Rules, parts 3100.1800, 3100.1900, and 3100.4700 are repealed.

EFFECTIVE DATE. Minnesota Rules, part 3100.1700, is effective January 1, 1986.

Board of Dentistry

Proposed Rules Relating to Continuing Dental Education

ALTERNATIVE NOTICES: Notice of Intent to Amend Rules without a Public Hearing, Notice of Intent to Amend Rules with a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Dentistry is hereby giving notice of its intent to amend rules without a public hearing under the noncontroversial rulemaking procedure of Minn. Stat. §§ 14.22 to 14.28 (1984). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 14.25 (1984), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rule amendments pursuant to Minn. Stat. §§ 14.131 to 14.20 (1984). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on September 25, 1985, there will be 13 days before the scheduled hearing date. This 13-day period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry proposes to adopt the above captioned rule changes without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1984).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule amendments. The 30 days will expire on September 25, 1985. Comment is encouraged. Each comment should identify the portion of the proposed amendment being addressed, the reason for the comment, and any change proposed to the amendment by the comment. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

RULES AND REGULATIONS OF THE

MINNESOTA STATE BOARD OF DENTISTRY

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CHAPTER ONE: DE 1 - 10

GENERAL PROVISIONS

~~DE 1 LOCATION OF OFFICE The principal office of the Board of Dentistry shall be located at 209 North Snelling Avenue, St. Paul, Minnesota, 55104.~~

DE ~~2~~ 1 TENSES, GENDER AND NUMBER For the purposes of these rules and regulations, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

DE ~~3~~ 2 DEFINITIONS For the purposes of these rules and regulations, the terms:

(a) "Board" shall mean the Minnesota State Board of Dentistry.

(b) "Act" shall mean Chapter 974, Laws of Minnesota, 1969, codified as Sections 150A.01 through 150A.12 of the Minnesota Statutes as from time to time amended.

(c) "~~Dentists' Professional Corporation Act~~" "Minnesota Professional Corporations Act" shall mean ~~Chapter 147, Laws of Minnesota~~ Minnesota Statutes, Sections ~~319.46~~ 319A.01 through ~~319.68~~ 319A.22 as from time to time amended.

(d) "Dentist" means a person holding a license issued by the Board pursuant to 150A.01 through 150A.12.

(e) The term "hygienist" means a person holding a license as a dental hygienist issued by the Board pursuant to the provisions of Section 150A.06, subdivision 2 of the Act.

(f) "Assistant" means a person who assists the dentist in carrying out the basic duties of a dental office.

(g) "Registered dental assistant" means an assistant registered by the Board.

(h) "Dental technician" means a person other than a licensed dentist who performs any of the services described in section 150A.10, subdivision 3 of the Act.

(i) "National Board" shall mean an examination administered nationally and acceptable to the Board.

(j) "Commission on Accreditation" means the Commission on Accreditation of Dental and Dental Auxiliary Education Programs.

DE ~~4~~ 3 MEETINGS

(a) The Board shall hold at least two regular meetings each year. It may hold special meetings at such other times as may be necessary and as it may determine. ~~All~~ Meetings ~~for the purpose of~~ conduct~~ing~~ ed ~~disciplinary proceedings involving personnel licensed~~ by the Board shall be open to the ~~general~~ public except those for the purpose of investigating and adjudicating charges against persons licensed or registered by the Board shall be closed to public attendance unless the person or persons under investigation request that such meetings be open to the public.

(b) ~~Three~~ A majority of the members of the Board shall constitute a quorum for the conduct of business. When not otherwise provided, Sturgis Standard Code of Parliamentary Procedure shall govern the conduct of all business meetings of the Board.

DE ~~5~~ 4 OFFICERS The officers of the Board shall consist of a President, a Vice-President, and a Secretary-Treasurer, as provided in Section 150A.03, subdivision 1, of the Act. Election of officers may be held at any regular or special meeting.

DE 6-5 - 10 RESERVED FOR FUTURE USE.

CHAPTER TWO: DE 11 - 20

APPLICATIONS FOR LICENSURE

DE 11 APPLICATIONS TO PRACTICE DENTISTRY Any person desiring to take the examination for licensure to practice dentistry within the State of Minnesota must first present to the Board an application and credentials, as prescribed by the Act, and shall conform to the following rules of the Board:

(a) An application on a form furnished by the Board must be completely filled out.

~~(b) The completed application shall be filed with the Board not later than thirty days prior to the date set for the beginning of the examination for which application is made.~~

~~(c)~~ (b) The applicant shall furnish satisfactory evidence of having graduated from a ~~dental~~ schod of dentistry which ~~shall have~~ has been ~~approved or provisionally approved by the Council on Dental Education of the American Dental Association~~ accredited by the Commission on Accreditation.

~~(d)~~ (c) The applicant must furnish certification of having passed all parts of the National Board examination.

(d) The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

~~(d)~~ (e) Graduates of dental schools not accredited by the ~~Council on Dental Education~~ Commission on Accreditation shall furnish the following information to the Board:

(1) Applicants must show evidence of training equivalent to the requirements of the ~~Council on Dental Education~~ Commission on Accreditation, ~~a minimum of six years post high school education which shall include four years of dental school.~~

(2) Applicants must furnish the Board with the following notarized credentials in English translation:

(i) diploma or evidence of graduation from a dental school

(ii) evidence of being licensed or admitted to practice in country of graduation.

(iii) complete transcript of all academic grades in dental school with courses completed, along with pre-dental school transcripts

(iv) date and place of birth

~~(3) An applicant who fulfills the above requirements must successfully complete the Science Achievement Examination for Dentistry (SAED).~~

(4) (3) After successful completion of steps 1 and 2 ~~and 3~~ the Board may then certify the applicant as eligible to take part I ~~and part II~~ of the National Board examinations. ~~In lieu of the National Board examinations, the applicant may take the Minnesota State Board written examination.~~

(5) (4) Upon evidence of passage of all parts of the National Board examinations applicants of dental schools not accredited by the ~~Council on Dental Education~~ Commission on Accreditation must complete such testing procedures and clinical training in the School of Dentistry, University of Minnesota, or its equivalent, as the Board may prescribe in order to establish that the knowledge, skill, and competence of the applicant to practice dentistry is equivalent in all respects to that of a graduate of a dental school accredited by the ~~Council on Dental Education~~ Commission on Accreditation and approved by the ~~Minnesota State~~ Board ~~of Dentistry~~.

(6) (5) Upon completion of steps 1, 2, 3, and 4 ~~and 5~~ the applicant may make application to ~~take~~ the ~~Minnesota State~~ Board to take the examination for licensure.

(e) (f) For identification purposes, the applicant shall furnish one notarized unmounted passport size photograph 3" x 3" taken not more than 12 months before date of application.

(f) (g) The fee established by the Board shall accompany the application. The fee will be refunded to those applicants who are found to be ineligible to take the examination.

(g) (h) The applicant shall furnish a testimonial of good moral character by an authorized representative of the dental school from which the applicant graduated. If he is a member of a dental society, he shall furnish the recommendation of the president or secretary of the society, and certification by the secretary of the Board of Dental Examiners of the State in which he is licensed. Provided, however, the Board may in its discretion and for good cause waive the certification of good moral character by an authorized representative of the dental school.

Nothing contained herein shall be construed to limit the Board's authority to seek from an applicant such other information pertinent to the character, education and experience of the applicant as it may deem necessary in order to pass upon the applicant's qualifications.

DE 12 VERIFICATION OF APPLICATION. Every applicant shall sign his application and shall swear to the truth of the statements contained therein before a notary public or other person authorized by law to administer oaths.

DE 13 APPLICATION TO PRACTICE DENTAL HYGIENE Any person desiring to take examination for licensure to practice dental hygiene must present an application and credentials as prescribed by the Act and shall conform to the following rules of the Board:

DE 13 [continued]

(a) An application on a form furnished by the Board must be completely filled out.

~~(b) The completed application shall be filed with the Board not later than thirty days prior to the date set for the beginning of the examination for which application is made.~~

(b) Applicants must furnish certification that they have passed all parts of the National Board examination.

(c) The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

~~(c)~~ (d) The applicant shall furnish satisfactory evidence of having been granted a diploma or certificate in dental hygiene from ~~an~~ ~~accredited training~~ school of dental hygiene which ~~maintains a course of instruction for dental hygienists of not less than 2 academic years~~ has been accredited by the Commission on Accreditation.

~~(d)~~ (e) For identification purposes the applicant shall furnish one notarized unmounted passport size photograph, 3" x 3", taken not more than 6 months before the date of application.

~~(e)~~ (f) A fee established by the Board shall accompany the application.

~~(f)~~ (g) The applicant shall furnish evidence of good moral character satisfactory to the Board.

~~DE 14 EXAMINATION OF CREDENTIALS. The Board shall meet prior to any examination, at the call of the President, for the purpose of passing upon the applications and credentials of applicants to take the examination for licensure in dentistry or dental hygiene.~~

~~DE 15 PERMISSION TO TAKE THE EXAMINATION. Permission to take the examination shall be granted to those applicants who have paid the necessary fee and whose credentials have been favorably acted upon by the Board after being presented as provided by the Act and by the Rules and Regulations.~~

~~DE 16~~ DE 14 REJECTION OF INCOMPLETE APPLICATION. Incomplete applications shall be returned to the applicant with the tendered fee, together with a statement setting forth the reason for such rejection.

DE 15 - 20 RESERVED FOR FUTURE USE.

CHAPTER THREE: DE 21 - 30

EXAMINATIONS

DE 21 ~~THEORETICAL~~ WRITTEN EXAMINATION PROCEDURE, DENTISTS
The following rules and regulations govern the conduct of examinations, and must be strictly adhered to throughout the entire examination. An examinee who violates any of the rules, regulations or instructions applicable ~~to him~~ may be declared by the Board to have failed the examination.

(a) The Board may employ qualified persons to serve as proctors to assist members in the conduct of the examination.

(b) The Board shall assign each applicant a number, and said applicant shall be known by that number throughout the entire examination.

(c) The ability of an examinee to read and interpret instructions and examination material is a part of the examination.

(d) Any examinee who gives or receives assistance in any portion of the examination may be dismissed from the examination.

(e) An examinee shall not leave the examination room without permission of an examiner or proctor.

(f) Notes, textbooks, or other informative data shall not be brought to the examination rooms.

(g) An examinee shall not alter questions or write explanations to answers on the examination paper.

(h) Copying of examination questions is forbidden.

(i) Question sheets must be returned with the answer sheets.

(j) An examinee shall occupy the space assigned ~~to him~~ throughout the entire examination.

(k) When finished writing ~~on all the theory subjects~~ during an assigned period, the examinee shall turn in ~~his~~ the completed papers to an examiner or proctor and leave the room.

(l) Under no circumstances shall an examination paper be returned to an examinee once it has been submitted as in paragraph (k) above.

(m) No persons other than those directly connected with the examination shall be admitted to the examination rooms.

DE 22 SCOPE OF ~~THEORETICAL~~ WRITTEN EXAMINATION, DENTISTS

(a) The Act provides that the examination ~~by the Board~~ of applicants for a license to practice dentistry in this state, shall be sufficiently thorough to test the fitness of the applicant to practice dentistry. Each applicant must pass all portions of the National Board examination. Additional written theoretical examinations may be administered by the Board for licensure.

~~(b) Those persons who are certified as having passed the National Board may be examined in the subjects in which they failed.~~

DE 22 [continued]

(b) All applicants shall be examined for general knowledge of the Act, the Rules and Regulations of the Board and the Minnesota Professional Corporations Act.

~~(c) Applicants who fail to pass in all subjects given by the National Board may be examined in the subjects in which they failed.~~

~~(d)~~ (c) At the discretion of the Board, any dentist who has lawfully practiced dentistry in another state for five years may be exempted from taking the ~~theoretical portion of~~ National Board examination.

~~(e) All other applicants may be examined in subjects equivalent to the National Board examination.~~

~~(f)~~ (d) The Board may ~~add~~ administer any other examination ~~subjects without amendment to this rule~~ it deems necessary to determine qualification for continued licensure.

~~(g) All applicants shall be examined for general knowledge of the Act and the Rules and Regulations of the Board.~~

~~(h) An average of 75% constitutes a passing grade in the theoretical portion of the examination.~~

DE 23 ORAL DIAGNOSIS AND TREATMENT PLANNING. ~~Every~~ Applicants ~~shall~~ may be examined in Oral Diagnosis and Treatment Planning. Such examination shall be formulated to test the applicant's ability to recognize and institute treatment of common oral pathologic conditions as well as to test his knowledge, understanding and judgment relative to all types of dental health service. ~~A passing grade shall be 75%.~~

DE 24 SCOPE OF EXAMINATION, ~~OPERATIVE AND MECHANICAL~~. CLINICAL DENTISTRY. Every applicant shall give a demonstration of ~~his~~ skill in those operations prescribed by the Board ~~and must perform each operation satisfactorily~~. All operations ~~in operative and mechanical dentistry~~ shall be performed in the presence of a Board member or ~~proctor~~ consultant appointed by the Board for that purpose. ~~A grade of 75% or more in each operation prescribed by the Board shall constitute a passing grade.~~

DE 25 ~~THEORETICAL~~ WRITTEN EXAMINATION PROCEDURE, HYGIENISTS The following rules and regulations which must be strictly adhered to throughout the entire examination shall govern the conduct of examinations. An examinee who violates any of the rules, regulations, or instructions may be declared by the Board to have failed the examination.

(a) The ability of an examinee to read and interpret instructions and examination material is a part of the examination.

(b) Any examinee who gives or receives assistance in any portion of the examination may be dismissed from the examination.

(c) An examinee shall not leave the examination room without permission of an examiner or proctor.

(d) Notes, textbooks, or other informative data shall not be brought to the examination room.

DE 25 [continued]

(e) An examinee shall not alter questions or write explanations to answers on the examination paper.

(f) Copying of examination questions is forbidden.

(g) An examinee shall occupy the space assigned ~~to her~~ throughout the entire examination.

(h) When finished writing on all the ~~theory~~ subjects during an assigned period, the examinee shall turn in ~~her~~ the completed papers to an examiner or proctor and leave the room.

(i) Under no circumstances shall an examination paper be returned to an examinee once it has been submitted as in subparagraph (h) above.

(j) No persons other than those directly connected with the examination shall be admitted to the examination rooms.

(k) The Board may employ qualified persons or agencies to ~~serve as assist members~~ administer ~~in the conduct of~~ the examination.

DE 26 SCOPE OF ~~THEORETICAL~~ WRITTEN EXAMINATION, HYGIENISTS

(a) The Act provides that the examination of applicants for a license to practice dental hygiene in this state shall be sufficiently thorough to test the fitness of the applicant to practice dental hygiene. Each applicant must pass all portions of the National Board examination. Additional written theoretical examinations may be administered by the Board.

~~(b) These persons who are certified as having passed the National Board examination shall be exempt from taking the theoretical portion of the examination.~~

(b) At the discretion of the Board, any hygienist duly licensed to practice as such in another state which has and maintains laws regulating the practice of dental hygiene by dental hygienists, equivalent to this state's, who is of good moral character and is desirous of moving to this state and presents a certificate from the Examining Board of the state in which the applicant is licensed so certifying, may be exempted from taking the ~~theoretical portion~~ National Board ~~of the~~ examination provided the applicant has been licensed five or more years.

~~(c) Applicants who fail to pass in all subjects given by the National Board may be examined in the subjects in which they failed.~~

~~(d) At the discretion of the Board, any hygienist duly licensed to practice as such in another state which has and maintains laws regulating the practice of dental hygiene by dental hygienists, equivalent to this state's who is of good moral character and is desirous of moving to this state and presents a certificate from the examining board of the state in which she is licensed so certifying, may be exempted from taking the theoretical portion of the examination.~~

~~(e) All other applicants may be examined in subjects equivalent to the National Board examination.~~

~~(f)~~ (c) All applicants shall be examined for general knowledge of the Act and the Rules and Regulations of the Board.

(d) The Board may administer any other examination it deems necessary to determine qualifications for continued licensure.

~~(g) An average of 75% constitutes a passing grade in the theoretical portion of the examination.~~

DE 27 SCOPE OF CLINICAL EXAMINATION, HYGIENISTS

~~(a)~~ Every applicant shall give a demonstration of ~~her~~ skill in ~~removing stains, calculus or accretions from the exposed surfaces of the teeth of a patient, polishing the teeth with rubber cup and paste and making clinical examination for cavities, and charting the mouth and teeth.~~ those operations prescribed by the board. All operations shall be performed in the presence of a board member or consultant appointed by the board for that purpose.

~~(b) The following operations may be included as part of the examination:~~

~~(1) take full mouth, plus bitewing, x-rays. These x-rays to be mounted and presented to an examiner at the time of the oral interview.~~

~~(2) give a presentation of procedures for mouth care including the use of models and brushes to demonstrate the use of toothbrushes.~~

~~(3) demonstrate the care and sharpening of instruments used by the dental hygienist.~~

~~(4) such other tests as may be determined by the board.~~

~~(c) An average of 75% constitutes a passing grade in the clinical part of the examination.~~

DE 28 - 30 RESERVED FOR FUTURE USE.

CHAPTER FOUR: DE 31-40

AUXILIARY PERSONNEL

~~DE 31 Definitions~~

~~(a) The term "assistant" means any person who assists the dentist in carrying out the basic duties of a dental office.~~

~~(b) The term "registered dental assistant" means a dental assistant with adequate training who may become eligible to be assigned additional services by a licensed dentist. This registered dental assistant may become qualified to perform additional services in the following ways:~~

~~(1) satisfactory completion of an approved dental assistant training program recognized by the Minnesota State Dental Association and the Minnesota State Board of Dentistry;~~

~~(2) satisfactory completion of a formal training program outlined and approved by the Minnesota State Dental Association and the Minnesota State Board of Dentistry;~~

~~(3) current certification as a dental assistant by the Minnesota Dental Assistants' Association with acceptable additional training programs as approved by the Minnesota State Dental Association and the Minnesota State Board of Dentistry.~~

~~(c) The term "certified dental assistant" means a trained assistant who demonstrated her interest, knowledge, and skills by completing the certification process of the American Dental Assistants' Association as approved by the Board of Dentistry.~~

~~The registered dental assistant and the certified dental assistant must be registered with the Minnesota State Board of Dentistry.~~

~~(d) The term "hygienist" means a person holding a license as a dental hygienist issued by the Board pursuant to the provisions of Section 150A.06, subdivision 2 of the Act.~~

~~(e) The term "dental technician" means any person other than a licensed dentist who performs any of the services described in section 150A.10, subdivision 3 of the Act.~~

DE 31 REGISTRATION OF ASSISTANTS A dental assistant may become qualified for registration as follows:

(a) satisfactory completion of a training program approved by the Commission on Accreditation or other program which in the judgment of the Board is equivalent. If the curriculum of said training program does not include the expanded duties allowed by the Board, then the applicant must successfully complete a course in these functions which has been approved by the Board.

(b) all applicants for registration must pass a registration examination approved by the Board.

~~DE 32 (a) ASSISTANTS - Assistants may:~~

DE 32 ASSISTANTS

(a) Assistants may:

(1) retract a patient's cheek, tongue or other parts of tissues during a dental operation; assist with the placement or removal of a rubber dam and accessories used for its placement and retention, as directed by an operating dentist during the course of a dental operation; remove such debris as is normally created or accumulated during

the course of treatment being rendered by a licensed dentist during or after operative procedures by the dentist by the use of vacuum devices, compressed air, mouth washes and water; provide any assistance, including the placement of articles and topical medications in a patient's oral cavity in response to a specific direction to do so by a licensed dentist who is then and there actually engaged in performing a dental operation as defined in the Act and who is then actually in a position to give direct supervision to the rendition of such assistance. In addition, assistants may aid dental hygienists and registered assistants in the performance of their duties as defined in DE 32 (b) and DE 34.

~~(2) perform the following services whether or not a licensed dentist is present in the office:~~

~~(i) sterilization~~

~~(ii) organization and~~ arrangement of instruments on bracket tables

~~(iii) seating patient, placing protective materials or garments including lubrication of such patient's lips~~

~~(iv) reorganization of instruments and equipment after the patient has departed~~

(v) all normal ~~clerical duties such as telephone, receptionist,~~ arranging appointments, etc.

~~(vi) processing x-rays~~

~~(vii) general cleaning of treatment rooms~~

~~(viii) functions of a dental technician~~

~~(ix) general duties common to office routine in industry and other professional offices throughout the community~~

~~(x)~~ training or instruction of groups or individual patients in techniques of oral hygiene and mouth care.

(2) perform all those duties not directly related with performing dental treatment or services on patients.

(b) Registered Dental Assistants. Registered dental assistants in addition to services performed by the assistant may:

(1) take ~~x-rays~~ radiographs

(2) take impressions for study ~~models~~ casts and ~~apposing models~~ opposing casts for bridgework

(3) apply topical medications and cavity varnishes prescribed by dentists

(4) place rubber dam

(5) remove excess cement from inlays, crowns, bridges and orthodontic bands with hand instruments only

(6) give a mechanical polishing to clinical crowns only and not to include any instrumentation. Prior examination and instrumentation must be done by the dentist or hygienist

(7) pre-select orthodontic bands

(8) remove and replace ligature ties on orthodontic appliances

(9) remove periodontal packs

(10) remove sutures

(11) training or instruction of groups or individual patients in techniques of oral hygiene and mouth care

~~(c) **Certified Dental Assistants** Certified dental assistants in addition to services performed by the assistant and the registered dental assistant may:~~

~~(1) remove periodontal packs~~

~~(2) remove sutures~~

~~In categories (b) and (c), the licensed dentist must be physically present within the confines of his office and exercising general supervision.~~

(c) A Dental Assistant, who by virtue of academic achievement which is equal to or greater than that of a registered assistant, is currently registered or licensed in Minnesota in a related health profession may, at the Board's discretion, be permitted to take dental radiographs after successful completion of an approved course in dental radiology for dental assistants. Such permission shall not be granted until such dental assistant shall have filed with the Board an application for permission, along with proof of successful completion of such course and proof of current Minnesota licensure or registration in an allied health profession.

In categories (b) and (c), the licensed dentist must be physically present within the confines of his office and exercising general supervision.

(d) No assistant, whether registered or not, may perform any other dental treatment or procedure on patients not otherwise authorized by these regulations.

DE 33 DISPLAY OF CERTIFICATE OF REGISTERED DENTAL ASSISTANT

In each office in which there is employed a registered dental assistant there shall be prominently displayed the certificate of registration of said registered dental assistant.

DE 34 DENTAL HYGIENISTS Dental hygienists may perform: ~~all services permitted under Rule DE 32 when adequately trained. The additional duties listed below may be performed only by hygienists formally trained in such procedures.~~

~~(a) complete prophylaxis to include scaling, root planing, soft tissue curettage and polishing of fillings. Such procedures do not include removal of carious lesions.~~

(a) all services permitted under Rule DE 32

~~(b) preliminary examination of the oral cavity and surrounding structures to include case histories, periodontal examination and recording of clinical findings~~

complete prophylaxis to include scaling, root planing, incidental soft tissue curettage and polishing of fillings. Such procedures do not include removal of carious lesions and overhang from restorations

~~(c) dietary analysis, salivary analysis and preparation of smears~~

preliminary examination of the oral cavity and surrounding structures to include case histories, periodontal examination and recording of clinical findings; this does not infer the making of a diagnosis

~~(d) removal and changing of periodontal packs if the dentist is present~~

dietary analysis, salivary analysis and preparation of smears for dental health purposes

~~(e) procedures (a), (b) and (c) may be carried out whether or not a dentist is present or supervising.~~

removal and changing of periodontal packs if the dentist is present

(f) apply pit and fissure sealants

(g) procedures (a), (b), (c) and (d) may be carried out whether or not a dentist is present or supervising, but acting under his direction

~~DE 34~~

DE 35 DENTAL TECHNICIANS As prescribed by Section 150A.10 subdivision 3 of the Act, Dental Technicians may, pursuant to a written authorization prepared and signed by a licensed dentist, construct, alter, repair, reline, reproduce, or duplicate any prosthetic ~~denture, bridge, appliance~~ device or other structure to be used in the human mouth.

(a) ~~The dentist's~~ A dentist may not use the services of a technician without written authorization and a carbon copy thereof shall be on printed forms and shall include:

(1) the date and city where the authorization was issued,

(2) the name of the laboratory or technician to whom the authorization was issued,

(3) the name of the patient, or an identifying symbol,

(4) a description of the work authorized,

(5) the signature of the dentist in his actual handwriting,

(6) the dentist's license number issued to him by the Board

(b) A duplicate copy of each such written authorization issued by the dentist shall be retained by the dentist for not less than two years.

(c) The original of each written authorization issued shall be retained by the technician or dental laboratory to whom it was issued for not less than two years.

(d) The Board or its agents may inspect the original and the duplicate copy of all written authorizations retained by either the dentist issuing the same, or the technician or dental laboratory to whom it was issued.

(e) The Board or its agents may inspect any ~~appliances~~ devices being fabricated by a technician or dental laboratory, as well as the casts, impressions, ~~bites~~, interocclusal records, other materials sent to the technician or dental laboratory by the dentist, and the written authorization accompanying the same.

~~DE 35~~

DE 36 UNLAWFUL PRACTICE BY AUXILIARY PERSONNEL Any assistant, hygienist, or dental technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor, or who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, or director of a dental office as a guise or subterfuge to enable such assistant, hygienist or dental technician to engage directly in acts defined by the Act as the practice of dentistry, or who performs dental ~~work~~ services within the meaning of Section 150A.11, subdivision 1, of the Act for members of the public, other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

~~DE 36~~

DE 37 ~~DE 36~~ **Responsibilities of Licensed Dentists** Nothing contained in these rules relating to the scope of services rendered by assistants, technicians, or hygienists shall diminish or abrogate the professional and legal responsibilities of employing dentists to their patients, to their profession, and to the State of Minnesota. Dentists employing assistants, technicians, or hygienists shall be fully responsible for all acts or omissions of such personnel performed or omitted if within the normal scope of their employment; i.e., acts or omissions of such personnel whether or not omitted or committed in response to direct instructions of the employing dentist shall be presumed to have been omitted or committed by such personnel at the instance and request of the employing dentist if the omission or commission thereof is within the normal scope of their employment.

~~DE 37-40~~

DE 38-40 RESERVED FOR FUTURE USE

CHAPTER FIVE: DE 41-50

SUSPENSION OR REVOCATION OF LICENSES OF DENTISTS AND DENTAL HYGIENISTS

DE 41 GROUNDS In general terms, the grounds for suspension or revocation of licenses of dentists and dental hygienists are set forth in Section 150A.08, subdivision 1 of the Act.

DE 42 CONDUCT UNBECOMING A PERSON LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE CONTRARY TO THE BEST INTERESTS OF THE PUBLIC, DEFINED "Conduct unbecoming a person licensed to practice dentistry or dental hygiene, or contrary to the best interests of the public" as used in Section 150A.08, subdivision 1 (5) of the Act shall include:

~~(a) The indiscriminate and repeated prescribing or dispensing of any drug which, under the circumstances, has no therapeutic value.~~

(a) The act of a dentist in:

(1) Engaging in personal conduct which brings discredit to the profession of dentistry.

(2) Gross ignorance or incompetence in the practice of Dentistry

(3) Making suggestive, lewd, lascivious or improper advances to a patient.

(4) Charging a patient an unconscionable fee or charging for services not rendered.

(5) Performing unnecessary services

(6) Accepting rebates, split fees, or commissions from any source associated with the service rendered to a patient; provided, however, that the sharing of profits in a dental partnership or association, or dental professional corporation approved by and registered with the Board, shall not be construed as splitting fees nor shall compensating dental auxiliaries on the basis of a percentage of the fee received for the over-all service be deemed accepting a commission.

~~(b) The failure to maintain adequate safety and sanitary conditions for a dental office. The following are minimum safety and sanitary conditions:~~

(b) The indiscriminate and repeated prescribing or dispensing of any drug which, under the circumstances has no therapeutic value.

(c) The failure to maintain adequate safety and sanitary conditions for a dental office. The following are minimum safety and sanitary conditions:

(1) PREMISES. The premises shall be kept neat and clean, and free of accumulations of rubbish, ponded water, or other conditions of a similar nature which would have a tendency to create a public health nuisance.

(2) HOUSEKEEPING FACILITIES AND SERVICES. Housekeeping facilities and services necessary to assure comfortable and sanitary conditions for patients and employees shall be utilized.

(3) CONTROL OF INSECTS, RODENTS, ETC. The premises shall be kept free of ants, flies, roaches, rodents and other insects or vermin. Proper methods for their eradication or control shall be utilized.

(4) REFUSE DISPOSAL. Refuse shall be kept in approved containers and emptied at frequent intervals.

(5) HEATING, LIGHTING AND OTHER SERVICE EQUIPMENT. The heating of offices shall be by heating systems conforming to State and local heating codes and regulations. Individual room heaters shall be so located as to avoid direct contact with any combustible material. Installation and maintenance of electric wiring, motors, and other electrical equipment shall be in accordance with applicable State and local electric codes and regulations.

(6) WATER SUPPLY. An ample supply of water of a safe, sanitary quality, from a source that is approved by the local health officer, shall be piped under pressure, and in an approved manner, to all equipment and fixtures where the use of water is required.

(7) PLUMBING. Plumbing shall be in accordance with all applicable plumbing codes. Adequate hand washing facilities, of an approved type, shall be provided convenient to the work area. Hand washing facilities shall be equipped with soap and towels, and the drain from such facility shall be properly trapped and connected directly to the waste disposal system.

(8) DISPOSAL OF LIQUID AND HUMAN WASTE. All liquid and human waste, including floor wash water, shall be disposed of through trap drains into a public sanitary sewer system in localities where such a system is available. In localities where a public sanitary sewer system is not available, liquid and human waste shall be disposed of through trapped drains and in a manner approved by the local health officer.

(9) CLEAN ROOMS. Floors, walls and ceilings of all rooms, including store rooms shall be clean and free of any accumulation of rubbish.

(10) STERILIZERS AND STERILIZATION. Every dental office shall be equipped with adequate sterilizing facilities for instruments and supplies. Sterilization procedures shall be adequately and regularly employed.

DE 43 EMPLOYING, ASSISTING, OR ENABLING IN ANY MANNER AN UNLICENSED PERSON TO PRACTICE DENTISTRY, DEFINED

(a) The phrase "employing, assisting, or enabling in any manner an unlicensed person to practice dentistry" as found in Section 150A.08, subdivision 1 (9) of the Act shall include the practice by a licensed dentist in the same premises occupied by a dental laboratory or technician or the maintenance of a professional association with a dental laboratory or technician if such dental laboratory or technician advertises, solicits, represents, or holds itself out in any manner to the general public that it will sell, supply, furnish, construct, repair or alter ~~prosthetic~~ prosthodontic, ~~dentures, bridges,~~ orthodontic or other ~~appliances~~ devices or structures to be used as substitutes for, or as a part of natural teeth or jaws or associated structures or for correction of mal-occlusions or deformities, or who in any way violates the provisions of Section 150A.11, subdivision 3, of the Act.

(b) "in the same premises" as used in subsection (a) above shall mean public facilities used in common, such as office door, reception room, receptionist, files, telephone, telephone number, address, post office box, etc.

(c) Permitting auxiliaries to perform services for which they have not been registered or licensed.

DE 44 PRACTICE OF DENTISTRY UNDER ANY NAME EXCEPT THE LICENSEE'S OWN PROPER NAME.

(a) The use of the words, "clinic", "institute", or any other title that may suggest a public or semi-public activity, or teaching institution, or that could be interpreted to imply superiority over other dental practitioners, shall constitute the unlawful practice of dentistry, by an individual or under the name of a corporation, company, association, or trade name, as those terms are used in Section 150A.11, subdivision 1 of the Act and shall be grounds for discipline under 150A.08, subdivision 1.

(b) The title on a building wherein one or more dentists practice shall be used as an address only.

DE 45 PROFESSIONAL ADVERTISING There shall be no public advertising by dentists other than as provided for herein. Dentists shall be permitted to insert a professional card in the local press, in programs and in yearbooks, providing that such professional card shall contain the name of the dentist and his title or degree using the abbreviation "D. D. S." or "D. M. D." only. Institutional advertising promoting dentistry generally, by dental associations and groups is encouraged and approved, provided individual dentists are not advertised therein. A dentist shall be permitted to use signs to advertise his name, the fact that he is engaged in the practice of dentistry, the location of his office and his office hours. These signs shall be limited to a total area of not more than six hundred (600) square inches and shall not contain letters more than seven (7) inches in height. Such signs shall not be specially illuminated or have other attention-getting properties or characteristics. No sign shall be permitted to hang over or beyond the edge of the public thoroughfare. Within thirty (30) days immediately following the opening of an office, changing locations, association or type of practice, announcement cards may be mailed to bonafide patients and members of the health science professions and placed in the local press for not more than two consecutive issues, but such cards shall not be greater in size than eight column inches nor more than two columns in width and four inches in depth. Such announcement cards shall state only the dentist's name, degree or any specialty as recognized by the Board, office location, telephone number and office hours. Professional cards shall not be greater in size than two inches by three and one-half inches and shall include only the dentist's name, degree, or any specialty, office location, telephone number and office hours. Residence telephone number may be included. All directory listings shall be consistent in style and text with the custom of dentists of the community. A dentist may permit one listing of his name in the alphabetical and may permit one listing of his name in the commercial section of the telephone directory. A dentist may permit one listing of his name in other directories provided that all dentists in similar circumstances have access to the same listing. Such listing shall be limited to the dentist's name, dental degree, "D. D. S." or "D. M. D." using the abbreviation only, any specialty to which the dentist confines his practice exclusively, office location, residence and office telephone numbers, residence address, and hours during which the telephone will be answered.

DE 46 DISPLAY OF NAME AND CERTIFICATES

(a) Every licensed dentist or dental hygienist shall post and keep conspicuously displayed his name, license certificate and annual registration certificate in every office wherein he practices, in plain sight of his patients, and if there is more than one dentist or dental hygienist practicing or employed in any office the manager or proprietor of such office shall post and display or cause to be posted and displayed, in like manner the name, license certificate and annual registration certificate of each dentist or dental hygienist so practicing or employed therein. In addition there shall be posted or displayed near or upon the entrance door to every office wherein dentistry is practiced, the name of each and every dentist practicing therein and such names shall be the name of the person inscribed upon the license certificate and annual registration certificate of each dentist.

(b) Every licensed dentist, upon changing his place of business shall, within ten days thereafter, furnish the secretary-treasurer of the Board with his new address. A practicing dentist shall inform the Board of his office address(es).

DE 47-50 RESERVED FOR FUTURE USE

CHAPTER SIX: DE 51-60

CONTINUING DENTAL EDUCATION

DE 51 CONTINUING DENTAL EDUCATION

(a) Section 150 A. 09, subdivision 2 of the Act requires the Board to set standards for continuing education in dentistry for licensed dentists and hygienists, and requires that evidence of compliance with those standards be furnished to the Board.

(b) The Board hereby fixes the minimum number of hours of approved continuing education in dentistry at ~~40~~ 75 hours each five years for dentists and ~~20~~ 50 hours each five years for hygienists.

(c) The various educational activities listed in Section 150A. 09, subdivision 2 (1) and (2) of the Act shall be eligible for approval. The Board may also approve other activities not so listed.

(1) Persons or organizations sponsoring or offering such educational activities apply to the Board in advance for approval and shall supply all information which the Board may reasonably require for the purposes of evaluating the activity for which approval is sought. The Board may use as consultants a committee appointed for such evaluation.

(2) Dentists or hygienists may also apply individually for approval of educational activities which they deem to be in compliance with the Act and which are not already approved or are conducted outside the State of Minnesota.

(3) The Board, after evaluating the information submitted, shall fix the number of hours of continuing education credit for each activity approved by it. Such hours of credit need not be equal to the actual elapsed hours of the activity. The Board's approval and the hours of credit fixed by the Board shall be announced to all persons participating in or attending such activity.

(4) The Board may issue retroactive approval of educational activities conducted after June 6, ~~1969~~, 1974, but prior to promulgation of this Rule, upon proper application.

(5) The anniversary date for computing continuing education credits will be June 30th.

(d) The Board may prescribe standard forms for ~~certificates~~ attesting the attendance at, and satisfactory completion of approved educational activities. ~~Such forms shall be prepared, completed and distributed by, and at the expense of the person or organization seeking approval.~~ Falsification of any ~~written~~ evidence of participation in an ~~approved~~ educational activity constitutes conduct unbecoming a person licensed to practice dentistry or dental hygiene and shall be grounds for suspension or revocation of licensure under Section 150A. 08, subdivision 1 (5) of the Act.

~~(e) The number of hours of approved educational activity during the preceding twelve months shall be reported by each licensee on forms furnished by the Board. Said report shall be due at the same time as the licensee's application for annual registration pursuant to Section 150A. 09, subdivision 1 of the Act and shall be accompanied by properly executed attendance certificates issued pursuant to subparagraph (d) of this rule.~~

DE 52-60 RESERVED FOR FUTURE USE.

CHAPTER SEVEN: DE 61-70

~~DENTISTS' PROFESSIONAL CORPORATIONS~~

THE MINNESOTA PROFESSIONAL CORPORATIONS ACT

DE 61 ~~APPLICATIONS FOR CERTIFICATE OF REGISTRATION - Applications for certificates of registration of professional corporations organized under the provisions of Minnesota Statutes, Sections 319.46 to 319.68, inclusive, shall be submitted upon forms furnished by the Board and shall require submission of the following information:~~

DE 61 ANNUAL REPORTS. Annual reports of professional corporations organized under the provisions of Minnesota Statutes, Sections 319A.01 to 319A. 22, inclusive, shall be submitted upon forms furnished by the Board and shall require submission of the following information under oath:

(a) Name and registered office of the corporation.

(b) Address or addresses at which the corporation ~~intends to provide~~ is providing dental services.

(c) Name and address of each ~~incorporator~~, director, officer and shareholder.

~~(d) A certified copy of the Articles of Incorporation and all amendments thereto on file in the office of the Secretary of State.~~

(d) A certification as to the licensure status of each shareholder, director, officer, employee and agent as required by Section 319A.21 (b).

(e) A filing fee of $100.00 for the first such annual report and a filing fee of $25.00 for each such annual report thereafter.

DE 62 ISSUANCE OF CERTIFICATE. The Board shall review its licensure records and conduct such further investigation as it may deem necessary, and if it finds that the ~~application~~ annual report conforms to the requirements of the ~~Dentists'~~ Minnesota Professional ~~Corporation~~ Corporations Act and the rules and regulations promulgated thereunder, it shall issue a Certificate of Registration to the applicant.

(a) The Board may delegate the review and investigation of ~~applications~~ annual reports and the issuance of Certificates of Registration to the Secretary-Treasurer so that ~~applications~~ annual reports will be acted upon in a timely manner in the intervals between meetings of the full Board.

(b) Any ~~applications~~ annual reports which are ~~denied~~ not approved by the Secretary-Treasurer shall be considered by the full Board at its first meeting following such ~~denial~~ disapproval.

DE 63 NAMES

~~(a) The name of the corporation shall be the name or names of one or more of the participating dentists, followed by "Limited" or "Ltd." or "Professional Association" or "P.A." The use of names which include terminology descriptive of dental services or specialties (such as orthodontics, periodontics, etc.) and names which include words such as "clinic", "institute" or "center" or the name of a locale or area, are specifically declared to be unlawful attempts to claim.~~

(a) The use of any name for a corporation other than the name or names of one or more of the participating dentists followed by the word "Chartered", "Limited", "Ltd.", "Professional Association" or "P.A." is declared to be an unlawful attempt to imply superiority or quasi-public sponsorship in violation of Section ~~319.51~~ 319A.07 of the ~~Dentists'~~ Minnesota Professional Corporations Act and Rule DE 44.

(b) Issuance of a Certificate of Registration shall not exempt any licensed dentist from compliance with Section 150A.11, subdivision 1 of the Act and no dentist shall use "Limited" "Ltd.", "Professional Association" or "P.A." or similar corporate designations as a part of the name of a practice on cards, letterheads, office door signs, announcements or any other media reaching the general public.

~~DE 64 RENEWAL. Upon forms furnished by the Board, each registered corporation shall submit, on or before December 1 of each year, an application for renewal of its certificate of registration. Such application shall be accompanied by the required renewal fee. The renewal application form shall require the submission of information which will enable the Board to determine that the applicant continues to meet the requirements of the Dentists' Professional Corporation Act and the Rules and Regulations of the Board.~~

DE ~~65~~ 64 ADMISSION OF NEW SHAREHOLDERS OR MEMBERS. Whenever a professional corporation intends to admit to the corporation a new shareholder or member, the corporation shall, at least 20 days prior thereto, notify the Board in writing of its intended action, indicating the identity, licensure status, and residence address of such proposed new shareholder or member.

DE ~~66~~ 65 REVOCATION OF CERTIFICATE OF REGISTRATION. The Board shall revoke (or if appropriate, refuse to renew) the Certificate of Registration of any corporation which no longer meets all of the requirements of the ~~Dentists'~~ Minnesota Professional Corporations Act. The corporation's eligibility to receive or to continue to hold a Certificate of Registration shall be adjudicated under the provisions of Chapter Eight of these Rules.

DE 66 - 70 RESERVED FOR FUTURE USE

Proposed

CHAPTER EIGHT: DE 71-90

RULES AND REGULATIONS FOR CONTESTED CASES

DE 71 Introduction The purpose of these rules and regulations is to assure that all parties to contested cases before this Board are provided:

(a) Adequate notice of their involvement;

(b) The opportunity to consult with the Board informally when appropriate to attempt to resolve conflicts on issues;

(c) Notice of hearing and fair opportunity to prepare therefor; and

(d) A disinterested and objective decision supported by substantial evidence from the record.

In short, no party shall have his rights, privileges or duties determined without regard for fundamental fairness.

DE 72 Definitions

(a) BOARD. Board means the Minnesota State Board of Dentistry, the President of the Minnesota State Board of Dentistry or any duly authorized official of the Minnesota State Board of Dentistry.

(b) CONTESTED CASE. Contested case means a proceeding before this Board in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after a Board hearing.

(c) PARTY. Party means any person whose legal rights, duties or privileges may be determined in a contested case.

(d) PERSON. Person means any individual, partnership, joint stock company, unincorporated association or society, municipal or other corporation of any character, agency, state board, commission, bureau, division or tribunal other than a court of law.

(e) HEARING EXAMINER: EXAMINER. Hearing examiner; examiner means . . .

(1) In Cases to Which This Board Is a Party . . . an attorney at law, or other individual if an attorney at law is not obtainable, appointed by the Board for the purpose of hearing and ruling on preliminary motions, conducting the hearing, making impartial findings of fact upon the evidence presented, and making a final or preliminary determination. The hearing examiner shall not be a regularly salaried employee of the Board, but after appointment shall be considered an employee of the Board for the purpose of conducting the hearing as aforesaid.

(2) In Cases To Which This Board Is Not a Party . . . a hearing examiner as defined in DE 72(e) (1) or the president of the Board or a member or members of this Board authorized to make impartial and objective findings of fact upon the evidence presented and to make a preliminary or final order in a contested case.

(f) SERVICE: SERVE. Service or serve means service by registered United States Mail, postage prepaid and addressed to the party at his ad-

dress, last known to the Board; unless some other manner of service is required by law, in which case these terms shall be deemed to require such manner of service. An affidavit of mailing shall be attached to a list of the parties to the contested case incorporated in the affidavit by reference. Such affidavit shall be prima facie evidence that service has been perfected.

(g) SUBSTANTIAL EVIDENCE. Substantial evidence means such relevant evidence as a reasonable person might accept as adequate to support a conclusion.

(h) INITIATION. Initiation means an order of the Board or application or complaint providing for or requesting commencement of a contested case.

DE 73 Initiating a Contested Case

(a) HOW A CONTESTED CASE MAY BE INITIATED. A contested case may be initiated before this Board in the manner specified in this article.

(1) **Application.** Any person authorized by law to apply to this Board for a determination of his rights, privileges or duties may initiate a contested case before this Board by making application. An application shall contain:

(i) The name and address of the applicant;

(ii) A statement of the nature of the determination requested and the reasons therefor; and

(iii) The attested signature of the applicant.

(2) **Complaint.** Any person authorized by law to submit to the Board a complaint that his rights are being abridged, that his privileges are being denied or that duties owed him are being defaulted upon may initiate a contested case by filing a complaint. In addition, the Minnesota State Dental Association may initiate a contested case by filing a complaint alleging a violation or violations of any statute, rule or regulation related to dentistry or persons or corporations licensed or registered by this Board. A complaint shall contain:

(i) The name and address of the complainant;

(ii) The name or names of those against whom the complaint is made;

(iii) The relief sought; and

(iv) The attested signature of the complainant.

(3) **Board Order.** This Board may order a contested case commenced by citation to determine the rights, duties and privileges of specific parties.

(b) COMMENCEMENT AND PRE-HEARING CONFERENCE. Within ten days following a receipt of a complaint or application or the adoption of an order or citation initiating a contested case, the Board shall commence the contested case by serving upon all parties a copy of the initiating order or citation and a notice stating:

(1) The time and place the pre-hearing conference, if any, is to be held;

(2) The purpose of the pre-hearing conference, if one is to be held; and,

(3) The rights of the parties to counsel and to a formal hearing.

(c) ANSWER. Within twenty days after service, an adverse party may interpose an answer to the complaint, application, citation or order. A copy of such answer shall be served on all parties to the contested case and the original together with an attached affidavit of service filed with the Board.

DE 74 Right to Counsel Any party may be represented by counsel throughout the proceedings in a contested case before this Board.

DE 75 Informal Disposition Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default at any point in the proceedings. Disposition by default shall occur only after the party against whom default is proposed, having notice, fails, without good cause, to appear.

DE 76 Consolidation

(a) WHEN CONSOLIDATION CAN OCCUR. Whenever before formal hearing on any contested case, this Board, either on its own motion or upon petition by any party, determines that separate contested cases present substantially the same issues of fact or law or that a holding in one case would affect the rights of parties in another case and, when this Board further determines that consolidation would not substantially prejudice any party, this Board may order such cases consolidated for a single hearing on the merits.

(b) NOTICE OF CONSOLIDATION. Within five days following an order for consolidation the Board shall serve on all parties a Notice of Consolidation. Such Notice shall contain:

(1) A description of the cases for consolidation;

(2) The reasons for consolidation;

(3) Cancellation of all pre-hearing conferences for the cases consolidated; and

(4) Notification of the consolidated pre-hearing conference in the same fashion prescribed for notice of pre-hearing conferences.

(c) OBJECTION TO CONSOLIDATION

(1) **Petition for Severance.** Any party may object to consolidation by filing with the Board at any time prior to final determination a Petition for Severance from Consolidation, setting forth petitioner's name and address, the designation of his case prior to consolidation, and the reasons for his petition. Briefs may be filed and oral argument heard at such time as the examiner deems proper.

(2) **Determination.** When such a petition is filed, the examiner shall set aside a time for oral argument and determining, as a part of the record in the case, whether consolidation substantially prejudices petitioner. If the examiner finds that consolidation would substantially prejudice petitioner, he may order such severance or other relief as he deems necessary.

DE 77 Disqualification. An examiner shall withdraw from participation in a contested case at any time prior to the final determination if he deems himself disqualified for any reason. Upon the filing in good faith of a timely and sufficient affidavit of prejudice or other allegation of grounds for disqualification of an examiner, the examiner shall determine the matter as a part of the record and decision in the case.

DE 78 Pre-hearing Conference A pre-hearing conference may, in the discretion of the Board, be held preparatory to each contested case hearing.

(a) PURPOSE. The purposes of the pre-hearing conference are:

(1) To simplify the issues to be determined; and

(2) To reach a settlement on those issues without the necessity for further hearing.

(b) PROCEDURE. The pre-hearing conference shall be an informal proceeding conducted fairly and expeditiously by the hearing examiner. Agreements on the simplification of issues shall be put in the form of stipulations and entered on the record. Any settlement shall be set forth in a settlement agreement or consent order and entered on the record.

(c) PRE-HEARING CONFERENCE AND CONSOLIDATION. When cases before this Board are consolidated pursuant to Rule DE 76, a consolidated pre-hearing conference may be held in lieu of separate conferences for each case and notice thereof given as provided in DE 76(b).

DE 79 Notice of Hearing Not less than thirty days prior to the hearing date, the Board shall serve notice of hearing on all parties to the case. Such notice shall contain:

(a) The time and place of the hearing;

(b) The purpose and procedure for the hearing; and

(c) The name of the hearing examiner who will preside.

DE 80 The Hearing All parties shall have the right to a hearing before this Board, at which hearing the parties may present evidence and argument with respect to the issues.

(a) WITNESSES.

(1) **Who May Be a Witness.** Any party may be a witness or may present witnesses on his behalf at a hearing.

(2) **To Be Sworn.** All testimony at a hearing shall be under oath.

(3) **Subject to Cross Examination.** Every party shall have the right of cross-examination of witnesses who testify.

(b) RULES OF EVIDENCE.

(1) **General Rules.** The hearing examiner may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable prudent men in the conduct of their affairs. The hearing examiner shall give effect to the rules of privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial or repetitious may be excluded.

(2) **Evidence Must be Offered To Be Considered.** All evidence, including records and documents in the possession of this Board, shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case.

(3) **Documentary Evidence.** Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(4) **Notice of Facts.** The hearing examiner may take notice of judicially cognizable facts and, in addition, may notice technical facts within his

specialized knowledge. Where final determination rests on official notice of material facts not appearing in the evidence in the record, a party is entitled, upon timely request to an opportunity to rebut such facts.

(5) **The Standard and Burden of Proof.** The party initiating the contested case must prove the facts at issue by substantial evidence.

(c) THE RECORD.

(1) **Board Prepares Record.** This Board shall prepare an official record in each contested case.

(2) **What the Record Shall Contain.** The record in a contested case shall contain:

(i) All pleadings, motions, intermediate rulings;

(ii) Evidence received or considered;

(iii) A statement of matters officially noticed;

(iv) Questions and offers of proof, objections and rulings thereon;

(v) Proposed findings and exceptions;

(vi) Any decision, opinion or report by the hearing examiner; and

(vii) All staff memoranda or data submitted to the hearing examiner in connection with their consideration of the case.

(3) **Transcript.** A verbatim record of the hearing in a contested case shall be taken by court reporter or recording equipment. The verbatim record will not be transcribed unless requested by a party. If a transcript is requested, the Board may require the requesting party to pay the reasonable cost of preparing the transcript.

(d) HEARING PROCEDURE. The hearing examiner shall take no part in the preliminary investigation, nor shall he communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate.

The hearing shall be conducted in the following manner:

(1) After opening the hearing, the hearing examiner shall indicate the following procedural rules:

(i) All parties may present evidence and argument with respect to the issues;

(ii) All witnesses must be sworn and identify the party they represent, if any. They are subject to cross-examination by all parties;

(iii) The rules of evidence as outlined in Section (b) of this Rule;

(iv) All parties interested in introducing written matter may do so by having it marked as an exhibit and introduced for the record;

(2) A representative of the Board shall introduce exhibits on behalf of the Board. They shall be as follows:

(i) Notice of initiation of proceedings, supporting documents, if any, and affidavits of service;

(ii) If consolidation has occurred, notice of consolidation, supporting documents, if any, and affidavits of service;

(iii) Notice of hearing, supporting documents, if any, and affidavits of service;

(iv) Any stipulations, settlement agreements or consent orders entered into by any of the parties prior to the hearing.

(3) The party who initiated the contested case shall begin the presentation of evidence. He shall be followed by the other parties in an order to be set by the hearing examiner.

(4) When all parties and witnesses have been heard, opportunity shall be offered to present rebuttal evidence and final argument, in a sequence determined by the hearing examiner.

(5) After final argument, the hearing shall be closed or continued at the discretion of the hearing examiner. If continued, it shall be continued to a certain time and day.

DE 81 THE BOARD DECISION

(a) BASIS FOR DETERMINATION.

(1) THE RECORD. No factual information or evidence which is not a part of the official record in a contested case shall be considered by the ~~Board~~ hearing examiner in the determination of a case.

(2) EXPERIENCE, TECHNICAL COMPETENCE AND ~~SPECIALIZED~~ SPECIAL KNOWLEDGE. The hearing examiner may use his experience, technical competence and specialized knowledge in the evaluation of the evidence presented in the case.

(b) ~~PROPOSAL FOR DECISION~~ FINDINGS OF FACT AND CONCLUSIONS OF LAW.

(1) NEED FOR PROPOSAL, EXCEPTIONS AND ARGUMENT. ~~Whenever~~ In a contested case, ~~the hearing examiner has not heard or read the evidence,~~ the decision, if adverse to a party to the proceeding other than this Board, shall not be made until ~~a Proposal for Decision has~~ Findings of Fact and Conclusions of Law have been served, and an opportunity has been afforded each party adversely affected to file exceptions and present argument to the hearing examiner who prepared such Findings and Conclusions.

(2) SERVICE AND CONTENTS. The ~~Proposal~~ Findings and Conclusions shall be served on all parties to the case. ~~The Proposal~~ and shall contain:

(i) ~~A statement of the proposed decision;~~ A final date for filing of exceptions by parties adversely affected;

(ii) ~~The reasons for such decision. Each reason shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision;~~ A statement of right of parties adversely affected to present argument.

~~(iii) A final date for filing of exceptions by parties adversely affected;~~

~~(iv) A statement of right of parties adversely affected to present argument.~~

(c) DECISIONS AND ORDERS

(1) FORMAL DECISION OR ORDER ~~WITH REASONS REQUIRED.~~ Every decision and order rendered by the Board in a contested case shall be in writing or stated in the record and shall be ~~accompanied by a statement of the reasons therefor.~~ based upon the final Findings of Fact and Conclusions of Law filed with the Board by the hearing examiner. ~~The statement of reasons shall include a concise statement of the conclusions upon each contested issue of fact necessary to the decision.~~

~~A decision or order on a petition for severance, on an affidavit of prejudice, on noticed facts which are challenged, or on a petition for rehearing shall be rendered in accord with the provisions of this rule.~~

(2) SERVICE AND CONTENTS. The decision or order shall be served on all parties to the case. It shall contain:

(i) A statement of the Board's decision or order in the case;

(ii) ~~A statement of the reasons therefor;~~ A copy of the hearing examiner's Findings of Fact and Conclusions of Law;

(iii) An affidavit of service.

(3) HEARING BEFORE THE BOARD. In any case in which the hearing examiner's Findings of Fact and Conclusions of Law are adverse to a party to the proceeding other than the Board, no Order or other final action shall be taken by the Board until an opportunity has been presented to such party to appear before the Board and present argument.

DE 82 REHEARING

(a) BOARD RIGHT TO REHEAR. The ~~hearing examiner~~ Board may, within ~~his~~ its discretion, and upon request or ~~his~~ its own motion, for good cause shown, reopen, rehear and redetermine a contested case after a final decision has been rendered.

This power may be exercised until it is lost by appeal or certiorari or until a reasonable time has run, but in no event shall the time exceed the time allowed by statute for appeal. See M. S. 1967, Section 15.0424, Subdivision 2.

(b) OBTAINING A REHEARING.

(1) **Parties Other Than the Board.** At any time prior to the Board's loss of the right to rehear a particular contested case, any party to that case may request a rehearing by filing a petition for rehearing. Such petition shall contain:

(i) The name and address of the petitioner;

(ii) The Board designation for the case;

(iii) The reasons for the petition.

(2) **The Board.** If the Board wishes to rehear a contested case and has good cause for so doing, it may do so on its own initiative.

(3) **Determination.** In the case of a petition for rehearing, the hearing examiner shall determine the matter as a part of the record and decision in the case. The question for decision is whether irregularities in the proceedings, errors of law occurring during the proceedings, newly discovered material evidence or a lack of substantial evidence to support the decision and order requires that a rehearing be granted. Evidence and argument may be presented in written or oral form or both by any party to the contested case with respect to the petition.

(c) NOTICE OF REHEARING. Notice of rehearing must be provided in the same manner prescribed for notice of hearing.

(d) REHEARING PROCEDURE. A rehearing in a contested case shall be conducted in the same manner prescribed for a hearing.

(e) DECISION AFTER REHEARING. The decision after rehearing shall be made in the same manner prescribed for the Board's decision after a hearing.

DE 83-90 Reserved for future use.

"Upon the effective date hereof, the Rules and Regulations of the Board which became effective May 1, 1967, are repealed."

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to
the Rules of the Minnesota
State Board of Dentistry

CERTIFICATE OF BOARD'S
ADOPTION OF RESOLUTION
RESCINDING CHAPTER EIGHT

I, Robert E. McDonnell, D.D.S., do hereby certify that I am the Secretary of the Minnesota State Board of Dentistry, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Dentistry duly and properly called and held on the 26th day of March, 1976; that a quorum was present at said meeting; that all members of the Board of Dentistry present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Chapter Eight of the Rules and Regulations of the Minnesota State Board of Dentistry, consisting of the 'Rules and Regulations for Contested Cases' be, and the same hereby are, repealed and rescinded, and that the Secretary-Treasurer of the Board be, and hereby is, authorized to sign an order repealing and rescinding said Rules and Regulations for Contested Cases.
>
> RESOLVED, FURTHER, that in lieu of said Chapter Eight, the published rules booklet shall contain a statement indicating that the procedural rules of the Chief Hearing Examiner apply to contested cases before the Board of Dentistry."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of March, 1976.

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Attest:

Robert W Anderson, DDS

Robert W. Anderson, D.D.S.
President

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

ORDER REPEALING AND
RESCINDING CHAPTER EIGHT

The above entitled matter came on for consideration before a meeting of the Board of Dentistry duly and properly called and held on the 26th day of March, 1976; that all members of the Board of Dentistry present voted for a resolution authorizing the Secretary-Treasurer to issue the order which follows.

NOW, THEREFORE IT IS ORDERED that Chapter Eight of the Rules and Regulations of the Minnesota State Board of Dentistry, consisting of the Rules and Regulations for Contested Cases be, and the same hereby are, repealed and rescinded. In lieu of said Chapter Eight, the rules booklet published by the Board shall contain a statement indicating that the procedural rules of the Chief Hearing Examiner apply to contested cases before the Board of Dentistry.

BY ORDER OF THE
MINNESOTA STATE BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Dated: March 26, 1976

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to
the Rules of the Minnesota
State Board of Dentistry

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Minnesota State Board of Dentistry on the 5th day of April, 1975, at 10:00 a.m., in Room A, Fourth Floor, Centennial Office Building, St. Paul, Minnesota, after proper notice required by M. S. Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules and Regulations of the Minnesota State Board of Dentistry are adopted this 1st day of August, 1975, pursuant to authority vested in us by M. S. Section 150A.04, Subd. 5, and M. S. Section 15.0411 to 15.0422.

BY ORDER OF THE
MINNESOTA STATE BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Dated: August 1, 1975

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota State Board of Dentistry

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1967, Section 15.0412, Subd. 4, in the above-entitled matter in Room D, State Veterans Service Building, 12th Street between Wabasha and Iglehart, State Capitol Complex, St. Paul, Minnesota, on Saturday, April 5, 1975, commencing at 10:00 o'clock A.M., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of proposed Amendments to the Rules described above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Minnesota State Board of Dentistry proposes to adopt Amendments to Rules relating to the following matters:

a. The conduct of Board meetings,

b. Examination requirements for licensure for dentists and hygienists,

c. Permitted functions of auxiliary dental personnel,

d. Annual reports of professional corporations organized by dentists, regulation of advertising and the use of corporate names by such professional corporations,

e. Continuing education requirements for dentists and dental hygienists,

f. Procedural rules in contested hearings conducted by the Board of Dentistry.

Copies of the proposed Amendments to the Rules are now available and may be obtained by writing to the office of the Minnesota State Board of Dentistry, 209 North Snelling Avenue, St. Paul, Minnesota 51104. Additional copies will be available at the door on

the date of the hearing.

A copy of the procedural rules for the hearing is attached and made a part hereof.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to the Secretary-Treasurer of the Board at the address as above. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies of such statement, exhibit or summary be furnished at the hearing. The record will remain open for receipt of briefs or other written material relative to the proposed rules for twenty (20) days subsequent to the public hearing.

MINNESOTA STATE BOARD OF DENTISTRY

Dated: March 4, 1975.

MINNESOTA STATE BOARD OF DENTISTRY

PROCEDURAL RULES FOR HEARING

The purpose of the hearing is to allow interested parties to express their views and present facts bearing upon the proposed regulations. So as to provide for an orderly presentation of evidence, the following rules will be in effect during the hearing specified in the attached Notice of Hearing:

1. Anyone wishing to be heard should indicate by signing the speaking sheet, listing his name, address, and the group which he represents. The speaking sheet will be available at the main entrance to the hearing room. It is requested that each group select one speaker only to present its views.

2. The first time the witness makes a statement he should spell his name and identify the group he is representing. Prior to making any subsequent statements he should state his name and the group which he represents. He may be sworn upon his request but it is not required. If he elects not to be sworn, that may be considered in determining the weight to be given to his testimony.

3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

4. All parties interested in introducing any written matter may do so by having it marked as an exhibit and then introduced for the record. Unsworn written matter may be received, but the fact that it is unsworn may be considered in determining the weight to be given it.

A F F I D A V I T

ETHEL BRUTON, being duly sworn on oath, deposes and says:

1. That she is an employee of the Minnesota State Board of Dentistry.

2. That on the 28th day of February, 1975, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3. That on the 28th day of February, 1975, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Ethel Bruton
ETHEL BRUTON

Subscribed and sworn to before me this 28th day of February, 1975.

Dorothy R. Olson
Notary Public

DOROTHY R. OLSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires Nov. 1, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

C E R T I F I C A T E

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

I hereby certify that the attached 416 labels & one sheets constitute the complete list of persons, associations, and other interested groups who as of 1:30 o'clock P .M., this 28th day of February, 1975, have requested pursuant to M.S. 19 74 , See. 16.0421 , that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Ciel Dion

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota State Board of Dentistry

AFFIDAVIT OF MAILING

ETHEL BRUTON, being first duly sworn, deposes and says:

That on the 4-th day of ~~February~~ March, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Ethel Bruton
ETHEL BRUTON

Subscribed and sworn to before me this 4th day of ~~February~~ March, 1975.

Dorothy R Olson
Notary Public

DOROTHY R. OLSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires Nov. 1, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Minnesota State Board of Dentistry.

In part, the need to amend the existing rules arises because the legislature has enacted new provisions dealing with subjects which were covered by the prior rules. Among these were laws relating to the public nature of board meetings; repeal of the Dentists' Professional Corporation Act (M. S. Section 319.46 to 319.68) and enactment of a new Professional Corporations Act in place thereof.

Further, improved education and far greater employment of auxiliary personnel in dental offices requires periodic reassessment of the functions which such auxiliary personnel may perform in dental offices in this state, so that the people of Minnesota will continue to receive the highest quality of dental care at an affordable cost. M. S. Section 150A.10, Subd. 1 and 2 requires the Board of Dentistry to promulgate rules relating to the permitted duties of dental auxiliaries, and periodic amendments in the light of recent educational developments are, and will continue to be, necessary.

M. S. Section 150A.09, Subd. 2 requires the Board of Dentistry to fix minimum standards for continuing dental education. Minnesota's continuing education requirement, which was enacted by the legislature in 1969, was the first such statute in the nation. Experience in the first five years has convinced the Board that it is in the public interest to review this subject and, depending upon the evidence in the record, increase the minimum continuing dental education requirements necessary to maintain licensure in Minnesota as a dentist or dental hygienist.

Finally, certain "housekeeping" changes appear to be desirable based upon several years' experience under the existing

Rules, in such areas as examination procedures; use of the results of National Board Examinations; participation in Central Regional Dental Testing Service; and the conduct of contested cases.

MINNESOTA STATE BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

FINDINGS OF FACT

The above entitled matter came on for hearing before the Minnesota State Board of Dentistry on the 5th day of April, 1975, at 10:00 A.M., in Room A, Fourth Floor, Centennial Office Building, St. Paul, Minnesota after proper notice required by M. S. Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, the Minnesota State Board of Dentistry finds the following:

1. That the quantum of dental care required by the people of Minnesota continues to increase, and it is the responsibility of Minnesota dentistry to make proper dental care available to all who need such care.

2. That training programs presently available to auxiliary dental personnel have made it possible for such personnel to perform additional functions within the dental office with a level of skill consistent with the public interest in quality dental care.

3. That dental assistants who have demonstrated their competence by completing the Board's registration requirements are qualified to perform additional functions in a dental office including:

(a) application of cavity varnishes;

(b) removal of periodontal packs;

(c) removal of sutures; and

(d) giving training in techniques of oral hygiene.

4. That the classification of formally-trained assistants as "certified" or "registered" is no longer valid under existing training practices, and should be replaced by a single classification known as a "Registered Dental Assistant."

5. That dental hygienists are qualified to perform soft tissue curettage and the application of pit and fissure sealants.

6. That the continuing education requirement for dentists and dental hygienists, as mandated by M. S. 150A.09, Subdivision 2, has been widely accepted by the profession, and has been beneficial to the public.

7. That the minimum number of hours of approved continuing education over each five-year period for dentists can be increased from 40 to 75 without significant hardship to the profession and will result in a higher level of dental care to the Minnesota public.

8. That the minimum number of hours of approved continuing education for hygienists over each five-year period can be increased from 20 to 50 without significant hardship to the profession and will result in a higher level of dental hygiene care to the Minnesota public.

9. That the Central Regional Dental Testing Service examination provides a reliable measure of the clinical skills of applicants for licensure in Minnesota.

10. That the continued regulation by the Board of the permissible names to be adopted by professional corporations practicing dentistry in Minnesota is necessary to prevent abuses and has been widely accepted by the dental profession, and is consistent with the provisions of the Minnesota Professional Corporations Act.

11. That minor proposed changes in the nomenclature used throughout the Board's rules are in keeping with modern trends in the profession and will enable the profession to interpret and apply the rules more easily.

MINNESOTA STATE BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

CERTIFICATE OF BOARD'S
ADOPTION OF RULES RESOLUTION

I, Robert E. McDonnell, D.D.S., do hereby certify that I am the Secretary of the Minnesota State Board of Dentistry, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Dentistry duly and properly called and held on the 1st day of August, 1975; that a quorum was present at said meeting; that all members of the Board of Dentistry present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the amendments to the Rules of the Minnesota State Board of Dentistry in the form presented at this meeting be, and they hereby are, approved and adopted, pursuant to authority vested in us by M. S. Section 150A.04, Subd. 5, and M. S. Section 15.0411 to 15.0422, and that Robert E. McDonnell, D.D.S., be, and hereby is, authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of August, 1975.

Robert E. McDonnell, D.D.S.
ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Attest:

Donald W. Bongard
Donald W. Bongard, D.D.S.
President

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE-MAKING PROCEDURES

I, Special Assistant Attorney General, William E. Fox, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule-Making Procedures has been followed. Any exceptions are noted below.

Exceptions

The notice of hearing issued by the Board of Dentistry designated Room D, State Veteran Service Building, 12th Street between Wabasha and Iglehart, State Capitol Complex, St. Paul, Minnesota, at the place of the hearing. The designated room was unavailable on the hearing date and the site of the hearing was transferred to the Centennial Building, approximately two blocks from the designated hearing site. Conspicuous notices were posted on the doors of the designated hearing site and it is my opinion that all persons who responded to the hearing notice by appearing at the designated hearing site were adequately informed of the change of location and were thus able to appear at the actual hearing site and participate in the proceedings.

William E Fox

WILLIAM E. FOX
Special Assistant Attorney General

Dated: November 14, 1975

RULES AND REGULATIONS OF THE

MINNESOTA STATE BOARD OF DENTISTRY

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RULES AND REGULATIONS OF THE

MINNESOTA STATE BOARD OF DENTISTRY

CHAPTER ONE: DE 1-10

GENERAL PROVISIONS

DE 1 TENSES, GENDER AND NUMBER. For the purposes of these rules and regulations, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

DE 2 DEFINITIONS. For the purposes of these rules and regulations, the terms:

(a) "Board" shall mean the Minnesota State Board of Dentistry.

(b) "Act" shall mean Chapter 974, Laws of Minnesota, 1969, codified as Sections 150A.01 through 150A.12 of Minnesota Statutes, as from time to time amended.

(c) "Minnesota Professional Corporations Act" shall mean Minnesota Statutes, Sections 319A.01 through 319A.22 as from time to time amended.

(d) "Dentist" means a person holding a license issued by the Board pursuant to 150A.01 through 150A.12.

(e) "Hygienist" means a person holding a license as a dental hygienist issued by the Board pursuant to the provisions of Section 150A.06, subdivision 2 of the Act.

(f) "Assistant" means a person who assists the dentist in carrying out the basic duties of a dental office.

(g) "Registered dental assistant" means an assistant registered by the Board.

(h) "Dental technician" means a person other than a licensed dentist who ~~persons~~ PERFORMS any of the services described in Section 150A.10, subdivision 3 of the Act.

(i) "National Board" shall mean an examination administered nationally and acceptable to the Board.

(j) "Commission on Accreditation" means the Commission on Accreditation of Dental and Dental Auxiliary Education Programs.

DE 3 MEETINGS.

(a) The Board shall hold at least two regular meetings each year. It may hold special meetings at such other times as may be necessary and as it may determine. Meetings conducted by the Board shall be open to the public except that those for the purpose of investigating and adjudicating charges against persons licensed or registered by the Board shall be closed to public attendance unless the person or persons under investigation request that such meetings be open to the public.

(b) A majority of the members of the Board shall constitute a quorum for the conduct of business. When not otherwise provided, Sturgis Standard Code of Parliamentary Procedure shall govern the conduct of all business meetings of the Board.

DE 4 OFFICERS. The officers of the Board shall consist of a President, a Vice-President, and a Secretary-Treasurer, as provided in Section 150A.03, subdivision 1, of the Act. Election of officers may be held at any regular or special meeting.

DE 5-10 RESERVED FOR FUTURE USE.

CHAPTER TWO: DE 11-20

APPLICATIONS FOR LICENSURE

DE 11 APPLICATIONS TO PRACTICE DENTISTRY. Any person desiring licensure to practice dentistry within the State of Minnesota must first present to the Board an application and credentials, as prescribed by the Act, and shall conform to the following rules of the Board:

(a) An application on a form furnished by the Board must be completely filled out.

(b) The applicant shall furnish satisfactory evidence of having graduated from a school of dentistry which has been accredited by the Commission on Accreditation.

(c) The applicant must furnish certification of having passed all parts of the national board examination.

(d) The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

(e) Graduates of dental schools not accredited by the Commission on Accreditation shall furnish the following information to the Board:

(1) applicants must show evidence of training equivalent to the requirements of the Commission on Accreditation.

(2) Applicants must furnish the Board with the following notarized credentials in English translation:

(i) Diploma or evidence of graduation from dental school

(ii) evidence of being licensed or admitted to practice in the country of graduation

(iii) complete transcript of all academic grades in dental school with courses completed, along with pre-dental school transcripts

(iv) birth certificates (or equivalent).

(3) After successful completion of steps 1 and 2, the Board may then certify the applicant as eligible to take a national board examination.

(4) Upon the evidence of passage of a national board examination, applicants of dental schools not accredited by the Commission on Accreditation must complete such testing procedures and clinical training in the School of Dentistry, University of Minnesota, or its equivalent, as the Board may prescribe in order to establish that the knowledge, skill and competence of the applicant to practice dentistry is equivalent in all respects to that of a graduate of a dental school accredited by the Commission on Accreditation and approved by the Board.

(5) Upon completion of steps 1, 2, 3, and 4, the applicant may make application to the Board to take the examination for licensure.

(f) For identification purposes, the applicant shall furnish one notarized unmounted passport size photograph 3" x 3" taken not more than 12 months before date of application.

(g) The fee established by the Board shall accompany the application. The fee will be refunded to those applicants who are found to be ineligible to take the examination.

(h) The applicant shall furnish a testimonial of good moral character by an authorized representative of the dental school from which the applicant graduated. If he is a member of a dental society, he shall furnish the recommendation of the president or secretary of the society, and certification by the secretary of the Board of Dental Examiners of the State in which he is licensed. Provided, however, the Board may in its discretion and for good cause waive the certification of good moral character by an authorized representative of the dental school.

Nothing contained herein shall be construed to limit the Board's authority to seek from an applicant such other information pertinent to the character, education and experience of the applicant as it may deem necessary in order to pass upon the applicant's qualifications.

DE 12 VERIFICATION OF APPLICATION. Every applicant shall sign his application and shall swear to the truth of the statements contained therein before a notary public or other person authorized by law to administer oaths.

DE 13 APPLICATION TO PRACTICE DENTAL HYGIENE. Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the Act and shall conform to the following rules of the Board:

(a) An application on a form furnished by the Board must be completely filled out.

(b) Applicants must furnish certification that they have passed the national board examinations.

(c) The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

(d) The applicant shall furnish satisfactory evidence of having been granted a diploma or certificate in dental hygiene which has been accredited by the Commission on Accreditation.

(e) For identification purposes, the applicant shall furnish one notarized unmounted passport size photograph, 3" x 3", taken not more than 6 months before the date of application.

(f) A fee established by the Board shall accompany the application.

(g) The applicant shall furnish evidence of good moral character satisfactory to the Board.

DE 14 REJECTION OF INCOMPLETE APPLICATION. Incomplete applications shall be returned to the applicant with the tendered fee, together with a statement setting forth the reason for such rejection.

DE 15-20 RESERVED FOR FUTURE USE.

CHAPTER THREE: DE 21-30

EXAMINATIONS

DE 21 WRITTEN EXAMINATION PROCEDURE, DENTISTS. The following rules and regulations govern the conduct of examinations, and must be strictly adhered to throughout the entire examination. An examinee who violates any of the rules, regulations or instructions applicable may be declared by the Board to have failed the examination.

(a) The Board may employ qualified persons to serve as proctors to assist members in the conduct of the examination.

(b) The Board shall assign each applicant a number, and said applicant shall be known by that number throughout the entire examination.

(c) The ability of an examinee to read and interpret instructions and examination material is a part of the examination.

(d) Any examinee who gives or receives assistance in any portion of the examination may be discissed from the examination.

(e) An examinee shall not leave the examination room without permission of an examiner or proctor.

(f) Notes, textbooks, or other informative data shall not be brought to the examination rooms.

(g) An examinee shall not alter questions or write explanations to answers on the examination paper.

(h) Copying of examination questions is forbidden.

(i) Question sheets must be returned with the answer sheets.

(j) An examinee shall occupy the space assigned throughout the entire examination.

(k) When finished writing during an assigned period, the examinee shall turn in the complete papers to an examiner or proctor and leave the room.

(l) Under no circumstances shall an examination paper be returned to an examinee once it has been submitted as in paragraph (k) above.

(m) No persons other than those directly connected with the examination shall be admitted to the examination rooms.

DE 22 SCOPE OF WRITTEN EXAMINATION, DENTISTS.

(a) The Act provides that the examination of applicants for a license to practice dentistry in this state, shall be sufficiently thorough to test the fitness of the applicant to practice dentistry. Each applicant must pass a national board examination. Additional written theoretical examinations may be administered by the Board for licensure.

(b) All applicants shall be examined for general knowledge of the Act, the Rules and Regulations of the Board and the Minnesota Professional Corporations Act.

(c) At the discretion of the Board, any dentist who has lawfully practiced dentistry in another state for five years may be exempted from taking a national board examination.

(d) The Board may administer any other examination it deems necessary to determine qualification for continued licensure.

DE 23 ORAL DIAGNOSIS AND TREATMENT PLANNING. Applicants may be examined in Oral Diagnosis and Treatment Planning. Such examination shall be formulated to test the applicant's ability to recognize and institute treatment of common oral pathologic conditions as well as to test his knowledge, understanding, and judgment relative to all types of dental health service.

DE 24 SCOPE OF CLINICAL EXAMINATION, DENTISTS. Every applicant shall give a demonstration of skill in those operations prescribed by the Board. All operations shall be performed in the presence of a Board member or consultant appointed by the Board for that purpose.

DE 25 WRITTEN EXAMINATION PROCEDURE, HYGIENISTS. The following rules and regulations govern the conduct of examinations, and must be strictly adhered to throughout the entire examination. An examinee who violates any of the rules, regulations or instructions applicable may be declared by the Board to have failed the examinations.

(a) The Board may employ qualified persons to serve as proctors to assist members in the conduct of the examination.

(b) The Board shall assign each applicant a number, and said applicant shall be known by that number throughout the entire examination.

(c) The ability of an examinee to read and interpret instructions and examination material is a part of the examination.

(d) Any examinee who gives or receives assistance in any portion of the examination may be dismissed from the examination.

(e) An examinee shall not leave the examination room without permission of an examiner or proctor.

(f) Notes, textbooks, or other informative data shall not be brought to the examination rooms.

(g) An examinee shall not alter questions or write explanations to answers on the examination paper.

(h) Copying of examination questions is forbidden.

(i) Question sheets must be returned with the answer sheets.

(j) An examinee shall occupy the space assigned throughout the entire examination.

(k) When finished writing during an assigned period, the examinee shall turn in the completed papers to an examiner or proctor and leave the room.

(l) Under no circumstances shall an examination paper be returned to an examinee once it has been submitted as in paragraph (k) above.

(m) No persons other than those directly connected with the examination shall be admitted to the examination rooms.

DE 26 SCOPE OF WRITTEN EXAMINATION, HYGIENISTS.

(a) The Act provides that the examination of applicants for a license to practice dental hygiene in this state shall be sufficiently thorough to test the fitness of the applicant to practice dental hygiene. Each applicant must pass a national board examination. Additional written theoretical examinations may be administered by the Board.

(b) At the discretion of the Board, any hygienists duly licensed to practice as such in another state which has and maintains laws regulating the practice of dental hygiene by dental hygienists, equivalent to this state's, who is of good moral character and is desirous of moving to this state and presents a certificate from the examining board of the state in which the applicant is licensed so certifying, may be exempted from taking a national board examination provided the applicant has been licensed five or more years.

(c) All applicants shall be examined for general knowledge of the Act and the Rules and Regulations of the Board.

(d) The Board may administer any other examination it deems necessary to determine qualifications for continued licensure.

DE 27 SCOPE OF CLINICAL EXAMINATION, HYGIENISTS. Every applicant shall give a demonstration of skill in those operations prescribed by the Board. All operations shall be performed in the presence of a Board member or consultant appointed by the Board for that purpose.

DE 28-30 RESERVED FOR FUTURE USE.

CHAPTER FOUR: DE 31-40

AUXILIARY PERSONNEL

DE 31 REGISTRATION OF ASSISTANTS. A dental assistant may become qualified for registration as follows:

(a) satisfactory completion of a training program approved by the Commission on Accreditation or other program which in the judgment of the Board is equivalent. If the curriculum of said training program does not include the expanded duties allowed by the Board, then the applicant must successfully complete a course in these functions which has been approved by the Board.

(b) all applicants for registration must pass a registration examination approved by the Board.

DE 32 ASSISTANTS.

(a) Assistants may:

(1) retract a patient's cheek, tongue or other parts of tissues during a dental operation; assist with the placement or removal of a rubber dam and accessories used for its placement and retention, as directed by an operating dentist during the course of a dental operation; remove such debris as is normally created or accumulated during the course of treatment being rendered by a licensed dentist during or after operative procedures by the dentist by the use of vacuum devices, compressed air, mouth washes and water; provide any assistance, including the placement of articles and topical medications in a patient's oral cavity in response to a specific direction to do so by a licensed dentist who is then and there actually engaged in performing a dental operation as defined in the Act and who is then actually in a position to give direct supervision to the rendition of such assistance. In addition, assistants may aid dental hygienists and registered assistants in the performance of their duties as defined in DE 32 (b) and DE 34.

(2) perform all those duties not directly related with performing dental treatment or services on patients.

(b) Registered Dental Assistants. Registered dental assistants in addition to services performed by the assistant may:

(1) take radiographs

(2) take impressions for study casts and opposing casts for fixed partial denture prosthesis

(3) apply topical medications and cavity varnishes prescribed by dentists, not to include pit and fissure sealants

(4) place rubber dam

(5) remove excess cement from inlays, crowns, bridges and orthodontic bands with hand instruments only

(6) give a mechanical polishing to clinical crowns only and not to include any instrumentation. Prior examination and instrumentation must be done by the dentist or hygienist

(7) pre-select orthodontic bands

(8) remove and replace ligature ties on orthodontic appliances

(9) remove periodontal packs

(10) remove sutures

(c) A dental assistant, who by virtue of academic achievement which is equal to or greater than that of a registered assistant, is currently registered or licensed in Minnesota in a related health profession may, at the Board's discretion, be permitted to take dental radiographs after successful completion of an approved course. Such permission shall not be granted until such dental assistant shall have filed with the Board an application for permission, along with proof of successful completion of such course and proof of current Minnesota licensure or registration in an allied health profession.

In categories (b) and (c), the licensed dentist must be physically present within the confines of his office and exercising general supervision.

(d) No assistant, whether registered or not, may perform any other dental treatment or procedure on patients not otherwise authorized by these regulations.

DE 33 DISPLAY OF CERTIFICATE OF REGISTERED DENTAL ASSISTANT. In each office in which there is employed a registered dental assistant there shall be prominently displayed the certificate of registration of said registered dental assistant.

DE 34 DENTAL HYGIENISTS. Dental hygienists may perform:

(a) all services permitted under Rule DE 32

(b) complete prophylaxis to include scaling, root planing, soft tissue curettage, polishing of fillings, and placement of a temporary cement material to replace lost restorations.

(c) preliminary examination of the oral cavity and surrounding structures to include case histories, periodontal examination and recording of clinical findings; this does not infer the making of a diagnosis.

(d) dietary analysis, salivary analysis and preparation of smears for dental health purposes.

(e) placement and changing of periodontal packs if the dentist is present.

(f) application of pit and fissure sealants.

(g) procedures (a), (b), (c), and (d) may be carried out whether or not a dentist is present or supervising, but acting under his direction. Examination and diagnosis must be accomplished only by the dentist.

DE 35 DENTAL TECHNICIANS. As prescribed by Section 150A.10, subdivision 3 of the Act, dental technicians may only upon a written authorization prepared and signed by a licensed dentist, construct, alter, repair, reline, reproduce, or duplicate any prosthetic device or other structure to be used in the human mouth.

(a) A dentist may not use the services of a technician without written authorization, and a carbon copy thereof shall be on printed forms and shall include:

(1) the date and city where the authorization was issued.

(2) the name of the laboratory or technician to whom the authorization was issued.

(3) the name of the patient, or an identifying symbol.

(4) a description of the work authorized.

(5) the signature of the dentist in his actual handwriting.

(6) the dentist's license number issued to him by the Board.

(b) A duplicate copy of each such written authorization issued by the dentist shall be retained by the dentist for not less than two years.

(c) The original of each written authorization issued shall be retained by the technician or dental laboratory to whom it was issued for not less than two years.

(d) The Board or its agents may inspect the original and the duplicate copy of all written authorizations retained by either the dentist issuing the same, or the technician or dental laboratory to whom it was issued.

(e) The Board or its agents may inspect any devices being fabricated by a technician or dental laboratory, as well as the casts, impressions, interocclusal records, other materials sent to the technician or dental laboratory by the dentist, and the written authorization accompanying the same.

DE 36 UNLAWFUL PRACTICE BY AUXILIARY PERSONNEL. Any assistant, hygienist, or dental technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor, or who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, or director of a dental office as a guise or subterfuge to enable such assistant, hygienist, or dental technician to engage directly in acts defined by the Act as the practice of dentistry, or who performs dental services within the meaning of Section 150A.11, subdivision 1, of the Act for members of the public, other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

DE 37 RESPONSIBILITIES OF LICENSED DENTISTS. Nothing contained in these rules relating to the scope of services rendered by assistants, technicians, or hygienists shall diminish or abrogate the professional and legal responsibilities of employing dentists to their patients, to their profession, and to the State of Minnesota. Dentists employing assistants, technicians, or hygienists shall be fully responsible for all acts or omissions of such personnel performed or omitted if within the normal scope of their employment; i.e., acts or omissions of such personnel whether or not omitted or committed by such personnel at the instance and request of the employing dentist if the omission or commission thereof is within the normal scope of their employment.

DE 38-40 RESERVED FOR FUTURE USE.

CHAPTER FIVE: DE 41-50

SUSPENSION OR REVOCATION OF LICENSES OF DENTISTS AND DENTAL HYGIENISTS

DE 41 GROUNDS. In general terms, the grounds for suspension or revocation of licenses of dentists and dental hygienists are set forth in Section 150A.08, subdivision 1 of the Act.

DE 42 CONDUCT UNBECOMING A PERSON LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE CONTRARY TO THE BEST INTERESTS OF THE PUBLIC, DEFINED. "Conduct unbecoming a person licensed to practice dentistry or dental hygiene, or contrary to the best interests of the public" as used in Section 150A.08, subdivision 1(5) of the Act shall include:

(a) The act of a dentist in:

(1) engaging in personal conduct which brings discredit to the profession of dentistry.

(2) gross ignorance or incompetence in the practice of dentistry.

(3) making suggestive, lewd, lascivious or improper advances to a patient.

(4) charging a patient an unconscionable fee or charging for services not rendered.

(5) performing unnecessary services.

(6) accepting rebates, split fees, or commissions from any source associated with the service rendered to a patient; provided, however, that the sharing of profits in a dental partnership or association, or dental professional corporation approved by and registered with the Board, shall not be construed as splitting fees nor shall compensating dental auxiliaries on the basis of a percentage of the fee received for the overall service be deemed accepting a commission.

(b) The indiscriminate and repeated prescribing or dispensing of any drug which, under the circumstances has no therapeutic value.

(c) The failure to maintain adequate safety and sanitary conditions for a dental office. The following are minimum safety and sanitary conditions:

(1) PREMISES. The premises shall be kept neat and clean, and free of accumulations of rubbish,

ponded water, or other conditions of similar nature which would have a tendency to create a public health nuisance.

(2) HOUSEKEEPING FACILITIES AND SERVICES. Housekeeping facilities and services necessary to assure comfortable and sanitary conditions for patients and employees shall be utilized.

(3) CONTROL OF INSECTS, RODENTS, ETC. The premises shall be kept free of ants, flies, roaches, rodents and other insects or vermin. Proper methods for their eradication or control shall be utilized.

(4) REFUSE DISPOSAL. Refuse shall be kept in approved containers and emptied at frequent intervals.

(5) HEATING, LIGHTING AND OTHER SERVICE EQUIPMENT. The heating of offices shall be by heating systems conforming to State and local heating codes and regulations. Individual room heaters shall be so located as to avoid direct contact with any combustible material. Installation and maintenance of electric wiring, motors, and other electrical equipment shall be in accordance with applicable State and local electric codes and regulations.

(6) WATER SUPPLY. An ample supply of water of a safe, sanitary quality, from a source that is approved by the local health officer, shall be piped under pressure, and in an approved manner, to all equipment and fixtures where the use of water is required.

(7) PLUMBING. Plumbing shall be in accordance with all applicable plumbing codes. Adequate hand washing facilities, of an approved type, shall be provided convenient to the work area. Hand washing facilities shall be equipped with soap and towels, and the drain from such facility shall be properly trapped and connected directly to the waste disposal system.

(8) DISPOSAL OF LIQUID AND HUMAN WASTE. All liquid and human waste, including floor wash water, shall be disposed of through trap drains into a public sanitary sewer system in localities where such a system is available. In localities where a public sanitary sewer system is not available, liquid and human waste shall be disposed of through trapped drains and in a manner approved by the local health officer.

(9) CLEAN ROOMS. Floors, walls and ceilings of all rooms, including store rooms shall be clean and free of any accumulation of rubbish.

(10) STERILIZERS AND STERILIZATION. Every dental office shall be equipped with adequate sterilizing facilities for instruments and supplies. Sterilization procedures shall be adequately and regularly employed.

DE 43 EMPLOYING, ASSISTING, OR ENABLING IN ANY MANNER AN UNLICENSED PERSON TO PRACTICE DENTISTRY, DEFINED.

(a) The phrase "employing, assisting, or enabling in any manner an unlicensed person to practice dentistry" as found in Section 150A.08, subdivision 1(9) of the Act shall include the practice by a licensed dentist in the same premises occupied by a dental laboratory or technician if such dental laboratory or technician advertises, solicits, represents, or holds itself out in any manner to the general public that it will sell, supply, furnish, construct, repair or alter prosthodontic, orthodontic, or other devices or structures to be used as substitutes for, or as a part of natural teeth or jaws or associated structures or for correction of mal-occlusions or deformities, or who in any way violates the provisions of Section 150A.11, subdivision 3, of the Act.

(b) "In the same premises" as used in subsection (a) above shall mean public facilities used in common, such as office door, reception room, receptionist, files, telephone, telephone number, address, post office box, etc.

(c) Permitting persons to perform services for which they have not been registered or licensed.

DE 44 PRACTICE OF DENTISTRY UNDER ANY NAME EXCEPT THE LICENSEE'S OWN PROPER NAME.

(a) The use of the words, "clinic", "institute", or any other title that may suggest a public or semi-private activity, or teaching institution or that could be interpreted to imply superiority over other dental practitioners, shall constitute the unlawful practice of dentistry by an individual or under the name of a corporation, company, association, or trade name, as those terms are used in Section 150A.11, subdivision 1 of the Act and shall be grounds for discipline under 150A.08, subdivision 1.

(b) The title on a building wherein one or more dentists practice shall be used as an address only.

DE 45 PROFESSIONAL ADVERTISING. There shall be no public advertising by dentists other than as provided for herein. Dentists shall be permitted to insert a professional card in the local press, in programs and in yearbooks, providing that such professional card shall contain the name of the dentist and his title or degree using the abbreviation "D.D.S." or "D.M.D." only. Institutional advertising promoting dentistry generally, by dental associations and

groups is encouraged and approved, provided individual dentists are not advertised therein. A dentist shall be permitted to use signs to advertise his name, the fact that he is engaged in the practice of dentistry, the location of his office and his office hours. These signs shall be limited to a total area of not more than six hundred (600) square inches and shall not contain letters more than seven (7) inches in height. Such signs shall not be specially luminated or have other attention-getting properties or characteristics. No sign shall be permitted to hang over or beyond the edge of the public thoroughfare. Within thirty (30) days immediately following the opening of an office, changing locations, association or type of practice, announcement cards may be mailed to bona fide patients and members of the health science professions and placed in the local press for not more than two consecutive issues, but such cards shall not be greater in size than eight column inches nor more than two columns in width and four inches in depth. Such announcement cards shall state only the dentist's name, degree or any specialty as recognized by the Board, office location, telephone number and office hours. Professional cards shall not be greater in size than two inches by three and one-half inches and shall include only the dentist's name, degree, or any specialty, office location, telephone number and office hours. Residence telephone number may be included. All directory listings shall be consistent in style and text with the custom of dentists of the community. A dentist may permit one listing of his name in the alphabetical and may permit only listing of his name in the commercial section of the telephone directory. A dentist may permit one listing of his name in other directories provided that all dentists in similar circumstances have access to the same listing. Such listing shall be limited to the dentist's name, dental degree, "D.D.S." or "D.M.D." using the abbreviation only, any specialty to which the dentist confines his practice exclusively, office location, residence and office telephone numbers, residence address, and hours during which the telephone will be answered.

DE 46 DISPLAY OF NAME AND CERTIFICATES.

(a) Every licensed dentist or dental hygienist shall post and keep conspicuously displayed his name, license certificate and annual registration certificate in every office where he practices, in plain sight of his patients, and if there is more than one dentist or dental hygienist practicing or employed in any office, the manager or proprietor of such office shall post and display or cause to be posted and displayed, in like manner, the name, license certificate and annual registration certificate of each dentist or dental hygienist so practicing or employed therein. In addition, there shall be posted or displayed near or upon the entrance door to every office wherein dentistry is practiced, the name of each and every dentist practicing therein and such names shall be the name of the person inscribed upon the license certificate and annual registration certificate of each dentist.

(b) Every licensed dentist, upon changing his place of business shall, within ten days thereafter, furnish the secretary-treasurer of the Board with his new address. A practicing dentist shall inform the Board of his office address(es).

DE 47-50 RESERVED FOR FUTURE USE.

CHAPTER SIX: DE 51-60

CONTINUING DENTAL EDUCATION

DE 51 CONTINUING DENTAL EDUCATION

(a) Section 150A.09, subdivision 2 of the Act requires the Board to set standards for continuing education in dentistry for licensed dentists and hygienists, and requires that evidence of compliance with those standards be furnished to the Board.

(b) The Board hereby fixes the minimum number of hours of approved continuing education in dentistry at 75 hours each five years for dentists and 40 hours each five years for hygienists.

(c) The various educational activities listed in Section 150A.09, subdivision 2(1) and (2) of the Act shall be eligible for approval. The Board may also approve other activities not so listed.

(1) Persons or organizations sponsoring or offering such educational activities apply to the Board in advance for approval and shall supply all information which the Board may reasonably require for the purposes of evaluating the activity for which approval is sought. The Board may use as consultants a committee appointed for such evaluation.

(2) Dentists or hygienists may also apply individually for approval of educational activities which they deem to be in compliance with the Act and which are not already approved or are conducted outside the State of Minnesota.

(3) The Board after evaluating the information submitted, shall fix the number of hours of continuing education credit for each activity approved by it. The Board's approval and the hours of credit fixed by the Board shall be announced to all persons participating in or attending such activity.

(4) The Board may issue retroactive approval of educational activities conducted after June 6, 1974, but prior to promulgation of this Rule, upon proper application.

(5) The anniversary date for computing continuing education credits will be June 30th.

(d) The Board may prescribe standard forms for attesting the attendance at, and satisfactory completion of, approved educational activities. Falsification of any evidence of par-

ticipation in an educational activity constitutes conduct unbecoming a person licensed to practice dentistry or dental hygiene and shall be grounds for suspension or revocation of licensure under Section 150A.08, subdivision 1(5) of the Act.

DE 52-60 RESERVED FOR FUTURE USE.

CHAPTER SEVEN: DE 61-70

THE MINNESOTA PROFESSIONAL CORPORATIONS ACT

DE 61 ANNUAL REPORTS. Annual reports of professional corporations organized under the provisions of Minnesota Statutes, Sections 319A.01 to 319A.22, inclusive, shall be submitted upon forms furnished by the Board and shall require submission of the following information under oath:

(a) Name and registered office of the corporation.

(b) Address or addresses at which the corporation is providing dental services.

(c) Name and address of each director, officer and shareholder.

(d) A certification as to the licensure status of each shareholder, director, officer, employee and agent as required by Section 319A.21(b).

(e) A filing fee of $100.00 for the first such annual report and a filing fee of $25.00 for each such annual report thereafter.

DE 62 ISSUANCE OF CERTIFICATE. The Board shall review its licensure records and conduct such further investigation as it may deem necessary, and if it finds that the annual report conforms to the requirements of the Minnesota Professional Corporations Act and the rules and regulations promulgated thereunder, it shall issue a Certificate of Registration to the applicant.

(a) The Board may delegate the review and investigation of annual reports and the issuance of Certificates of Registration to the secretary-treasurer so that annual reports will be acted upon in a timely manner in the intervals between meetings of the full Board.

(b) Any annual reports which are not approved by the secretary-treasurer shall be considered by the full Board at its first meeting following such disapproval.

DE 63 NAMES. The use of any name for a corporation other than the name or names of one or more of the participating dentists followed by the word "Chartered", "Limited", "Ltd.", "Professional Association", or "P.A." is declared to be an unlawful attempt to imply superiority or quasi-public sponsorship in violation of Section 319A.07 of the Minnesota Professional Corporations Act and Rule DE 44.

DE 64 ADMISSION OF NEW SHAREHOLDERS OR MEMBERS. Whenever a professional corporation intends to admit to the corporation a new shareholder or member, the corporation shall, at least 20 days prior thereto, notify the Board in writing of its intended action, indicating the identity, licensure status, and residence address of such proposed new shareholder or member.

DE 65 REVOCATION OF CERTIFICATE OF REGISTRATION. The Board shall revoke (or if appropriate, refuse to renew) the Certificate of Registration of any corporation which no longer meets all the requirements of the Minnesota Professional Corporations Act. The corporation's eligibility to receive or to continue to hold a Certificate of Registration shall be adjudicated under the provisions of Chaper Eight of these Rules.

DE 66-70 RESERVED FOR FUTURE USE

APPROVED AS TO FORM AND LEGALITY
MAY 7 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY - 7 1976 - 11:00 am
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAY 7 1976
BY Edy Staudenmaier
AUTH. SIGNATURE
11:30 AM

THOMAS VENNUM
LEONARD E. LINDQUIST
NORMAN L. NEWHALL
LAURESS V. ACKMAN
GERALD E. MAGNUSON
EDWARD M. GLENNON
MELVIN I. ORENSTEIN
EUGENE H. KEATING
JAMES P. MARTINEAU
RICHARD J. FITZGERALD
PHILIP J. ORTHUN
SALISBURY ADAMS
MACLAY R. HYDE
EDWARD J. PARKER
JOHN A. FORREST
WILLIAM E. FOX
JERROLD F. BERGFALK
WILLIAM T. DOLAN
WILLIAM C. MORTENSEN
LEW SCHWARTZ
JOHN H. STROTHMAN
DAVID G. NEWHALL

DENNIS M. MATHISEN
KURTIS A. GREENLEY
ROBERT V. ATMORE
DAVID E. KRAUSE
JOHN B. WINSTON
DANIEL T. LINDSAY
LAURANCE R. WALDOCH
THOMAS H. GARRETT III
DAVID E. WEISS, JR.
HARRY C. PIPER III
DARYLE L. UPHOFF
WAYNE A. SIVERTSON
DAVID J. DAVENPORT
MARK R. JOHNSON
RONALD L. ROLLINS
RICHARD J. TORRE
RICHARD A. PRIMUTH
JEFFREY R. SCHMIDT
KRISTINE J. STROM
TIMOTHY H. BUTLER
ROBERT G. MITCHELL, JR.
DIANA E. MURPHY

LINDQUIST & VENNUM

4200 IDS CENTER · 80 SOUTH 8TH STREET

MINNEAPOLIS, MINNESOTA 55402

TELEPHONE (612) 335-6651

CABLE ADDRESS: LINLAW

WAYZATA OFFICE
WAYZATA MEDICAL BUILDING
250 NORTH CENTRAL AVENUE
WAYZATA, MINNESOTA 55391

February 5, 1976

Minnesota Attorney General
State Capitol
St. Paul, Minnesota 55155

Re: Minnesota State Board of Dentistry

Dear Sir:

Enclosed for your review as to form and legality pursuant to M.S. §15.0412, Subd. 4, are the revised rules and regulations of the Minnesota State Board of Dentistry. Five copies of the regulations as adopted are submitted herewith. In addition, the original and two copies of each of the other supporting documents required by Attorney General Rule 302 relating to rule-making procedures are enclosed.

Very truly yours,

LINDQUIST & VENNUM

William E. Fox

WEF:lh
Enclosures

RECEIVED
FEB 5 - 1976
ATTORNEY GENERAL
102 STATE CAPITOL
ST. PAUL, MINN. 55101

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota State Board of Dentistry

ORDER FOR HEARING

To effectively implement Minnesota Statutes, Chapter 150A, the Minnesota State Board of Dentistry deems it necessary to consideration adoption of the proposed rules captioned above pursuant to the authority vested in the Board of Dentistry by Section 150A.04, Subd. 5.

NOW, THEREFORE, IT IS ORDERED this 8th day of February, 1975, that a public hearing on the proposed rules captioned above be held in Room D, State Veterans Service Building, 12th Street between Wabasha and Iglehart, State Capitol Complex, St. Paul, Minnesota, on Saturday, April 5, 1975, commencing at 10:00 o'clock A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

BY ORDER OF THE
MINNESOTA STATE BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Dated: February 8, 1975

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

CERTIFICATE OF BOARD'S AUTHORIZING
RESOLUTION

I, ROBERT E. McDONNELL, do hereby certify that I am the Secretary-Treasurer of the Minnesota State Board of Dentistry, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Minnesota State Board of Dentistry duly and properly called and held on the 8th day of February, 1975; that a quorum was present at said meeting; that a majority of those present voted for the resolution; and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

> "RESOLVED, that Robert E. McDonnell, Secretary-Treasurer of the Board of Dentistry, be and he hereby is authorized and directed to call a hearing for the purpose of promulgating amendments to the rules of the Minnesota State Board of Dentistry as set forth in the proposed rules attached hereto, as well as perform any and all acts incidental thereto, including, but without being limited thereto, signing an Order for Hearing and Notice of Hearing."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of February, 1975.

Robert E. McDonnell, D.D.S.
ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Attest:

Donald W. Bongard
DR. DONALD W. BONGARD, D.D.S.
President

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota State Board of Dentistry

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1967, Section 15.0412, Subd. 4, in the above-entitled matter in Room D, State Veterans Service Building, 12th Street between Wabasha and Iglehart, State Capitol Complex, St. Paul, Minnesota, on Saturday, April 5, 1975, commencing at 10:00 o'clock A.M., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of proposed Amendments to the Rules described above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Minnesota State Board of Dentistry proposes to adopt Amendments to Rules relating to the following matters:

a. The conduct of Board meetings,

b. Examination requirements for licensure for dentists and hygienists,

c. Permitted functions of auxiliary dental personnel,

d. Annual reports of professional corporations organized by dentists, regulation of advertising and the use of corporate names by such professional corporations,

e. Continuing education requirements for dentists and dental hygienists,

f. Procedural rules in contested hearings conducted by the Board of Dentistry.

Copies of the proposed Amendments to the Rules are now available and may be obtained by writing to the office of the Minnesota State Board of Dentistry, 209 North Snelling Avenue, St. Paul, Minnesota 51104. Additional copies will be available at the door on

the date of the hearing.

A copy of the procedural rules for the hearing is attached and made a part hereof.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to the Secretary-Treasurer of the Board at the address as above. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies of such statement, exhibit or summary be furnished at the hearing. The record will remain open for receipt of briefs or other written material relative to the proposed rules for twenty (20) days subsequent to the public hearing.

MINNESOTA STATE BOARD OF DENTISTRY

Dated: March 4, 1975.

MINNESOTA STATE BOARD OF DENTISTRY

PROCEDURAL RULES FOR HEARING

The purpose of the hearing is to allow interested parties to express their views and present facts bearing upon the proposed regulations. So as to provide for an orderly presentation of evidence, the following rules will be in effect during the hearing specified in the attached Notice of Hearing:

1. Anyone wishing to be heard should indicate by signing the speaking sheet, listing his name, address, and the group which he represents. The speaking sheet will be available at the main entrance to the hearing room. It is requested that each group select one speaker only to present its views.

2. The first time the witness makes a statement he should spell his name and identify the group he is representing. Prior to making any subsequent statements he should state his name and the group which he represents. He may be sworn upon his request but it is not required. If he elects not to be sworn, that may be considered in determining the weight to be given to his testimony.

3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

4. All parties interested in introducing any written matter may do so by having it marked as an exhibit and then introduced for the record. Unsworn written matter may be received, but the fact that it is unsworn may be considered in determining the weight to be given it.

A F F I D A V I T

ETHEL BRUTON, being duly sworn on oath, deposes and says:

1. That she is an employee of the Minnesota State Board of Dentistry.

2. That on the 28th day of February, 1975, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3. That on the 28th day of February, 1975, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Ethel Bruton
ETHEL BRUTON

Subscribed and sworn to before me this 28th day of February, 1975.

Dorothy R. Olson
Notary Public

DOROTHY R. OLSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires Nov. 1, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

C E R T I F I C A T E

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

I hereby certify that the attached 4/16 labels + one sheets constitute the complete list of persons, associations, and other interested groups who as of 1:30 o'clock P.M., this 28th day of February, 1975, have requested pursuant to M.S. 1974, Sec 15.0421, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Ceil Drow

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota State Board of Dentistry

AFFIDAVIT OF MAILING

ETHEL BRUTON, being first duly sworn, deposes and says:

That on the 4th day of ~~February~~ March, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Ethel Bruton

ETHEL BRUTON

Subscribed and sworn to before me this 4th day of ~~February~~ March, 1975.

Dorothy R Olson

Notary Public

DOROTHY R. OLSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires Nov. 1, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Minnesota State Board of Dentistry.

In part, the need to amend the existing rules arises because the legislature has enacted new provisions dealing with subjects which were covered by the prior rules. Among these were laws relating to the public nature of board meetings; repeal of the Dentists' Professional Corporation Act (M. S. Section 319.46 to 319.68) and enactment of a new Professional Corporations Act in place thereof.

Further, improved education and far greater employment of auxiliary personnel in dental offices requires periodic reassessment of the functions which such auxiliary personnel may perform in dental offices in this state, so that the people of Minnesota will continue to receive the highest quality of dental care at an affordable cost. M. S. Section 150A.10, Subd. 1 and 2 requires the Board of Dentistry to promulgate rules relating to the permitted duties of dental auxiliaries, and periodic amendments in the light of recent educational developments are, and will continue to be, necessary.

M. S. Section 150A.09, Subd. 2 requires the Board of Dentistry to fix minimum standards for continuing dental education. Minnesota's continuing education requirement, which was enacted by the legislature in 1969, was the first such statute in the nation. Experience in the first five years has convinced the Board that it is in the public interest to review this subject and, depending upon the evidence in the record, increase the minimum continuing dental education requirements necessary to maintain licensure in Minnesota as a dentist or dental hygienist.

Finally, certain "housekeeping" changes appear to be desirable based upon several years' experience under the existing

Rules, in such areas as examination procedures; use of the results of National Board Examinations; participation in Central Regional Dental Testing Service; and the conduct of contested cases.

MINNESOTA STATE BOARD OF DENTISTRY

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to the
Rules of the Minnesota State
Board of Dentistry

FINDINGS OF FACT

The above entitled matter came on for hearing before the Minnesota State Board of Dentistry on the 5th day of April, 1975, at 10:00 A.M., in Room A, Fourth Floor, Centennial Office Building, St. Paul, Minnesota after proper notice required by M. S. Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, the Minnesota State Board of Dentistry finds the following:

1. That the quantum of dental care required by the people of Minnesota continues to increase, and it is the responsibility of Minnesota dentistry to make proper dental care available to all who need such care.

2. That training programs presently available to auxiliary dental personnel have made it possible for such personnel to perform additional functions within the dental office with a level of skill consistent with the public interest in quality dental care.

3. That dental assistants who have demonstrated their competence by completing the Board's registration requirements are qualified to perform additional functions in a dental office including:

(a) application of cavity varnishes;

(b) removal of periodontal packs;

(c) removal of sutures; and

(d) giving training in techniques of oral hygiene.

4. That the classification of formally-trained assistants as "certified" or "registered" is no longer valid under existing training practices, and should be replaced by a single classification known as a "Registered Dental Assistant."

5. That dental hygienists are qualified to perform soft tissue curettage and the application of pit and fissure sealants.

6. That the continuing education requirement for dentists and dental hygienists, as mandated by M. S. 150A.09, Subdivision 2, has been widely accepted by the profession, and has been beneficial to the public.

7. That the minimum number of hours of approved continuing education over each five-year period for dentists can be increased from 40 to 75 without significant hardship to the profession and will result in a higher level of dental care to the Minnesota public.

8. That the minimum number of hours of approved continuing education for hygienists over each five-year period can be increased from 20 to 50 without significant hardship to the profession and will result in a higher level of dental hygiene care to the Minnesota public.

9. That the Central Regional Dental Testing Service examination provides a reliable measure of the clinical skills of applicants for licensure in Minnesota.

10. That the continued regulation by the Board of the permissible names to be adopted by professional corporations practicing dentistry in Minnesota is necessary to prevent abuses and has been widely accepted by the dental profession, and is consistent with the provisions of the Minnesota Professional Corporations Act.

11. That minor proposed changes in the nomenclature used throughout the Board's rules are in keeping with modern trends in the profession and will enable the profession to interpret and apply the rules more easily.

MINNESOTA STATE BOARD OF DENTISTRY

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed
Adoption of Amendments to
the Rules of the Minnesota
State Board of Dentistry

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Minnesota State Board of Dentistry on the 5th day of April, 1975, at 10:00 a.m., in Room A, Fourth Floor, Centennial Office Building, St. Paul, Minnesota, after proper notice required by M. S. Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules and Regulations of the Minnesota State Board of Dentistry are adopted this 1st day of August, 1975, pursuant to authority vested in us by M. S. Section 150A.04, Subd. 5, and M. S. Section 15.0411 to 15.0422.

BY ORDER OF THE
MINNESOTA STATE BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Dated: August 1, 1975

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota State Board of Dentistry

CERTIFICATE OF BOARD'S ADOPTION OF RULES RESOLUTION

I, Robert E. McDonnell, D.D.S., do hereby certify that I am the Secretary of the Minnesota State Board of Dentistry, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Dentistry duly and properly called and held on the 1st day of August, 1975; that a quorum was present at said meeting; that all members of the Board of Dentistry present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the amendments to the Rules of the Minnesota State Board of Dentistry in the form presented at this meeting be, and they hereby are, approved and adopted, pursuant to authority vested in us by M. S. Section 150A.04, Subd. 5, and M. S. Section 15.0411 to 15.0422, and that Robert E. McDonnell, D.D.S., be, and hereby is, authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of August, 1975.

Robert E. McDonnell, D.D.S.
ROBERT E. McDONNELL, D.D.S.
Secretary-Treasurer

Attest:
Donald W. Bongard, D.D.S.
President

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE
MINNESOTA STATE BOARD OF DENTISTRY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota State Board of Dentistry

STATEMENT OF COMPLIANCE WITH MANUAL OF RULE-MAKING PROCEDURES

I, Special Assistant Attorney General, William E. Fox, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule-Making Procedures has been followed. Any exceptions are noted below.

Exceptions

The notice of hearing issued by the Board of Dentistry designated Room D, State Veteran Service Building, 12th Street between Wabasha and Iglehart, State Capitol Complex, St. Paul, Minnesota, at the place of the hearing. The designated room was unavailable on the hearing date and the site of the hearing was transferred to the Centennial Building, approximately two blocks from the designated hearing site. Conspicuous notices were posted on the doors of the designated hearing site and it is my opinion that all persons who responded to the hearing notice by appearing at the designated hearing site were adequately informed of the change of location and were thus able to appear at the actual hearing site and participate in the proceedings.

William E Fox

WILLIAM E. FOX
Special Assistant Attorney General

Dated: November 14, 1975