

Minnesota Attorney General: Administrative Rules Proceedings

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Richard A. Wexler
Assistant Attorney General
Health Department

- Board of Dentistry Rules

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules

STATEMENT OF NEED

The above-captioned rules are amendments to existing rules of the State Board of Dentistry. The last time the above-captioned rules were amended was May 7, 1976. (Terms used throughout the Statement of Need will have the definitions given them in the proposed amended rule DE 2.)

The need to adopt these proposed amendments to the Board's existing rules arises primarily because of the enactment of two bills by the 1976 Legislature, to-wit, Minn. Laws 1976, chs. 222 and 263. Further, rule changes do not change the substance of existing rules but are for clarification purposes only. These changes include the amendments which are merely reorganizational in nature. Finally, several rule modifications are proposed, especially in the area of grounds for disciplinary actions, to cover problems of which the Board has recently become aware. Each of these matters will be more fully explained below.

1. The proposed amendments to Minn. Rule DE 2 are solely for clarification and reorganizational purposes. Since the purpose of rule-making is to inform those affected by the rules of the standards applicable to them, it is always desirable to make any changes which will render the rules more comprehensible. The proposed organizational change will place the definitions in alphabetical order. The new definitions will clarify both existing and proposed rules.

2. Minn. Laws 1976, ch. 222 repeals all existing statutory fees presently charged by the Board. The effective date of the repeal, however, is such time as fees established by rule take effect. Minn. Laws 1976, ch. 222 § 210. The need to adopt Minn. Rule DE 5 arises, therefore, not so much because of the repeal of the statutory fees but is instead due to the Board's inabiliity to fully meet from

total fees presently collected its anticipated operating expenses for fiscal year 1977. Pursuant to Minn. Laws 1976, ch. 222 § 3, such fees shall be adjusted in " . . . a sufficient amount so that the total fees collected . . . will as closely as possible equal anticipated expenditures." This provision is particularly crucial in light of the provision in the appropriations bill for the Board which prohibits the ". . . allotment, encumbrance, or expenditure of any funds appropriated in this section in excess of the anticipated biennial revenues." Minn. Laws 1975, ch. 434 § 4. Anticipated revenue for fiscal year 1977 under the existing fee schedules would amount to approximately $140,000 compared to estimated expenditures of $154,300. There are not any carry-out funds from fiscal year 1976 since the Board was operating on a revolving fund basis until June 30, 1976. With the termination of the revolving fund, any excess monies were turned over to the general fund. Thus, unless fees are now increased, the Board will be without sufficient operating funds and unable to comply with the foregoing legislative directive.

Minn. Laws 1976, ch. 222 § 3 authorizes the Board's adjustment of fees which it is empowered to assess. The fees being proposed and the specific statutory provision for their adoption is as follows:

(a) Examination fee for dentist applicants: Minn. Stat. § 150A.06 subd. 1 (1974), as amended by Minn. Laws 1976, ch. 222 § 76;

(b) Examination fee for hygienist applicants: Minn. Stat. § 150A.06 subd. 2 (1974);

(c) Examination fee for registered dental assistant applicants: Minn. Laws 1976, ch. 263 § 3;

(d) Dentist and hygienist annual license renewal fee and registered dental assistant annual registration renewal fee: Minn. Stat. § 150A.09 subd. 1 (1974), as amended by Minn. Laws 1976, ch. 263 § 7;

(e) License by credential approval application fee (for dentists and hygienists only): Minn. Stat. § 150A.06 subd. 4 (1974);

(f) Duplicate license or registration fee: Minn. Stat. § 150A.09 subd. 3 (1974), as amended by Minn. Laws 1976, ch. 222 § 79; and

(g) Reinstatement fee: Minn. Stat. § 150A.08 subd. 3 (1974), as amended by Minn. Laws 1976, ch. 263 § 6 subd. 3.

3. The need to amend Chapter Two of the Board's rules arises primarily because of the enactment of Minn. Laws 1976, ch. 263, the repeal of

statutory licensure dates and specification of information to be submitted on the renewal application, and the provision that the Board establish license and registration renewal dates and specify the information to be submitted with the renewal applications. See Minn. Laws 1976, ch. 222 § 3 and Minn. Stat. § 150A.09 subd. 1 (1974), as amended by Minn. Laws 1976, ch. 222 § 78 and ch. 263 § 7.

Chapter 263 provides for the formal registration of dental assistants by the Board. Consequently, it is necessary for the Board to specify in rule the registration procedure and process.

With the repeal of the statutory license renewal dates, it also becomes necessary for the Board to establish those dates by rule. This is especially true when it is recognized that the Board's operating income is tied to the revenue raised by fees with the largest amounts coming through the license renewal process.

4. Chapter Three of the Board's rules relates to the examination of license and registrant applicants. With the Board now authorized to examine registered dental assistant applicants, it became necessary to specify the examination procedure and their scope. Certain organizational changes are also proposed in Chapter Three to condense and clarify the rule.

5. The Board in Minn. Stat. § 150A.10 subd. 2 (1974), as amended by Minn. Laws 1976, ch. 263 §9 is authorized to specify the functions which registered and non-registered dental assistants may perform. Since one purpose behind permitting non-dentists to perform certain dental functions is to free the dentist to do the work for which the greatest amount of skill and training is required, it is necessary to add to the list of the services which a registered dental assistant is authorized to perform any new services which will help fulfill that purpose as long as the auxiliary can be trained and the public is still protected. This is the reason behind the proposed addition of Minn. Rule DE 32(a)(11).

6. The Board is required in Minn. Stat. § 150A.08 subd. 1 (1974) as amended by Minn. Laws 1976, ch. 263 §6 to define "[c]onduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct contrary to the best interest of the public. . ." Existing Minn. Rule DE 42(a) applies only to dentists while the conduct listed therein (with two exceptions)

would be equally reprehensible if attributable to a hygienist or registrant. Consequently, it is incumbent upon the Board, as the agency responsible for regulating for the public protection those persons involved in the practice of dentistry, to assure that the rule is applicable to hygienists and registered dental assistants as well as that all inappropriate conduct is listed in its rules. Several new problem areas have come to the Board's attention and are being added to the rule.

7. Minn. Stat. § 150A.09 subd. 2 (1974), which placed upon dentists and hygienists a continuing dental education requirement was repealed by Minn. Laws 1976, ch. 222 § 209. Section 150A.09 had specified the continuing education requirement in detail and was only supplemented by Minn. Rule DE 51. Section 7 of chapter 222 and Minn. Stat. § 150A.10 subd. 2 (1974), as amended by Minn. Laws 1976, ch. 263 § 9, contains new legislative authority for the Board to establish by rule continuing educational requirements for licensees and registrants respectively.

It is not mandatory under chapter 222 for the Board to establish a continuing dental education requirement. The Board opts to establish such a requirement since it at least provides some periodic assurance that dentists, hygienists, and registrants have met a minimum standard for keeping current or for increasing their professional knowledge. This is an obligation which the Board has to the public in taking appropriate action to assure that only competent persons are permitted to practice dentistry.

Besides the existence of a need to establish the requirement itself, the details of the requirement, the procedures and criteria for obtaining approval to sponsor continuing dental education courses or of courses themselves, the process by which course credit is recorded, the consequences of failure to comply with the requirement, and all other aspects of the continuing dental education requirement, whether they be procedural or substantive in nature, need be specified in rule since they directly affect the rights of or procedures available to licensees, registrants, or the public. See Minn. Stat. § § 15.041i subd. 3 (Supp. 1975) as amended by Minn. Laws 1976, ch. 68 § 1 and 15.0412 subd. 3 (Supp. 1975). The proposed amendments are intended to satisfy that need.

8. Lastly, the need to amend Minn. Rule DE 65 arises due to the

1975 legislative creation of the Office of Hearing Examiners and its promulgation of rules controlling contested case proceedings. Those rules by statute superseded the Board's procedural rules contained in chapter eight. Minn. Stat. § 15.052 subd. 4 (Supp. 1975). Consequently, it is necessary to delete any reference to chapter eight of the Board's rules and insert in lieu thereof reference to the Administrative Procedure Act and the rules of the Office of Hearing Examiners.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dated: July 13, 1976.

Robert E. McDonnell, D.D.S.

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

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO : Michael Miller
Special Assistant
Attorney General
G19 Administration Building

DATE: Oct. 18, 1976

FROM : Richard A. Wexler
Assistant Attorney General

PHONE: 5370

SUBJECT: Revised Certificate of Board of Dentistry's Adoption of Rules Resolution

Mike, this is to confirm our telephone conversation of October 12, 1976, in which I noted that the resolution adopting the amendments to the Board of Dentistry rules as contained in the "Board's Adoption of Rules Resolution: had a minor error in it. The error is found in the fourth paragraph of the section of the resolution which notes the changes in the report of the hearing examiner. It was your feeling that the error was of a minor nature and did not in any way change the meaning of the resolution.

As we agreed, I am enclosing a new Certificate of Board's Adoption of Resolution with the corrected resolution contained therein. Since you have already approved the rule and, I assume, will have forwarded the material back to me before this reaches you, I am enclosing only one copy of the Certificate which you may insert in your file material on these rules.

RAW:cs

Enclosure

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Dale J. Forseth, do hereby certify that I am the Executive 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 said Board of Health duly and properly called and held on the 24th day of September, 1976; that a quorum was present at said meeting; that a majority of those present voted for the resolution; and that said resolution will be set forth in the minutes of said meeting.

RESOLVED, That the amendments to selected provisions of the Board of Dentistry rules, DE 1 through 65, relating to fees, continuing education, registration of dental assistants, disciplinary actions, and clarification and reorganization of existing rules are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 150A.04 subd. 4 and 150A.06 subds. 2 and 4 (1974); Minn. Stat. §§ 150A.06 subd. 1, 150A.09 subds. 1 and 3, and 214.06 (1974), as amended by Minn. Laws 1976, ch. 222; Minn. Stat. §§ 150A.08 subd. 3, 150A.09 subd. 1, and 150A.10 subd. 2 (1974), as amended by Minn. Laws 1976, ch. 263; and Minn. Laws 1976, chs. 263 and 222 §§ 3 and 7, and that Robert E. McDonnell, D.D.S., Secretary-Treasurer of the Minnesota State Board of Dentistry be and hereby is authorized to sign an order adopting those amendments.

BE IT FURTHER RESOLVED, That the Report of Hearing Examiner be adopted by the Board of Dentistry as its own with the following changes:

1. The Report of Hearing Examiner is amended by adding Paragraph 7a in the Finding of Fact section as follows:

7(a) The Commissioner of Finance approved the fees as required by Minn. Stat. § 150A.06 as amended by Minn. Laws 1976, ch. 222 § 3.

2. The last sentence of paragraph 11 of the Report of Hearing Examiner is amended to read as follows:

Also, section (e) is amended to be consistent with the photograph provision in DE 11(f) and section (f) is transferred to DE 5.

3. The Report of Hearing Examiner is amended by deleting paragraph 3 of the section entitled "Conclusions" and by adding in lieu thereof the following:

The Board concludes that rule DE 13(b) as proposed requires all registered dental assistant applicants to have a minimum level of dental education. The applicants must have graduated from a training program approved by the Commission on Accreditation or some other program approved by the Board. Such a program, however, as stated in the rule, must be equivalent in its standards as those courses approved by the Commission on Accreditation. This assures that all applicants who are registered by the Board will have had the same minimum level of training. The last sentence of DE 13(b) would also apply to any training program approved by the Commission on Accreditation.

4. Conclusion 4 of the Report of Hearing Examiner is amended to read:

> The Examiner concludes that the intent of Chapter 222, §§ 3 and 78, and Chapter 263, § 7, 1976 Laws, is to form a basis for rules relating to license renewals; that the use of the terms "valid" and "expiration date" refer to the period before which, and the date at which, a license must be renewed; that the intent of the legislation is not to have dentist, etc., licenses become invalid because a check got lost in the mail or a renewal slip was sent to the wrong address; and that there should be some kind of notice requirement and due process procedure undertaken before a license automatically becomes invalid. The Board is of the opinion that DE 15 should be amended to reflect the substance of the change suggested in Finding No. 14; provided, however, that there is no need to add the suggested language relating to license or registration revocation or suspension since that is already provided for in the Act, Minn. Stat. § 150A.08 subd. 1(10). (See the proposed Board of Psychology rule amendments, PSYCH 7(c)(1)).

5. Paragraph 8 of the section of the Report of Hearing Examiner entitled "Conclusions" is amended to read:

> The Board concludes that the amendments suggested by the Hearing Examiner and adopted by the Board and the amendments made by the Board on its own motion make the rules more reasonable and that none of the amendments constitute a substantial change. All rule amendments suggested by the Hearing Examiner but rejected by the Board are done so because they do not improve upon the reasonableness of the rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of ~~September~~ October, 1976.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Health

Office Memorandum

TO : Michael Miller
Special Assistant
Attorney General
G19 Administration Building

DATE: Sept. 29, 1976

FROM : Richard A. Wexler
Assistant Attorney General

PHONE: 5370

SUBJECT: Submission of Amendments of Board of Dentistry Rules

Attached hereto are all of the documents relating to the above-subject matter. The major substantive aspect of the rules is to:

(1) establish licensing, registration and renewal fees;

(2) establish continuing dental education requirements;

(3) provide for the registration of dental assistants;

(4) increase the grounds on which disciplinary action can be taken; and

(5) clarify and reorganize existing rules.

There were only two proposals which raised any significant discussion, to wit, DE 13(b) and 15. The Board did not alter DE 13(b) but did change DE 15. Appropriate changes were made in the Hearing Examiner's report. However, DE 13(b) is the only rule on which the Board and Hearing Examiner disagreed.

If you have any questions, we can discuss them when we meet on October 8.

RAW:cs

Attachments

cc: Dale Forseth

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Health

Office Memorandum

TO : Michael Miller
Special Assistant
Attorney General
Department of Administration

DATE: October 7, 1976

FROM : Richard A. Wexler
Assistant Attorney General

PHONE: 5370

SUBJECT: Board of Dentistry Rules

Attached are five copies of the amendments to the Board of Dentistry rules which are typed in the format required by the State Register. These copies will supplement the submission of the record relating to the adoption of the amendments made on September 29, 1976. (That submission included copies of the rules as adopted by the Board but they were not in the format required by the State Register.)

RAW:cs

Attachments

the license or registration renewal is requested. The application form shall provide a place for the renewal applicant's signature and solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether such licenses or registrant has been engaged during the year preceding the year for which renewed licensure or registration is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the Board.

2.(a). DE 32(b) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(~~c~~b) 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 (a) and (b) ~~(and (c)~~, the licensed dentist must be physically present within the confines of his office and exercising ~~direct~~ indirect supervision.

3. DE 41 was altered to read (in order to correct a typographical error):

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

4. DE 42 (a) was altered to read (in accordance with the recommendation of the Hearing Examiner):

DE 42 DEFINITION OF CONDUCT UNBECOMING A ~~PERSON LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE~~ LICENSEE OR REGISTRANT OR CONTRARY TO THE BEST INTERESTS OF THE PUBLIC~~, DEFINED~~. "Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct 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, hygienists, or registered dental assistant in:

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

(2) ~~gross~~ Gross ignorance or incompetence in the practice of

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

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dentistry and/or repeated performance of dental treatment which fall below accepted standards.

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

(4) ~~charging~~ Charging a patient an unconscionable fee or charging for services not rendered (applicable to dentists only).

(5) ~~performing~~ Performing unnecessary services.

(6) Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienists or registered dental assistants only).

(7) ~~accepting~~ Accepting rebates, split fees, or, applicable to dentists only, 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.

(8) Falsifying records relating to:

(i) Payment for services rendered;

(ii) Participation in a CDE course; or

(iii) Other records with respect to licensure, registration, CDE, and the practice of dentistry.

(9) Perpetrating fraud upon patients, third party payors, or others relating to the practice of dentistry.

5. DE 51 (c) (3) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(3) Each person initially licensed after the effective date of this chapter and each person initially registered after June 30, 1977, shall commence the first five year cycle on July 1 following the date of initial licensure or registration.

6. DE 52 (a) (2)(iv) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(iv) A description of the types of courses which the applicant plans to sponsor.

6. (a) DE 52 (d) was altered to read (in accordance with the recommendation of the Hearing Examiner):

dentistry and/or repeated performance of dental treatment which fall below accepted standards.

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(5) ~~performing~~ Performing unnecessary services.

(6) Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienists or registered dental assistants only).

(7) ~~accepting~~ Accepting rebates, split fees, or, applicable to dentists only, 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.

(8) Falsifying records relating to:

(i) Payment for services rendered;

(ii) Participation in a CDE course; or

(iii) Other records with respect to licensure, registration, CDE, and the practice of dentistry.

(9) Perpetrating fraud upon patients, third party payors, or others relating to the practice of dentistry.

5. DE 51 (c) (3) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(3) Each person initially licensed after the effective date of this chapter and each person initially registered after June 30, 1977, shall commence the first five year cycle on July 1 following the date of initial licensure or registration.

6. DE 52 (a) (2)(iv) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(iv) A description of the types of courses which the applicant plans to sponsor.

6. (a) DE 52 (d) was altered to read (in accordance with the recommendation of the Hearing Examiner):

dentistry and/or repeated performance of dental treatment which fall below accepted standards.

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

(4) ~~charging~~ Charging a patient an unconscionable fee or charging for services not rendered (applicable to dentists only).

(5) ~~performing~~ Performing unnecessary services.

(6) Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienists or registered dental assistants only).

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(iv) A description of the types of courses which the applicant plans to sponsor.

6. (a) DE 52 (d) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(d) Each sponsor, at least once during each CDE course sponsored by it, shall annouce to all particpants that in order to receive CDE credit that they must submit to the sponsor a computer card supplied by the Board through the Registry within two weeks of completion of the course. The sponsor shall submit all computer cards to the Registry within three weeks after completion of the course.

7. DE 52 (e) was altered to reach (in accordance with the recommendation of the Hearing Examiner):

(e) Sponsors shall submit the information required by Minn. Rules DE 52 (a) (2) annually.

8. DE 52 (g) was added to read (in accordance with the recommendation of the Hearing Examiner):

(g) The Board may deny approval of a specific course offered by an approved sponsor if such a course does not meet the standards of courses as specified by DE 53 (c).

9. DE 53 (b)(5) was altered to reach (in accordance with the recommendation of the Hearing Examiner):

(5) The location including the name and address of the facility at which the course will be conducted.

(d) Each sponsor, at least once during each CDE course sponsored by it, shall annouce to all particpants that in order to receive CDE credit that they must submit to the sponsor a computer card supplied by the Board through the Registry within two weeks of completion of the course. The sponsor shall submit all computer cards to the Registry within three weeks after completion of the course.

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(5) The location including the name and address of the facility at which the course will be conducted.

Adopted by State Board of Dentistry on September 24, 1976

MINNESOTA STATE BOARD OF DENTISTRY

Minn. Rule DE 2 is reorganized and amended as follows:

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

~~(b)~~ A. "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.

B. "Applicant" means a person who has submitted an application to become a licensee, registrant, or a CDE sponsor.

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

D. "Auxiliary" means a hygienist, registered dental assistant, and assistant.

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

F. "CDE" means continuing dental education.

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

H. "Course" means an educational offering, class, presentation, meeting, or other similiar event which is offered by a sponsor and qualifies for CDE credit or for which a licensee or registrant requests CDE credit pursuant to Minn. Rule DE 53.

~~(h)~~ I. "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.

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

~~(e)~~ K. "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.

L. "Licensee" means a dentist or hygienist.

M. "Minnesota Professional Corporations Act" shall mean Minnesota Statutes, Section 319.01 through 319.22 as from time to time amended.

N. "National Board" shall mean an examination administered nationally and acceptable to the Board.

O. "Registered dental assistant" means an assistant registered by the Board pursuant to Section 150A.16, subdivision 2a of the Act.

P. "Registrant" means a registered dental assistant.

Q. "Registry" means the centralized record-keeping service of the American Dental Association Continuing Education Registry.

R. "Sponsor" means an organization approved by the Board pursuant to Minn. Rule DE 52 to offer CDE courses.

S. "Supervision" shall be defined in one of the following classifications:

1. "Direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient, evaluates the performance of the auxiliary.

2. "General supervision" means the dentist has authorized the procedures and they are being carried out in accordance with his diagnosis and treatment plan.

3. "Indirect supervision" means the dentist is in the office, authorizes the procedures and remains in the office while the procedures are being performed by the auxiliary.

4. "Personal supervision" means the dentist is personally operating on a patient and authorizes the auxiliary to aid his treatment by concurrently performing supportive procedures.

Chapter One of the Rules of the State Board of Dentistry (hereafter "Board") is

amended by adding the following rule:

DE 5 FEES.

A. Examination fees. Each applicant for licensure as a dentist or dental hygienist or for registration as a registered dental assistant shall submit with his license or registration examination application a fee in the following amounts:

1. Dentist applicant - $50.00.
2. Dental hygienist applicant - $20.00.
3. Dental assistant applicant - $15.00.

B. Initial registration renewal fee. Each registrant who is registered by the Board as of the effective date of this rule shall submit with his initial registration renewal application as prescribed in Minn. Rule DE 13 a fee in the amount of $15.00. The fee for a subsequent registration renewal shall be as prescribed in section C of this rule.

C. Annual license or registration fees. Each dentist, hygienist and registered dental assistant shall submit with his annual license or registration renewal application a fee in the following amounts:

1. Dentist - $28.00.
2. Hygienist - $12.00.
3. Registered dental assistant - $8.00.

D. Licensure by credential approval. Each applicant for licensure as a dentist or dental hygienist by credential approval pursuant to section 150A.16 subd. 4 (reciprocity) of the Act and Minn. Rules DE 22(c) and 26 B shall submit with his license application a fee in the following amounts:

1. Dentist - $50.00.
2. Dental hygienist - $20.00.

E. Duplicate license or registration fee. Each licensee or registrant shall submit with his request for issuance of a duplicate of his original license or

registration or of his annual renewal thereof a fee in the amount of $5.00.

F. Reinstatement fee. No dentist, hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his license or registration reinstated or a new license or registration issued until he has submitted to the Board a fee in the following amount:

1. Dentist - $50.00.
2. Hygienist - $20.00.
3. Dental assistant - $15.00.

G. No fee shall be refunded for any reason except in those cases where the applicant for licensure or registration is found to be ineligible to take the examination.

DE [5]6 - 10. Reserved for future use.

Chapter Two of the Rules of the State Board of Dentistry is amended by changing its title to read:

APPLICATIONS FOR LICENSURE, REGISTRATION AND ANNUAL RENEWAL THEREOF

Minn. Rule DE 11 F is amended as follows:

F. For identification purposes, the applicant shall furnish one notarized unmounted passport [size] type photograph, 3" x 3", taken not more than [12] six (6) months before the date of application.

Minn. Rule DE 11 G and (h) are amended as follows:

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.]

Minn. Rules DE 12 and 13 are amended as follows:

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 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.

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

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

Chapter Two of the Rules of the State Board of Dentistry is amended by adding the following rule:

DE 13 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT. Any person desiring to be registered as a dental assistant shall submit to the Board an application and credentials as prescribed by the Act and shall conform to the following rules:

A. An application on a form furnished by the Board shall be completely filled out in order to be considered.

B. The applicant shall furnish a certified copy or its equivalent of a diploma or certificate of 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 the training program does not include training in the expanded duties specified in Minn. Rules DE 31 and 32 A, the applicant must successfully complete a course in these functions which has been approved by the Board.

C. Submission of evidence of satisfactorily passing the Minnesota Registration Examination approved by the Board.

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

E. The applicant shall furnish evidence of good moral character satisfactory to the Board.

Minn. Rule DE 14 is amended to read as follows:

DE 14 [REJECTION OF INCOMPLETE APPLICATION.] REQUIREMENTS FOR ALL APPLICATIONS.

(A.) Incomplete applications shall be returned to the applicant with the

tendered fee, together with a statement setting forth the reason for such rejection.

B. 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.

C. Nothing contained in these rules 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 in so far as it relates to the applicants ability to practice as a licensee or registrant as the Board may deem necessary in order to pass upon the applicant's qualifications.

Chapter Two of the Rules of the State Board of Dentistry is amended by adding the following rule:

DE 15 EXPIRATION OF LICENSE AND REGISTRATION AND RENEWAL THEREOF. Any person already registered by the Board as of the effective date of this rule shall submit to the Board no later than December 31, 1976, or within one (1) month after the effective date of this rule, whichever occurs last, an initial registration renewal application as prescribed below together with the fee prescribed in Minn. Rule DE 5 B. Each dentist and hygienist and each registered dental assistant, except as modified by the immediately preceding sentence, shall submit an application for renewal of his license or registration together with the necessary fee no later than January 1 of the year for which the license or registration renewal is requested. The application form shall provide a place for the renewal applicant's signature and solicit information to include but not be limited to the appliant's office address or addresses, the number of his license or registration certificate, whether such licensee or registrant has been engaged during the year preceding the year for which renewed licensure or registration is sought in the active practice of dentistry or dental hgyiene or has worked as a registered dental assistant, and if so, whether within or

without the state, and such other information which may be reasonably requested by the Board.

DE [15] 16 - 20. RESERVED FOR FUTURE USE.

Minn. Rule DE 21 is amended to read as follows:

DE 21 WRITTEN EXAMINATION PROCEDURE[,] : DENTISTS, HYGIENSITS, AND REGISTERED DENTAL ASSISTANTS. The following rules [and regulations] govern the conduct of examination[,] given to those applicants for licensure as a dentist or hygienist or for registration as a registered dental assistant 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 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 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.

Minn. Rule DE 22, "Scope of Written Examination, Dentists", is ammended by being renumbered as DE 23.

Minn. Rule DE 23 is amended as follows:

DE [23] 24 ORAL DIAGNOSIS AND TREATMENT PLANNING. DENTISTS. All dentist applicants [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.

Minn. Rule DE 24 is renumbered and amended as follows:

DE [24] 22 SCOPE OF CLINICAL EXAMINATIONS. : DENTISTS, HYGIENISTS, AND REGISTERED DENTAL ASSISTANTS APPLICANTS. Every dentist and hygienist applicant shall give a demonstration of skill in those operations appropriate for his level of licensure or registration prescribed by the Board. Registered dental assistant applicants may also be so examined. All operations shall be performed in the presence of a Board member qualified for the particular examination being given or consultant appointed by the Board for that purpose.

Minn. Rule DE 25, "Written Examination Procedure, Hygienists" is repealed.

Minn. Rule DE 26, "Scope of Written Examination, Hygienists" is renumbered DE 25.

Chapter Two of the Rules of the Board of Dentistry is amended to add a rule as follows:

DE 26 SCOPE OF WRITTEN EXAMINATION, REGISTERED DENTAL ASSISTANT APPLICANTS.

A. The Act provides that the examination of applicants for registration as dental assistants in this state shall be sufficiently thorough to test the fitness of the candidate to practice the skills that a registered dental assistant is authorized to perform. All applicants must pass a registration examination approved by the Board.

B. All candidates shall be examined for general knowledge of the Act and the Rules of the Board.

C. The Board may administer any other examination it deems necessary to determine qualifications for continued registration.

Minn. Rule DE 27 "Scope of Clinical Examination, Hygienists", is repealed.

DE [28] 27 - 30. Reserved for future use.

Minn. Rule DE 31, "Registration of Assistants", is repealed.

Minn. Rule DE 32(a) is renumbered and amended as follows:

DE [32] 31 ASSISTANTS. [(a)] Assistants may:

[(1)] A. [retract] Retract a patient's cheek, tongue or other parts of tissue 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 medication in a patient's oral cavity in response to a specfic 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] personal 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)] B. [perform] Perform all those duties not directly related with performing

dental treatment or services on patients.

C. No assistant may perform any other dental treatment or procedure on patients not otherwise authorized by these rules.

Minn. Rule DE 32(b) is renumbered and amended as follows:

DE 32[(b) Registered Dental Assistants.] REGISTERED DENTAL ASSISTANTS.

[A.] Registered dental assistants in addition to services performed by the assistant may:

1. [take] Take radiographs;

2. [take] Take impressions for study casts and opposing casts for fixed partial denture prosthesis;

3. [apply] Apply topical medications and cavity varnishes prescribed by dentists, not to include pit and fissure sealants;

4. [place] Place rubber dam;

5. [remove] Remove excess cement from inlays, crowns, bridges and orthodontic bands with hand instruments only;

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

7. [pre-select] Pre-select orthodontic bands;

8. [remove] Remove and replace ligature ties on orthodontic appliances;

9. [remove] Remove periodontal packs;

10. [remove] Remove sutures; and

11. Monitor a patient who has been inducted by a dentist into nitrous oxide-oxygen relative analgesia.

[(c)] B. 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 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 A and B [and (c)], the licensed dentist must be physically present with in the confines of his office and exercising [direct] indirect supervision.

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

The title to Chapter Five of the Rules of the State Board of Dentistry is amended to read as follows:

SUSPENSION OR REVOCATION OF LICENSES [OF DENTISTS]
AND [DENTAL HYGIENISTS] REGISTRATIONS

Minn. Rule DE 41, is amended to read:

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

Minn. Rule DE 42 A is amended as follows:

DE 42 DEFINITION OF CONDUCT UNBECOMING A [PERSON LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE] LICENSEE OR REGISTRANT OR CONTRARY TO THE BEST INTERESTS OF THE PUBLIC [, DEFINED]. "Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant or conduct 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, hygienist, or registered dental assistant in:

1. [engaging] Engaging in personal conduct which brings discredit to the profession of dentistry.

2. [gross] Gross ignorance or incompetence in the practice of dentistry

and/or repeated performance of dental treatment which fall below accepted standards.

3. [making] Making suggestive, lewd, lascivious or improper advances to a patient.

4. [charging] Charging a patient an unconscionable fee or charging for services not rendered (applicable to dentists only).

5. [performing] Performing unnecessary services.

6. Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienists or registered dental assistants only).

7. [accepting] Accepting rebates, split fees, or applicable to dentists only, 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 registrered 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.

8. Falsifying records relating to:

a. Payment for services rendered;

b. Participation in a CDE course; or

c. Other records with respect to licensure, registration, CDE, and the practice of dentistry.

9. Perpetrating fraud upon patients, third party payers, or others relating to the practice of dentistry.

Minn. Rule DE 51 is amended to read:

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.]

Each licensee and registrant shall each year provide the Board evidence on forms provided by it** that such person has attended or participated in CDE as required by this chapter.

B. The Board hereby fixes the The minimum number of hours of approved continuing education in dentistry at 75 hours CDE for each five years for dentists and 40 hours each five years for hygienists. shall be:

1. For dentists - 75 hours,
2. For hygienists - 40 hours, and
3. For registered dental assistants - 25 hours.

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 suppy 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 for 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

**Note of explanation. At the present time the Board cooperates with and is part of the Registry which provides a centralized record-keeping system using computer facilities. Thus, the forms provided by the Board for reporting participation in CDE courses are computer cards sent to each licensee and registrant by the Board through the Registry. See Minn. Rules DE 52 E and 55 D for rule provisions relating to reporting.

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.

The five years cycles shall be established as follows:

1. Each person licensed prior to the effective date of this chapter shall remain within the five year time cycle already assigned to him under Minn. Stat. § 150A.09, subd. 2 (1974).

2. Each person registered on or before June 30, 1977, shall commence the first five year cycle on July 1, 1977.

3. Each person initially licensed after the effective date of this chapter and each person initially registered after June 30, 1977, shall commence the first five year cycle on July 1 following the date of initial licensure or registration.

D. The Board may prescribe standard forms for attesting the attendance at, and satisfactory completion of, approved educational activities. Falsification of any evidence of participation 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.

The anniversary date for completing CDE credits shall be June 30.

Chapter Six of the Rules of the Board is amended by adding the following rules:

DE 52 APPROVAL OF SPONSORS; REVOCATION OF APPROVAL; SPONSOR RESPONSIBILITIES. The Board adopts a sponsor approval CDE system except as provided for in Minn. Rule DE 53.

A. The procedure for applying for approval as a sponsor of CDE courses shall be as follows:

1. Persons or organizations intending to offer courses for CDE credit shall apply to the Board in advance for approval and shall supply all information specified in Minn. Rule DE 52 B as well as any other information which the Board may reasonably require consistent with the purposes of this chapter. The Board may use as consultants a committee appointed for such evaluation.

2. The following information shall be submitted to the Board by an applicant:

a. The name and address of the applicant.

b. The name of the person associated with the applicant responsible for the application.

c. The names and addresses of the officers of the applicant.

d. A description of the types of courses which the applicant plans to sponsor.

e. A statement as to the applicant's policy with respect to the qualifications of speakers, lecturers and others making presentations.

B. The Board shall approve as a sponsor those applicants which meet the following standards:

1. The applicant is formally organized as a corporation (for profit or not for profit), partnership, or other formal association and has as one of its principal purposes the sponsoring of CDE courses.

2. The proposed types of courses to be sponsored shall have significant intellectual or practical content which deals primarily with matters directly related to the practice of dentistry or auxiliary functions or with the professional responsibility or ethical obligations of licensees or registrants.

3. The applicant shall permit only those who are qualified by practical or academic experience to teach, speak, lecture, or make presentations at CDE

course sponsored by it.

C. The Board shall state in writing its reasons for denying any sponsor application.

D. Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they submit to the sponsor a computer card supplied by the Board through the Registry within two weeks of completion of the course. The sponsor shall submit all computer cards to the Registry within three weeks after completion of the course.

E. Sponsors shall submit the information required by Minn. Rules DE 32 A, 2 annuallly.

F. The Board may revoke its approval of any sponsor for failure to comply with provisions of Minn. Rules DE 52 B, 52 D, 52 E, and 54, for falsification of any information requested or required by the Board relating to the application for approval as a sponsor or to the administration of courses of a sponsor, or for other just cause.

G. The Board may deny approval of a specific course offered by an approved sponsor if such a course does not meet the standards of courses as specified by DE 53 C.

DE 53 APPROVAL OF COURSES.

A. Licensees or registrants may apply individually for approval of CDE courses which are sponsored by organizations which have not applied and been approved as sponsors pursuant to Minn. Rule DE 52. Information as specified in Minn. Rule DE 53 B as well as any other information which the Board may reasonably require for the purposes of evaluating the course for which approval is sought shall be submitted to the Board. The Board may use as consultants a committee appointed for such evaluation.

B. The following information, along with the form supplied by the Board

for reporting participation in CDE Courses with the back side of it completed, shall be submitted to the Board by a licensee or registrant:

1. The name and address of the organization sponsoring the course for which credit is requested.

2. The name and address of the person in the sponsoring organization with which the Board may correspond with respect to the course for which credit is requested.

3. A detailed description of the content of the course.

4. The name of each instructor or person making a presentation and his credentials.

5. The location including the name and address of the facility at which the course will be conducted.

C. The Board shall grant CDE credit for any course which meets the following standards:

1. The course shall have significant intellectual or practical content dealing primarily with matter directly related to the practice of dentistry or auxiliary functions or to the professional responsibility or ethical obligations of the participants.

2. Each person making a CDE course presentation shall be qualified by practical or academic experience to teach the subjects he covers.

3. Participants shall attend courses in a classroom, laboratory or setting suitable for the course. Video, motion picture or sound tape presentations may be used provided a qualified person is present to verify attendance.

D. No course will be approved which involves TV viewing in the home, correspondence work, or self-study only.

E. Ordinarily credit will not be given for speeches given at luncheons or banquets.

F. The Board shall state in writing its reasons for denying any application for

approval of a course for CDE credit hours.

DE 54 FAILURE TO COMPLY WITH CDE REQUIREMENT; REINSTATEMENT.

A. Licensees or registrants who fail to comply with the CDE requirement of this chapter may nonetheless avoid disciplinary action under Minn. Stat. § 150A.08 subd. (10) (1974), as amended by Minn. Laws 1976, ch. 263 § 6 and qualify for relicensure if they successfully complete part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

B. Any licensee or registrant who has his license or registration suspended (pursuant to Minn. Stat. § 150A.08 subd. (10) (1974), as amended by Minn. Laws 1976, ch. 263 § 6) for failure to comply with the CDE requirement of this chapter may be reinstated if he successfully completes part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

C. Any licensee or registrant who has his license or registration revoked (pursuant to Minn. Stat. § 150A.08 subd. 10 (1974), as amended by Minn. Laws 1976, ch. 263 § 6) for failure to comply with CDE requirement of this chapter may be relicensed or re-registered if he meets the reasonable conditions imposed by the Board, as in other revocation cases, to determine eligibility for licensure or registration.

DE 55 GENERAL PROVISIONS.

A. Sponsors may offer for and licensees and registrants may request continuing dental education for the following which shall also comply with the requirements of Minn. Rules DE 52 B and 53 C:

1. Lectures.
2. Study clubs.
3. College postgraduate courses.
4. Scientific sessions of conventions.

5. Research.

6. Graduate study.

7. Course presentation made on behalf of an approved sponsor.

8. Home study with a testing mechanism supplied by the sponsor. (In order to receive CDE credit, the licensee or registrant must successfully complete and pass the test.)

B. The Board may also approve other forms of CDE if the approval standards as specified in Minn. Rules DE 52 B and 53 C are met. Examples of such other forms of CDE are:

1. Successfully passing part II of the National Board examination. for dentists if taken five or more years after graduation. (This will fulfill the five year requirement for dentists.)

2. Satisfactory completion of an advanced education program such as an internship or residency accredited by the American Dental Association Commission on Accreditation and approved by the Board. (Such programs will fulfill the five year requirement for dentists.)

3. Successfully passing the National Board examination for dental hygiene if taken five or more years after graduation. (This will fulfill the five year requirement for hygienists.)

4. Satisfactory completion of an advanced education program approved by the Board. (This will fulfill the five year requirement for hygienists.)

5. Publication of articles or books. (CDE credit will be granted on an individual consideration basis.)

C. The Board, for courses approved pursuant to Minn. Rule DE 53, after evaluating the information submitted, and sponsors shall fix the number of hours of CDE credit for each course based upon the following criteria:

1. Multiday convention type meetings such as state or national dental conventions or their equivalent shall be given five clock hours credit only.

2. Scientific or educational meetings or courses or similar offerings shall be credited on an hour for hour basis.

3. Home study with a testing mechanism shall be awarded hourly credit if the examination is successfully completed based upon a determination by the Board or sponsor of the reasonable amount of time necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

4. Presentation of a course made on behalf of a sponsor shall be credited on an hour for hour basis.

D. Within two weeks after completing a course given by a sponsor approved pursuant to Minn. Rule DE 52, the licensee or registrant shall fill out the form supplied by the Board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the Board under Minn. Rule DE 52, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under Minn. Rule DE 53 within two weeks after completion of the course. If course approval is granted, the Board shall send to the Registry the completed form for reporting participation in CDE courses submitted by the licensee or registrant with his application for course approval. (See Minn. Rule DE 53 B.) The Board, for failure of a licensee or registrant to comply with the time limits specified in this section, may refuse to grant CDE credit for the applicable course.

DE [52] (56) - 60. RESERVED FOR FUTURE USE.

Minn. Rule DE 65 is amended to read:

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 applicable

provisions of Chapter Eight of these Rules the Administrative Procedure Act (Minn. Stat. Ch. 15) and the Rules of the Office of Hearing Examiners, Minn. Rules HE 201 to 222.

APPROVED AS TO FORM AND LEGALITY
OCT 13 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 13 1976 - 9:00 am
Joan Anderson Growe
Secretary of State

DEN-76-004-PE

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules.

REPORT OF THE ACTING CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on August 6, 1976, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the Board of Dentistry on September 8, 1976; and

WHEREAS, the Board of Dentistry has now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Board of Dentistry has submitted said rules to the Acting Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Acting Chief Hearing Examiner finds that there are no substantial changes in said rules as originally proposed.

NOW, THEREFORE, upon receipt of this Report, the Board of Dentistry has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 29th day of September, 1976.

Duane R. Harves

DUANE R. HARVES
Acting Chief Hearing Examiner

Amendments to the Rules of the
Minnesota State Board of Dentistry as
Adopted by the Board on September 24, 1976

The attached set of amendments were proposed by the Board and presented for public comment at a hearing conducted on August 6, 1976. After considering all the comments the Board adopted those amendments to its rules as proposed except for the following changes:

1. DE 2 was altered to read (in accordance with the recommendation of the Hearing Examiner):

(~~b~~a) "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.

(b) "Applicant" means a person who has submitted an application to become a licensee, registrant, or a CDE sponsor.

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

(d) "Auxiliary" means a hygienist, registered dental assistant, and assistant.

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

(f) "CDE" means continuing dental education.

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

(h) "Course" means an educational offering, class, presentation, meeting, or other similiar event which is offered by a sponsor and qualifies for CDE credit or for which a licensee or registrant request CDE credit pursuant to Minn. Rule DE 53.

(~~h~~i) "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.

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

(e~~k~~) "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.

(l) "Licensee" means a dentist or hygienist.

(~~e~~m) "Minnesota Professional Corporations Act" shall mean Minnesota Statutes, Section 319.01 through 319.22 as from time to time amended.

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

(go) "Registered dental assistant" means an assistant registered by the Board pursuant to Section 150A.06, subdivision 2a of the Act.

(p) "Registrant" means a registered dental assistant.

(q) "Registry" means the centralized record-keeping service of the American Dental Association Continuing Education Registry.

(r) "Sponsor" means an organization approved by the Board pursuant to Minn. Rule DE 52 to offer CDE courses.

(s) "Supervision" shall be defined in one of the following classifications:

(1) "Direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient, evaluates the performance of the auxiliary.

(2) "General supervision" means the dentist has authorized the procedures and they are being carried out in accordance with his diagnosis and treatment plan.

(3) "Indirect supervision" means the dentist is in the office, authorizes the procedures and remains in the office while the procedures are being performed by the auxiliary.

(4) "Personal supervision" means the dentist is personally operating on a patient and authorizes the auxiliary to aid his treatment by concurrently performing supportive procedures.

2. DE 15 was altered to read (in substance in accordance with the recommendation of the Hearing Examiner):

DE 15 EXPIRATION OF LICENSE AND REGISTRATION AND RENEWAL THEREOF. Any person already registered by the Board as of the effective date of this rule shall submit to the Board no later than December 31, 1976, or within one (1) month after the effective date of this rule, whichever occurs last, an initial registration renewal application as prescribed below together with the fee prescribed in Minn. Rule DE 5(b). Each dentist and hygienist and each registered dental assistant, except as modified by the immediately preceding sentence, shall submit an application for renewal of his license or registration together with the necessary fee no later than January 1 of the year for which

the license or registration renewal is requested. The application form shall provide a place for the renewal applicant's signature and solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether such licensee or registrant has been engaged during the year preceding the year for which renewed licensure or registration is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the Board.

3. DE 41 was altered to read (in order to correct a typographical error):

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

4. DE 42 (a) was altered to read (in accordance with the recommendation of the Hearing Examiner):

DE 42 DEFINITION OF CONDUCT UNBECOMING A ~~PERSON-LICENSED-TO-PRACTICE DENTISTRY-OR-DENTAL-HYGIENE~~ LICENSEE OR REGISTRANT OR CONTRARY TO THE BEST INTERESTS OF THE PUBLIC~~,-DEFINED~~. "Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct 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, hygienists, or registered dental assistant in:

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

(2) ~~gross~~ Gross ignorance or incompetence in the practice of dentistry and/or repeated performance of dental treatment which fall below accepted standards.

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

(4) ~~charging~~ Charging a patient an unconscionable fee or charging for services not rendered (applicable to dentists only).

(5) ~~performing~~ Performing unnecessary services.

(6) Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienists or registered dental assistants only).

(7) aceepting Accepting rebates, split fees, or, applicable to dentists only, 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.

(8) Falsifying records relating to:

(i) Payment for services rendered;

(ii) Participation in a CDE course; or

(iii) Other records with respect to licensure, registration, CDE, and the practice of dentistry.

(9) Perpetrating fraud upon patients, third party payors, or others relating to the practice of dentistry.

5. DE 51 (c) (3) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(3) Each person initially licensed after the effective date of this chapter and each person initially registered after June 30, 1977, shall commence the first five year cycle on July 1 following the date of initial licensure or registration.

6. DE 52 (a) (2)(iv) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(iv) A description of the types of courses which the applicant plans to sponsor.

7. DE 52 (e) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(e) Sponsors shall submit the information required by Minn. Rules DE 52 (a) (2) annually.

8. DE 52 (g) was added to read (in accordance with the recommendation of the Hearing Examiner):

(g) The Board may deny approval of a specific course offered by an approved sponsor if such a course does not meet the standards of courses as specified by DE 53 (c).

9. DE 53 (b)(5)was altered to read (in accordance with the recommendation of the Hearing Examiner):

(5) The location including the name and address of the facility at which the course will be conducted.

10. DE 53 (b)(6) was deleted (in accordance with the recommendation of the Hearing Examiner).

11. DE 53 (c) (3) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(3) Participants shall attend courses in a classroom, laboratory or setting suitable for the course. Video, motion picture or sound tape presentations may be used provided a qualified person is present to verify attendance.

12. DE 54 (b) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(b) Any licensee or registrant who has his license or registration suspended (pursuant to Minn. Stat. § 150A.08 subd. (10) (1974), as amended by Minn. Laws 1976, ch. 263 § 6) for failure to comply with the CDE requirement of this chapter may be reinstated if he successfully completes part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

13. DE 54 (c) was added to read (in accordance with the recommendation of the Hearing Examiner):

(c) Any licensee or registrant who has his license or registration revoked (pursuant to Minn. Stat. § 150A.08 subd. 10 (1974), as amended by Minn. Laws 1976, ch. 263 § 6) for failure to comply with the CDE requirement of this chapter may be relicensed or reregistered if he meets the reasonable conditions imposed by the Board, as in other revocation cases, to determine eligibility for licensure or registration.

14. DE 55 (b) (2) was altered to read (in accordance with the recommendation of the Hearing Examiner):

(2) Satisfactory completion of an advanced education program such as an internship or residency accredited by the American Dental Association Commission on Accreditation and approved by the Board. (Such programs will fulfill the five year requirement for dentists.)

15. DE 55 (b) (5) was added to read (in accordance with the recommendation of the Hearing Examiner):

(5) Publication of articles or books. (CDE credit will be granted on an individual consideration basis.)

PROPOSED AMENDMENTS TO THE RULES OF THE MINNESOTA STATE BOARD OF DENTISTRY RELATING TO FEES, CONTINUING EDUCATION, THE REGISTRATION OF DENTAL ASSISTANTS, DISCIPLINARY ACTIONS, AND CLARIFICATION REORGANIZATION OF EXISTING RULES.*

I. Minn. Rule DE 2 is reorganized and amended as follows:

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

(~~b~~a) "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.

(b) "Applicant" means a person who has submitted an application to become a licensee, registrant, or a CDE sponsor.

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

(d) "Auxiliary" means a hygienist, registered dental assistant, and assistant.

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

(f) "CDE" means continuing dental education.

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

(h) "Course" means an educational offering, class, presentation, meeting, or other similiar event which is offered by a sponsor and qualifies for CDE credit or for which a licensee or registrant request CDE credit pursuant to Minn. Rule DE 53.

(~~h~~i) "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.

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

(k) "Direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient, evaluates the performance of the auxiliary.

(l) "General supervision" means the dentist has authorized the procedures and they are being carried out in accordance with his diagnosis and treatment plan.

(em) "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.

(n) "Indirect supervision" means the dentist is in the office, authorizes the procedures and remains in the office while the procedures are being performed by the auxiliary.

(o) "Licensee" means a dentist or hygienist.

(ep) "Minnesota Professional Corporations Act" shall mean Minnesota Statutes, Section 319.01 through 319.22 as from time to time amended.

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

(r) "Personal supervision" means the dentist is personally operating on a patient and authorizes the auxiliary to aid his treatment by concurrently performing supportive procedures.

* Throughout this proposed set of amendments, additions are indicated by underlining, deletions by ~~strikeout~~.

(gs) "Registered dental assistant" means an assistant registered by the Board pursuant to Section 150A.06, subdivision 2a of the Act.

(t) "Registrant" means a registered dental assistant.

(u) "Registry" means the centralized record-keeping service of the American Dental Association Continuing Education Registry.

(v) "Sponsor" means an organization approved by the Board pursuant to Minn. Rule DE 52 to offer CDE courses.

II. Chapter One of the Rules of the State Board of Dentistry (hereafter "Board") is amended by adding the following rule:

DE 5 FEES.

(a) Examination fees. Each applicant for licensure as a dentist or dental hygienist or for registration as a registered dental assistant shall submit with his license or registration examination application a fee in the following amounts:

(1) Dentist applicant - $50.00.

(2) Dental hygienist applicant - $20.00.

(3) Dental assistant applicant - $15.00.

(b) Initial registration renewal fee. Each registrant who is registered by the Board as of the effective date of this rule shall submit with his initial registration renewal application as prescribed in Minn. Rule DE 13 a fee in the amount of $15.00. The fee for all subsequent registration renewals shall be as prescribed in section (c) of this rule.

(c) Annual license or registration fees. Each dentist, hygienist and registered dental assistant shall submit with his annual license or registration renewal application a fee in the following amounts:

(1) Dentist - $28.00.

(2) Hygienist - $12.00.

(3) Registered dental assistant - $8.00.

(d) Licensure by credential approval. Each applicant for licensure as a dentist or dental hygienist by credential approval pursuant to section 150A.06 subd. 4 (reciprocity) of the Act and Minn. Rules DE 22(c) and 26(b) shall submit with his license application a fee in the following amounts:

(1) Dentist - $50.00.

(2) Dental hygienist - $20.00.

(e) Duplicate license or registration fee. Each licensee or registrant shall submit with his request for issuance of a duplicate of his original license or registration or of his annual renewal thereof a fee in the amount of $5.00.

(f) Reinstatement fee. No dentist, hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his license or registration reinstated or a new license or registration issued until he has submitted to the Board a fee in the following amount:

(1) Dentist - $50.00.

(2) Hygienist - $20.00.

(3) Dental assistant - $15.00.

(g) No fee shall be refunded for any reason except in those cases where the applicant for licensure or registration is found to be ineligible to take the examination.

DE 5 6 - 10. Reserved for future use.

III. Chapter Two of the Rules of the State Board of Dentistry is amended by changing its title to read:

APPLICATIONS FOR LICENSURE,
REGISTRATION AND ANNUAL RENEWAL THEREOF

IV. Minn. Rule DE 11(f) is amended as follows:

(f) For identification purposes, the applicant shall furnish one notarized unmounted passport ~~size~~ type photograph, 3" x 3", taken not more than ~~12~~ 6 months before date of application.

V. Minn. Rule DE 11(g) and (h) are amended as follows:

(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.~~

VI. Minn. Rules DE 12 and 13 are amended as follows:

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 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.

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

(e) For identification purposes, the applicant shall furnish one notarized unmounted passport ~~size~~ type 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.

VII. Chapter Two of the Rules of the State Board of Dentistry is amended by adding the following rule:

DE 13 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT. Any person desiring to be registered as a dental assistant shall submit to the Board an application and credentials as prescribed by the Act and shall conform to the following rules:

(a) An application on a form furnished by the Board shall be completely filled out in order to be considered.

(b) The applicant shall furnish a certified copy or its equivalent of a diploma or certificate of 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 the training program does not include training in the expanded duties specified in Minn. Rules DE 31 and 32(a), the applicant must successfully complete a course in these functions which has been approved by the Board.

(c) Submission of evidence of satisfactorily passing the Minnesota Registration Examination approved by the Board.

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

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

VIII. Minn. Rule DE 14 is amended to read as follows:

DE 14 ~~REJECTION OF INCOMPLETE APPLICATION.~~ REQUIREMENTS FOR ALL APPLICATIONS.

(a) Incomplete applications shall be returned to the applicant with the tendered fee, together with a statement setting forth the reason for such rejection.

(b) 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.

(c) Nothing contain in these rules 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 in so far as it relates to the applicants ability to practice as a licensee or registrant as the Board may deem necessary in order to pass upon the applicant's qualifications.

IX. Chapter Two of the Rules of the State Board of Dentistry is amended by adding the following rule:

DE 15 EXPIRATION OF LICENSE AND REGISTRATION AND RENEWAL THEREOF. The license of each dentist and hygienist and the registration of each registered dental assistant shall expire on December 31 each year. Any person already registered by the Board as of the effective date of this rule shall submit to the Board no later than December 31, 1976, or within one (1) month after the effective date of this rule, which ever occurs last, an initial registration renewal application as prescribed below together with the fee prescribed in Minn. Rule DE 5(b). Each licensee or registrant, except as modified by the immediately preceeding sentence, shall submit to the Board a license or registration renewal application together with the appropriate fee no later than January 1 of the year for which the license renewal is requested. The application form shall provide a place for the renewal applicant's signature and solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether such licensee or registrant has been engaged during the year preceding the year for which renewed licensure or registration is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonalbly requested by the Board.

DE ~~15~~ 16 - 20 RESERVED FOR FUTURE USE.

X. Minn. Rule DE 21 is amended to read as follows:

DE 21 WRITTEN EXAMINATION PROCEDURE~~,~~ : DENTISTS, HYGIENISTS, AND REGISTERED DENTAL ASSISTANTS. The following rules ~~and regulations~~ govern the conduct of examination~~,~~ given to those applicants for licensure as a dentist or hygienist or for registration as a registered dental assistant 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 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 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.

XI. Minn. Rule DE 22, "Scope of Written Examination, Dentists", is ammended by being renumbered as DE 23.

XII. Minn. Rule DE 23 is amended as follows:

DE ~~23~~ 24 ORAL DIAGNOSIS AND TREATMENT PLANNING, DENTISTS. All dentist applicants ~~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.

XIII. Minn. Rule DE 24 is renumbered and amended as follows:

DE ~~24~~ 22 SCOPE OF CLINICAL EXAMINATIONS~~,~~ : DENTISTS, HYGIENISTS, AND REGISTERED DENTAL ASSISTANTS APPLICANTS. Every dentist and hygienist applicant shall give a demonstration of skill in those operations appropriate for his level of licensure or registration prescribed by the Board. Registered dental assistant applicants may also be so examined. All operations shall be performed in the presence of a Board member qualified for the particular examination being given or consultant appointed by the Board for that purpose.

XIV. Minn. Rule DE 25, "Written Examination Procedure, Hygienists", is repealed.

XV. Minn. Rule DE 26, "Scope of Written Examination, Hygienists", is renumbered DE 25.

XVI. Chapter Two of the Rules of the Board of Dentistry is amended to add a rule as follows:

DE 26 SCOPE OF WITTEN EXAMINATION, REGISTERED DENTAL ASSISTANT APPLICANTS.

(a) The Act provides that the examination of applicants for registration as dental assistants in this state shall be sufficiently thorough to test the fitness of the candidate to practice the skills that a registered dental assistant is authorized to perform. All applicants must pass a registration examination approved by the Board.

(b) All candidates shall be examined for general knowledge of the Act and the Rules of the Board.

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

XVII. Minn Rule DE 27 "Scope of Clinical Examination, Hygienists", is repealed.

DE ~~28~~ 27 - 30 Reserved for future use.

XVIII. Minn. Rule DE 31, "Registration of Assistants", is repealed.

XIX. Minn. Rule DE 32(a) is renumbered and amended as follows:

DE ~~32~~ 31 ASSISTANTS. ~~(a)~~ Assistants may:

(~~1~~a) ~~retract~~ Retract a patient's cheek, tongue or other parts of tissue 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~~ personal 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~~b) ~~perform~~ Perform all those duties not directly related with performing dental treatment or services on patients.

(c) No assistant may perform any other dental treatment or procedure on patients not otherwise authorized by these rules.

XX. Minn. Rule DE 32(b) is renumbered and amended as follows:

DE 32~~(b)~~ ~~Registered Dental Assistants.~~ REGISTERED DENTAL ASSISTANTS.

(a) Registered dental assistants in addition to services performed by the assistant may:

(1) ~~take~~ Take radiographs;

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

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

(4) ~~place~~ Place rubber dam;

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

(6) ~~give a~~ Perform 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~~ Pre-select orthodontic bands;

(8) ~~remove~~ Remove and replace ligature ties on orthodontic appliances;

(9) ~~remove~~ Remove periodontal packs;

(10) ~~remove~~ Remove sutures; and

(11) Monitor a patient who has been inducted by a dentist into nitrous oxide-oxygen relative analgesia.

(eb) A dental assistant, who by virture 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 (a) and (b) ~~and (c)~~, the licensed dentist must be physically present within the confines of his office and exercising direct supervision.

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

XXI. The title to Chapter Five of the Rules of the State Board of Dentistry is amended to read as follows:

SUSPENSION OR REVOCATION OF LICENSES ~~OF DENTISTS~~
AND ~~DENTAL HYGIENISTS~~ REGISTRATIONS

XXII. Minn Rule DE 41, is amended to read:

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

XXIII. Minn. Rule DE 42(a) is amended as follows:

DE 42 DEFINITION OF CONDUCT UNBECOMING A ~~PERSON LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE~~ LICENSEE OR REGISTRANT OR CONTRARY TO THE BEST INTERESTS OF THE PUBLIC~~, DEFINED~~. "Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct 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, hygienists, or registered dental assistant in:

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

(2) ~~gross~~ Gross ignorance or incompetence in the practice of dentistry and/or repeated performance of dental treatment which fall below accepted standards.

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

(4) ~~charging~~ Charging a patient an unconscionable fee or charging for services not rendered (applicable to dentists only).

(5) ~~performing~~ Performing unnecessary and/or unauthorized services.

(6) ~~accepting~~ Accepting rebates, split fees, or, applicable to dentists only, 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.

(7) Falsifying records relating to:

(i) Third party payment for services rendered;

(ii) Participation in a CDE course; or

(iii) Other records with respect to licensure, registration, CDE, and the practice of dentistry.

(8) Perpetrating fraud upon patients, third party payors, or others

relating to the practice of dentistry.

XXIV. Minn. Rule DE 51 is amended to read:

(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.~~

Each licensee and registrant shall each year provide the Board evidence on forms provided by it** that such person has attended or participated in CDE as required by this chapter.

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

(1) For dentists - 75 hours,

(2) For hygienists - 40 hours, and

(3) For registered dental assistants - 25 hours.

(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.~~

The five years cycles shall be established as follows:

(1) Each person licensed prior to the effective date of this chapter shall remain within the five year time cycle already assigned to him under Minn. Stat. § 150A.09 subd. 2 (1974).

(2) Each person registered on or before June 30, 1977, shall commence the first five year cycle on July 1, 1977.

(3) Each person initially licensed after the effective date of this chapter and each person initially registered after June 30, 1977, shall commence the first five year cycle on June 30 following the date of initial licensure or registration.

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

**Note of explanation. At the present time the Board cooperates with and is part of the Registry which provides a centralized record-keeping system using computer facilities. Thus, the forms provided by the Board for reporting participation in CDE courses are computer cards sent to each licensee and registrant by the Board through the Registry. See Minn. Rules DE 52(e) and 55 (d) for rule provisions relating to reporting.

The anniversary date for completing CDE credits shall be June 30.

XXV. Chapter Six of the Rules of the Board is amended by adding the following rules:

DE 52 APPROVAL OF SPONSORS; REVOCATION OF APPRVOAL; SPONSOR RESPONSIBILITIES. The Board adopts a sponsor approval CDE system except as provided for in Minn. Rule DE 53.

(a) The procedure for applying for approval as a sponsor of CDE course shall be as follows:

(1) Persons or organizations intending to offer courses for CDE credit shall apply to the Board in advance for approval and shall supply all information specified in Minn. Rule DE 52(b) as well as any other information which the Board may reasonably require consistent with the purposes of this chapter. The Board may use as consultants a committee appointed for such evaluation.

(2) The following information shall be submitted to the Board by an applicant:

(i) The name and address of the applicant.

(ii) The name of the person associated with the applicant responsible for the application.

(iii) The names and addresses of the officers of the applicant.

(iv) A detailed description of the types of courses which the applicant plans to sponsor.

(v) A statement as to the applicants policy with respect to the qualifications of speakers, lecturers and others making presentations.

(b) The Board shall approve as a sponsor those applicants which meet the following standards.

(1) The applicant is formally organized as a corporation (for profit or not for profit), partnership, or other formal association and has as one of its principal purposes the sponsoring of CDE courses.

(2) The proposed types of courses to be sponsored shall have significant intellectual or practical content which deals primarily with matters directly related to the practice of dentistry or auxiliary functions or with the professional responsibility or ethical obligations of licensees or registrants.

(3) The applicant shall permit only those who are qualified by practical or academic experience to teach, speak, lecture, or make presentations at CDE courses sponsored by it.

(c) The Board shall state in writing its reasons for denying any sponsor application.

(d) Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they must submit to the sponsor a completed computer card supplied by the Board through the Registry within two weeks of completion of the course. The sponsor shall submit all computer cards to the Registry within three weeks after completion of the course.

(e) On June 30 of each year, sponsors shall submit the information required by Minn. Rule DE 52(a)(2).

(f) The Board may revoke its approval of any sponsor for failure to comply with provisions of Minn. Rules DE 52(b), 52(d), 52(e), and 54, for falsification of any information requested or required by the Board relating to the application for approval as a sponsor or to the administration of courses of a sponsor, or for other just cause.

DE 53 APPROVAL OF COURSES.

(a) Licensees or registrants may apply individually for approval of CDE courses which are sponsored by organizations which have not applied and been approved as sponsors pursuant to Minn. Rule DE 52. Information as specified in Minn. Rule DE 53(b) as well as any other information which the Board may reasonably require for the purposes of evaluating the course for which approval is sought shall

be submitted to the Board. The Board may use as consultants a committee appointed for such evaluation.

(b) The following information, along with the form supplied by the Board for reporting participation in CDE courses with the back side of it completed, shall be submitted to the Board by a licensee or registrant:

(1) The name and address of the organization sponsoring the course for which credit is requested.

(2) The name and address of the person in the sponsoring organization with which the Board may correspond with respect to the course for which credit is requested.

(3) A detailed description of the content of the course.

(4) The name of each instructor or person making a presentation and his credentials.

(5) The location including address at which the course will be conducted.

(6) A description of the room in which the course will be conducted.

(c) The Board shall grant CDE credit for any course which meets the following standards:

(1) The course shall have significant intellectual or practical content dealing primarily with matter directly related to the practice of dentistry or auxiliary functions or to the professional responsibility or ethical obligations of the participants.

(2) Each person making a CDE course presentation shall be qualified by practical or academic experience to teach the subjects he covers.

(3) Participants shall attend courses in a classroom or laboratory setting suitable for the course. Video, motion picture or sound tape presentations may be used provided a qualified faculty person is in attendance at all presentations to comment and answer questions.

(d) No course will be approved which involves TV viewing in the home, correspondence work, or self-study only.

(e) Ordinarily credit will not be given for speeches given at luncheons or banquets.

(f) The Board shall state in writing its reasons for denying any application for approval of a course for CDE credit hours.

DE 54 FAILURE TO COMPLY WITH CDE REQUIREMENT; REINSTATEMENT.

(a) Licensees or registrants who fail to comply with the CDE requirement of this chapter may nonetheless avoid disciplinary action under Minn. Stat. § 150A.08 subd. (10) (1974) as amended by Minn. Laws 1976, ch. 263 § 6 and qualify for relicensure if they successfully complete part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

(b) Any licensee or registrant who has his license or registration revoked or suspended (pursuant to Minn. Stat. § 150A.08 subd. (10) (1974), as amended by Minn. Laws 1976, ch. 263 § 6) for failure to comply with the CDE requirement of this chapter may be reinstated if he successfully completes part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

DE 55 GENERAL PROVISIONS.

(a) Sponsors may offer for and licensees and registrants may request continuing dental education credit for the following which shall also comply with the requirements of Minn. Rules DE 52(b) and 53(c):

(1) Lectures.

(2) Study clubs.

(3) College postgraduate courses.

(4) Scientific sessions of conventions.

(5) Research.

(6) Graduate study.

(7) Course presentation made on behalf of an approved sponsor.

(8) Home study with a testing mechanism supplied by the sponsor. (In order to receive CDE credit, the licensee or registrant must successfully complete and pass the test.)

(b) The Board may also approve other forms of CDE if the approval standards as specified in Minn. Rules DE 52(b) and 53(c) are meet. Examples of such other forms of CDE are:

(1) Successfully passing part II of the National Board examination for dentists if taken five or more years after graduation. (This will fulfill the five year requirement for dentists.)

(2) Satisfactory completion of an advanced education program such as an internship or residency accredited by the American Dental Association Council on Dental Education and approved by the Board. (Such programs will fulfill the five year requirement for dentists.)

(3) Successfully passing the National Board examination for dental hygiene if taken five or more years after graduation. (This will fulfill the five year requirement for hygienists.)

(4) Satisfactory completion of an advanced education program approved by the Board. (This will fulfill the five year requirement for hygienists.)

(c) The Board, for courses approved pursuant to Minn. Rule DE 53, after evaluating the information submitted, and sponsors shall fix the number of hours of CDE credit for each course based upon the following criteria:

(1) Multiday convention type meetings such as state or national dental conventions or their equivalent shall be given five clock hours credit only.

(2) Scientific or educational meetings or courses or similar offerings shall be credited on an hour for hour basis.

(3) Home study with a testing mechanism shall be awarded hourly credit if the examination is successfully completed based upon a determination by the Board or sponsor of the reasonable amount of time necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

(4) Presentation of a course made on behalf of a sponsor shall be credited on an hour for hour basis.

(d) Within two weeks after completing a course given by a sponsor approved pursuant to Minn. Rule DE 52, the licensee or registrant shall fill out the form supplied by the Board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the Board under Minn. Rule DE 52, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under Minn. Rule DE 53 within two weeks after completion of the course. If course approval is granted, the Board shall send to the Registry the completed form for reporting participation in CDE courses submitted by the licensee or registrant with his application for course approval. (See Minn. Rule DE 53(b).) The Board, for failure of a licensee or registrant to comply with the time limits specified in this section, may refuse to grant CDE credit for the applicable course.

DE ~~52~~ 56 - 60 RESERVED FOR FUTURE USE.

XXVI. Minn. Rule DE 65 is amended to read:

DE 65 REVOCATION OF CERTIFICATE OF REGISTRATION. The Board shall revoke (or if appropriate, refuse to renew) the Certificate of Registraion 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 applicable provisions of ~~Chapter Eight of these Rules~~ the Administrative Procedure Act (Minn. Stat. Ch. 15) and the Rules of the office of Hearing Examiners, Minn. Rules HE 201 to 222.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules

ORDER FOR HEARING

To effectively implement Minn. Stat. § 150A.06 subds. 2 and 4 (1974); Minn. Stat. §§ 150A.06 subd. 1, 150A.09 subds. 1 and 3, and 214.06 (1974), as amended by Minn. Laws 1976, ch. 222; Minn. Stat. §§ 150A.08 subd. 3, 150A.09 subd. 1, and 150A.10 subd. 2 (1974), as amended by Minn. Laws 1976, ch. 263; and Minn. Laws 1976, chs. 263, and 222 §§ 3 and 7, the Minnesota State Board of Dentistry deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in it by the above-referenced statutes and Minn. Stat. § 150A.04 subd. 4 (1974).

NOW, THEREFORE, IT IS ORDERED this 28th day of June, 1976, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota on August 6, 1976, commencing at 9:00 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.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. MC DONNELL, D.D.S.
Secretary-Treasurer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Re-organization of Existing Rules

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (Supp. 1975) in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on Friday, August 6, 1976, commencing at 9:00 A.M.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Mr. Peter C. Erickson, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, (612) 296-8118, either before the hearing or within twenty (20) days after the close of the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those submitting written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those organizations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

If adopted, the proposed rules would:

(1) Add several definitions to Minn. Rule DE 2, Definitions;

(2) Establish fees for examination for licensure (of dentists and hygienists) and for registration (of dental assistants), for the initial registration

renewal, for annual license or registration renewal, for licensure by credential approval, for issuances of a duplicate license or registration, and for reinstatement;

(3) Establish the application procedure and criteria for registration as a registered dental assistant;

(4) Provide for the annual license and registration renewal of dentists, hygienists, and registered dental assistants and specify the information to be submitted on the annual renewal application;

(5) Specify the procedure and scope of the written examination to be taken by registered dental assistant applicants;

(6) Permit the Board of Dentistry to examine registered dental assistant applicants in the area of clinical skills;

(7) Add to the services which a registered dental assistant may perform by permitting one to monitor a patient who has been inducted by a dentist into nitrous oxide-oxygen relative analgesia;

(8) Extend the present definition of "conduct unbecoming to a person licensed to practice dentistry or conduct contrary to the best interests of the public," contained in Minn. Rule DE 42(a), to include hygienists and registered dental assistants and adds new categories to the definition;

(9) Substantively amend chapter 6 of the Board of Dentistry's rules on continuing dental education for dentists, hygienists and registered dental assistants, to specify among other provisions: (a) the continuing dental education requirement for dentists, hygienists, and registered dental assistants; (b) the procedure and criteria for approval of and revocation of approval of continuing dental education sponsors; (c) sponsor responsibilities; (d) the procedure and criteria by which dentists, hygienists and registered dental assistants may apply for continuing dental education credit approval for courses which were not presented or offered by approved sponsors; (e) the effect of failing to comply with the continuing dental education requirement; and (f) various general requirements.

(10) Delete the reference to chapter eight of the Board of Dentistry rules relating to contested case procedures with respect to professional corporations and insert reference to the applicable provisions of

the Administrative Procedure Act (Minn. Stat. ch. 15) and the Rules of the Office of Hearing Examiners, Minn. Rules HE 201 to 222; and

(11) Reorganize the rules of the Board of Dentistry to a limited degree.

Copies of the proposed rules are now available and may be obtained by writing to Dale Forseth, Executive Secretary, Minnesota State Board of Dentistry, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

The authority of the Board of Dentistry to promulgate and adopt these rules is contained in Minn. Stat. § § 150A.04 subd. 4 and 150A.06 subds. 2 and 4 (1974); Minn. Stat. § § 150A.06 subd. 1, 150A.09 subds. 1 and 3, and 214.06 (1974), as amended by Minn. Laws 1976, ch. 222; Minn. Stat. § § 150A.08 subd. 3, 150A.09 subd. 1, and 150A.10 subd. 2 (1974), as amended by Minn. Laws 1976, ch. 263; and Minn. Laws 1976, chs. 263 and 222 § § 3 and 7.

A Statement of Need explaining why the Board of Dentistry feels the proposed rules are necessary will be filed with the Hearing Examiners office at least twenty-five (25) days prior to the hearing and will be available there for public inspection.

In addition, please be advised that pursuant to Minn. Stat. § 10A.01 subd. 11 (1974), as amended by Minn. Laws 1976, ch. 307 § 3, and Minn. Stat. § 10A.03 (1974), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as promulgation of the above-captioned proposed amendments to the Board of Dentistry rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Dated: June 28, 1976

STATE OF MINNESOTA

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 Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Dale Forseth, being duly sworn on oath, deposes and says:

1. That he is the Executive Secretary of the Minnesota State Board of Dentistry.

2. That upon information and belief, Assistant Attorney General Richard A. Wexler went to the Minnesota Secretary of State's office and requested from Ceil Dion of that office 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 Minn. Stat. § 15.0412 subd. 4 (Supp. 1975).

3. That on the 28th day of June, 1976, in response to the above request, the Secretary of State provided your affiant with such a list, a photocopy of which is attached and incorporated by reference.

Further affiant sayeth not.

Dale J. Forseth

Subscribed ans sworn to before me this 28th day of June, 1976

M. Jean Woods

M. JEAN WOODS
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Apr. 22, 1983

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules

CERTIFICATE

I hereby certify that the 496 general labels and one page list for the Minnesota State Board of Dentistry, all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 1:00 o'clock p.m., this 28th day of June, 1976, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (Supp. 1975) 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.

Joan Anderson Growe
SECRETARY OF STATE

JOAN ANDERSON GROWE

By Neil Dion

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of the Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules.

AFFIDAVIT OF MAILING

Carol L. Goehle, being first duly sworn, deposes and says:

That on the 30th day of June, 1976, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the Certificate of the Secretary of State attached and made a part hereof as Exhibit A, to all persons and associations at the addresses listed on Exhibit B, attached and made a part hereof, as well as to all members, as of the date of mailing, of the Minnesota Legislature.

Carol L Goehle

Subscribed and sworn to before me this 30 day of June, 1976.

B Jean Woods

M. JEAN WOODS
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Apr. 22, 1983

Exhibit A

ALBERT, AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLENDORF MARSHALL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

AMER CAMPING ASSN
3639-21/2 ST N.E.
MPLS MN
55418

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON GRAHAM
951 E HENN
MPLS MN
55414

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON HAROLD
BOX 3047
MANKATO MN
5[illegible]01

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANDERSON MARY
4425 RUTLEDGE AVE
EDINA MN
55436

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55102

ANTI-TRUST DIV. ATTY GEN.
160 STATE OFF BLDG
ST PAUL MN
55155

ARNOLD ROBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ARROWHEAD REGIONAL DEV CO
200 ARROWHEAD PLACE
DULUTH MN
55802

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASMUSSEN, DENNIS, MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET AL
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARTHOLOW HAROLD E FIRE C
2600 109 AVE N W
COON RAPIDS MN
55433

BATES DENNIS
446 STATE OFF BLDG
ST PAUL MN
55155

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BEGALKA D REV
212 N ELK ST
BELLE PLAINE MN
56011

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENSONI PETER USW OF AM.
609 PROVIDENCE BLDG.
DULUTH MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BERGUSON & LOFGREN
MN GAS 700 LINDEN W
MPLS MN
55403

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
[illegible]31

BOLTON MALCOLM
422 ALDRICH AVE NO
MPLS MN
55405

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRICK PHILIP D
807 SELLWOOD BLDG
DULUTH MN
55802

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BRIGHAM E M III
RR4
RED WING MN
55066

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BRUNING C.R.DEPT.CLINIC.E
BURTON HALL
MPLS. MN
55455

BUCHHOLTZ CHARLES
[illegible]44 BRENT AVE E
[illegible] GRV HTS MN
55075

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

BUSCH NOEL
3131 FERNBROOK LANE N
MPLS MN
55441

CABLE COMM SYST-H SARRAZIN
BOX 777
HECTOR MN
55342

CAIN RUTH
730 E 38TH ST
MPLS MN
55407

CAIRNS JOHN A
47TH FLR IDS CENTER
MPLS MN
55402

CAPITOL NEWS SERVICE
BOX 17035
ST PAUL MN
55117

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CENTRAL MN REGIONAL DEV COMM
1139 FRANKLIN AVE
SAUK RAPIDS MN
56379

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CHRYSALIS CENTER FOR WOMEN
2104 STEVENS AVE S
MPLS MN
55404

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CITY OF ROBBINSDALE
C LARSON 4221 LAKE RD
ROBBINSDALE MN
55422

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

CLAWSON CONNIE
HELP CT 317-17TH AV SE
MPLS MN

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT CO
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DAHLKE LOIS M
118 S EAGLE ST
BELLE PLAINE MN
56011

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

DICKINSON MRS JOANNE
BOX 1065
MARSHALL MN
56258

DIEHL JOHN
25 KENWOOD PKWY
ST PAUL MN
55105

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOUGLAS BELL ET AL
2212 AM.NATL BK BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

MET. WASTE CONTROL COMM
350 METRO SQ BLDG
ST PAUL MN
55101

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

DUNN OLIVER PLUMBERS LOC
708 SO 10TH ST
MPLS MN
55404

DZUGAN KEN ST PAUL PLANNING
421 WABASHA ST
ST PAUL MN
55102

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ENGELBRECHT DOUGLAS
809 RANGE ST
NO MANKATO MN
56001

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

ETHICS COMM
RM 410 STATE OFF BLDG
ST PAUL MN
55155

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO AS
512 NICOLLET MALL RM917
MPLS MN
55402

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FAEGRE & BENSON ATTN LIBR
1300 NW BANK BLDG
MPLS MN
55402

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FILTER LOREN
BOX 36
BRITT MN
55701

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FLADLAND CLINTON MN L&P B
796 RAYMOND AVE
ST PAUL MN
55114

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
[redacted]02

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEESON MICHAEL
909 SOC SC BLDG U OF M
MPLS MN
55455

GLEN. HILLS HOSP.R.VAN HAUER
[redacted]01 GOLDEN VALLEY RD.
M[redacted]S. MN
55422

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GOODMAN DF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

GUSTAFSON DAN-LABOR TEMPLE
312 CENTRAL
MPLS MN
55414

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HAVEN ROBT TWIN TN TREATM
1706 UNIV AVE
ST PAUL MN
55104

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HEIM PAUL
1320 SOO LINE BLDG
MPLS MN
55402

HEINTZ MARY ELLEN
PO BOX 599
CINCINNATI OH
45201

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HENDRICKSON A WM
100 FREEMAN DRIVE
ST PETER MN
56082

HILL JIM ASSOC.MILK PROD.
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOLDAHL SCOTT
380 N BLDG GRAIN EXCH
MPLS MN
55415

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
55107

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE RESEARCH
RM 17 STATE CAPITOL
ST PAUL MN
55155

HULSTRAND ANDERSON & LARS
PO BOX 130
WILLMAR MN
56201

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HUMAN SERVICES
414 LAFFAYETTE RD 5THFL
ST PAUL MN
55101

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

HYDROLOGIST
CHIPPEWA NATL FOREST
CASS LAKE MN
56633

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

ILLINGWORTH ROBERT C
6750 FRANCE AVE S RM290
MPLS MN

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INGVALSON VERN MN.FARM BU
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KABLE RICHARD W

BETHEL MN
55006

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SE
ST MARYS HOSP
ROCHESTER MN
55901

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MN AFL-CIO L.O. LASHOMB
175 AURORA
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MN STATE SER BLIND-K NATARDY
1745 UNIVERSITY AVE
ST PAUL MN
55104

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN AUTOMOBILE DEALERS A
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN DEPT HEALTH J C MCKA
717 DELAWARE S E
MPLS MN
55440

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS M
N5540

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LINDALL & JONATHAN DEVELO
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS M
N5540

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
[redacted]102

MANSFIELD LARRY
HCARC 22 27TH AVE SE
MPLS MN
55414

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANTHEY T J PICKANDS MATH
1100 SUPERIOR AVE
CLEVELAND OH
44114

MARRINAN MARGARET M
[redacted]17 COMMERCE BLDG
[redacted] PAUL MN
55101

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MECCA
857 GRAND AVE
ST PAUL MN
55105

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MET TFR MEN ASSN A ROSENT
1821 UNIV AVE
ST PAUL MN
55104

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MIDLAND GLASS- HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KEILY DANILE
3549 V2 PLEASANT AVE
MPLS MN
55408

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNAPP J A
RM 3 CAPITOL
ST PAUL MN
55[illegible]

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH, BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KNVDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KROEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

KROON H CLIFTON
210 E WALNUT
MANKATO MN
56001

KUHL CARL
4421 4TH ST NE
COL HEIGHTS MN
55421

KVB ENGINEERING INC
600 S CO RD 18
MP MN
55426

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE MN
55428

LAKE SUPERIOR INDUSTRIAL
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEAGUE WOMEN VOTERS OF MI
555 WABASHA
ST PAUL MN
55102

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
[illegible]01

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNI
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA COMM
[illegible] 2ND ST
H[illegible]SON WI
54016

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SADDL
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NUGENT, CYNTHIA L.
3581 OWASSO ST #209
ST PAUL M
N5511

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXA
RM 340 717 DELAWARE SE
MPLS MN
55414

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS M
N5540

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBO & MAI
927 SOO LINE BLDG
MPLS MN
55402

OSTRUM DONALD E
PO BOX 33163
GRAND RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & A
40 CENTRAL PARK S
NEW YORK NY
10019

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PORTER DAVID
3212 LONGFELLOW AVE S
MPLS MN
55407

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE L THEOHAR
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RADMAN RICHARD-LABOR TEMP
418 AUDITORIUM
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REID DAVID H
[redacted]
[redacted] 6469 Graham Rd
[redacted] Indianapolis In 46220

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA CC
[redacted] OSBORN BLDG.
ST PAUL MN
55102

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

RIEKE DAVID R
P O BX 509
THIEF RIV FLS MN
56701

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL ASSN PLBG HTG MECH
614 AM NATL BK
ST PAUL MN

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
[illegible]011

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEW
50 S 9TH ST
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SELECTVISION INC FR VALEN
245 PARK AVE
NEW YORK NY
10017

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SNYDER ROBERT W
248 CO B U OF M
ST PAUL MN
55101

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND O
PO BOX 116
MPLS MN
55440

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STATE&FED ASSOC
1101 15TH ST NW_S.309
WASHINGTON DC
20005

STATE & FED ASSOCIATES
1101 15TH ST NW S 309
WASHINGTON DC
20005

STATE REGISTER, MORROW Geo.
[redacted]95 SHERBURNE, Rm. 203
ST PAUL MN
5[redacted]3

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO.ATTN:TED SCHWEN
1850 COMO AVE.
ST PAUL MN
55108

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

SWEITZER R L HONEYWELL INC
2[redacted]1 4TH AVE S
M[redacted]LS MN
55408

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOUCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

TWIN CITY RETAIL DRUGGIST
2388 UNIV AVE
ST PAUL MN
55104

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VANDERVOORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WANQUIST ALLEN
R4 252 FEDERAL BLDG
ST PAUL MN
55101

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
75102

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILLIAMS THOS W
4915 W 35TH ST
MPLS MN
55416

WILSON R GARY PPG INDUST
1 GATEWAY CENTER
PITTSBURGH PA
15222

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

YOUNG TODD P
555 WABASHA STE 215
ST PAUL MN
55102

ADDITIONS (4)

NAME	ADDRESS	CITY	STATE	ZIP
Region Nine Dev.Comm.	709 N Front St	Mankato	Mn	56001
Six W Reg. Dev.Comm	128 W Sorenson	Appleton	Mn	56208
SE Mn Reg Dev Comm	301 Marq Bk Bldg	Rochester	Mn	55901
SW Regional Dev.Comm.	2811 Bdwy	Slayton	Mn	56172
Region Five Reg.Dev.Comm.	102 6th St N	Staples	Mn	56479
Six East Reg.Dev.Comm.	311 W 6th St.	Willmar	Mn	56201
West Central Reg.Dev.	Adm Bldg,Community College	Fergus Falls	Mn.	56537
Arrowhead Reg.Dev.Comm	211 W 2nd St	Duluth	Mn	55802
Central MN Reg Dev Comm	1139 Franklin Ave	Sauk Rapids	Mn	56379
E Central Reg.Dev.Comm	Courthouse 18 N Vine St	Mora	Mn	55051
Headwaters Reg.Dev.Comm	Box 584 Mental Health Bldg.	Bemidji	Mn	56601
NW Reg. Dev.Comm	425 Woodland Ave	Crookston	Mn	56716
Ralph Burke Associates	7710 Computer #S101	Mpls	Mn	55435

Transmittal Envelopes

D E N T I S T R Y, State

[redacted] Board of

Chicago Dental Laboratory, 84 South 11th Street, Minneapolis, Minnesota; 55403

Tri-City Dental Laboratory, 3002 27th Avenue South, Minneapolis, Minnesota; 55422

Hennepin Dental Laboratories, 703 Hennepin Avenue, Minneapolis, Minnesota; 55403

Heights Dental Laboratory, 3955 Central Avenue N.E., Minneapolis, Minnesota; 55421

Mr. Robert Latz, Sachs, Latz & Kirshbaum, Attorneys at Law, 848 Roanoke Building, Minneapolis, Minnesota. 55402

Minnesota Dental Hygienists Assn., 2828 Zarthan Ave S, Mple. 55416

LoSasso, John S., Am.Dental Hygienists Assn., 211 E.Chicago Ave, Chicago, Ill. 60611

Exhibit B

Robert W. Anderson, D.D.S.
P.O. Box 56
Aurora, Minnesota 55705

Kenneth M. Nelson, D.D.S.
1020 Fourth Avenue
Windom, Minnesota 56101

Robert E. McDonnell, D.D.S.
542 South Snelling Avenue
St. Paul, Minnesota 55116

James M. Rasmusson, D.D.S.
430 Oak Street
Breckenridge, Minnesota 56520

Judge James E. Garrity
1101 South Eleventh Street
Moorhead, Minnesota 56560

Ms. Marian Manary
103 South Eleventh Avenue
Princeton, Minnesota 55371

Walter G. Iverson, D.D.S
5536 Chicago Avenue
Minneapolis, Minnesota 55417

Frederick W. Noble, D.D.S.
Health Science Building
Unit A, Room 4-215 B
School of Dentistry
University of Minnesota
Minneapolis, Minnesota 55455

Janet Palmer, CRDA
2324 Silver Lane #101
New Brighton, Minnesota 55112

Mary Bergerson, CRDA
2041 West Old Shakopee Road #42
Bloomington, Minnesota 55431

Hedy Quam, D.H.
1307 North St. Albans Street
St. Paul, Minnesota 55117

Minneapolis District Dental Society
Metropolitan Medical Office Building
825 8th Street #M-08
Minneapolis, Minnesota 55404

St. Paul District Dental Society
706 Lowry Medical Arts Building
St. Paul, Minnesota 55102

Mr. Robert Harder
Minnesota Dental Association
2236 Marshall
St. Paul, Minnesota 55075

Dr. Roger Burke
220 Central Medical Building
St. Paul, Minnesota 55104

Dr. Gordon Amundson
1021 East First Street
Duluth, Minnesota 55805

Janet Spoodis, D.H.
5041 Yvonne Terrace
Minneapolis, Minnesota 55436

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Robert E. McDonnell, D.D.S., 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 Board duly and properly called and held on the 4th day of June 1976, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that Robert E. McDonnell, D.D.S., Secretary-Treasurer of the Minnesota State Board of Dentistry, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating amendments to the Rules of the Board of Dentistry relating to: (1) fees for licensure and registration, license and registration renewal, examination, issuance of a duplicate license or registration certificate, and re-instatement for dentists, dental hygienists and dental assistants; (2) continuing education requirements for dentists, dental hygienists, and dental assistants; (3) reorganizational and clarifying provisions; (4) disciplinary actions; and (5) the registration of dental assistants, 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 28 day of June, 1976.

STATE OF MINNESOTA

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 Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules

COMMISSIONER OF FINANCE APPROVAL

Minn. Laws 1976, ch. 222 § 3 subd. 1 authorizes the Minnesota State Board of Dentistry (hereinafter "Board") with the approval of the Commissioner of Finance, to adjust any fee which the Board is empowered to assess a sufficient amount so that the total fees collected by the Board will as closely as possible equal anticipated expenditures. While Minn. Stat. § 150A.07 (1974) presently specifies the fees to be charged, Minn. Laws 1976, ch. 222 § 209 repeals section 150A.07.

Among the amendments proposed by the above-captioned rules is the addition of Minn. Rule DE 5 to the Board's rules which would establish various fees. Those fees and the authority to adopt them are as follows:

(1) Examination fee for dentist applicants: Minn. Stat. § 150A.06 subd. 1 (1974), as amended by Minn. Laws 1976, ch. 222 § 76;

(2) Examination fee for dental hygienist applicants: Minn. Stat. § 150A.06 subd. 2 (1974);

(3) Examination fee for registered dental assistant applicants: Minn. Laws 1976, ch. 263 § 3;

(4) Dentist and hygienist annual license renewal fee and registered dental assistant annual registration renewal fee: Minn. Stat. § 150A.09 subd. 1 (1974), as amended by Minn. Laws 1976, ch. 263 § 7;

(5) License by credential approval application fee (for dentists and hygienists only): Minn. Stat. § 150A.06 subd. 4 (1974);

(6) Duplicate license or registration fee: Minn. Stat. § 150A.09 subd. 3 (1974), as amended by Minn. Laws 1976, ch. 222 § 79;

(7) Reinstatement fee: Minn. Stat. § 150A.08 subd. 3 (1974), as amended by Minn. Laws 1976, ch. 263 § 6 subd. 3.

Based upon review of the information attached hereto as Appendix A and made a part hereof which supports the need, reasonableness and amounts of the fees specified above, and pursuant to the authority vested in the Commissioner of Finance by Minn. Laws 1976, ch. 222, § 3, the fees of the Board set forth above and in the proposed above-captioned amendments are hereby approved.

GERALD W. CHRISTENSON
COMMISSIONER

Dated: June 28, 1976. By Bernard J. Carlson
BERNARD J. CARLSON
Budget, Planning and Control Director

Appendix A

BOARD OF DENTISTRY

Fee Analysis Statement
FY 77 Estimates

REVENUE

Application Fee - Dentists	124	@	$ 50	$ 6,200
Application Fee - Hygienists	140	@	20	2,800
Initial Registration - Assist.	700	@	15	10,500
License Renewal - Dentists	3,451	@	28	96,628
License Renewal - Hygienist	1,435	@	12	17,220
Corporation License - Initial	15	@	100	1,500
Corporation License - Renewal	320	@	25	8,000
Credential Verif. - Dentists	8	@	50	400
Credential Verif. - Hygienists	7	@	20	140
Duplicate & Reinstatement Fees				150
				$143,538
Excess Revenue Generated in FY 76				11,000
Total Revenue FY 77				154,538

EXPENDITURES

Personnel - Salaries and Fringe	$ 45,245
Board Member Per Diem	33,200
Rents	1,850
Printing and Binding	8,900
Repair Services	260
Non-State Employee Services	5,000
Purchased Services	10,600
Data Processing	18,900
Communications	7,060
Travel, In-State	11,920
Travel, Out-of-State	7,840
Liability Insurance	290
Supplies and Materials	3,135
Refunds	100
Total Expenditures FY 77	$154,300

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules

STATEMENT OF FACTS ESTABLISHING REASONABLENESS OF AMENDMENTS

The Minnesota State Board of Dentistry (hereinafter "Board"), pursuant to Minn. Stat. § 15.0412 subd. 4 (Supp. 1975), hereby affirmatively presents facts establishing the reasonableness and justifying the adoption of the above-captioned amendments to the Board's rules. The need and statutory authority for the proposed amendments is set forth in the Statement of Need. The approval of the Commissioner of Finance with respect to those provisions of the rule amendments relating to fee adjustments is contained in the document entitled "Commissioner of Finance Approval." Terms used throughout this Statement will have the definitions given them in the proposed amended rule DE 2.

1. Minn. Rule DE 2, Definitions, is reorganized and definitions are added to it. With the addition to DE 2, the rule became quite lengthy. In order to facilitate locating the definitional terms, it was decided to rearrange the terms to place them in alphabetical order. In addition, new terms are being added to aid in understanding the substantive provisions of the rules. These proposed actions to assist in access to and understanding of the rules are reasonable.

2. As explained in the Statement of Need, the reason for adopting fees by rule resulted from legislative action repealing statutory fees and authorizing their establishment by rule. The guide for the amount of the fees is stated in Minn. Laws 1976, ch. 222 § 3 which provides that the "total fees . .. will as closely as possible equal anticipated expenditures." As Appendix A to the Commissioner of Finance Approval document demonstrates, the estimated revenue based upon the fees here proposed will come within $238 of anticipated expenditures for fiscal year 1977.

Until fiscal year 1977, the Board operated through a revolving fund. All monies collected by the Board were available to it for its use. Effective with fiscal year 1977, the legislature has required the Board to seek its operating funds from it in the form of an appropriation. The fees collected by the Board, then, are deposited in the general fund. However, under Minn. Laws 1975, ch. 434 § 4, the Board will not have access to the total appropriation unless its anticipated revenue from fees will at least equal the appropriation for the biennium. (Since this system did not commence until fiscal year 1977, only the financial estimates for that fiscal year of the 1976-77 biennium are relevant with respect to the fees proposed in rule DE 5. Any money left in the Board's revolving fund at the end of fiscal year 1976 was turned over to the general fund and no longer available to the Board.) In view of the above-referenced legislative and fiscal limitations, the fees proposed in DE 5 are reasonable since their total will as closely as possible equal anticipated expenditures.

One particular fee requires an explanation. The Board has registered dental assistants for several years but the regulatory process with respect to them was minimal. No registration fee was ever charged, and the registration was permanent and not renewed annually. Thus the record keeping required for registered dental assistants was minimal. Under the Board's new authority contained in Minn. Laws 1976, ch. 263, to register dental assistants, the Board will annually renew registrants. This will necessitate changing the Board's record keeping system to facilitate the renewal process. Consequently, the start-up costs for already registered assistants will be greater than if the Board were simply continuing or maintaining the same process that has been in existence. For these reasons, charging dental assistants who are already registered as of the effective date of the rule a $15.00 fee for their initial renewal registration fee, proposed DE 5(b), instead of the $8.00 renewal fee as provided for in proposed DE 5(c) is reasonable and justified.

Finally, proposed DE 5(g) is not in reality a new rule but merely a rewritten version of DE 11(g). The latter cited rule, however, applied to dentists only. To avoid any equal protection problems, since there is no reason for the rule

not to apply to hygienists and registrants as well, the rule has been broadened to cover all fee paying persons. In addition, since the rule relates to fees, it has been moved from the chapter on applications and placed in the more appropriate rule relating to fees.

3. A number of organizational and substantive changes are proposed with respect to Chapter Two, DE 11 to 20.

a. The title to the chapter is amended to reflect that the chapter in addition to applying to applications for licensure of dentists and hygienists, as it has in the past, will now also apply to applications for registration of dental assistants and to the annual renewal of licenses and registrations. The change is reasonable because the title should inform the reader of the general subject matter of the rule.

b. DE 11(f) has required that applicants for licensure as a dentist submit a photograph for identification purposes only. This is necessary so that the Board may be able to verify that an applicant it is interviewing or who is taking an examination is the same one who submitted the application. The deletion of the word "size" is dictated by the specification of the size of the photograph in the rule. Insertion of the word "type" is intended to express what was intended when the rule was first adopted, to-wit: that a photograph of the head of the individual be submitted. Changing the rule to require that the rule be no more than six months old is to make it consistent with existing rule DE 13(e). Since the purpose of the rule is to obtain a photograph for identification purposes, the shorter period of time (six months) between its taking and submission was selected as fewer changes are likely to occur in that period of time than during a 12 month period.

c. DE 11(g) is not really being repealed. The substance of the rule is being transferred to proposed rule DE 5(g).

d. The second paragraph of DE 11(h) is not being repealed but is being moved to existing rule DE 14(c).

e. DE 12 is not being repealed but is being transferred to existing rule DE 14(b).

f. The amendment to DE 13(d) inserts a phrase which was inadvertently omitted from the rule when previously adopted and clarifies the sentence. The changes proposed in DE 13(e) and (f) are identical to those proposed to DE 11(f) and (g) and made for the same reason. See paragraphs 3.b. and c. herein.

g. Proposed rule DE 13 specifies what a registered dental assistant applicant must submit in order to qualify for registration.

(1) The registration application process was authorized by the Minn. Laws 1976, ch. 263 § 3. The Board has to have a process which is consistently applied to every applicant by which it can determine whether or not an applicant is qualified for registration. Basic information is obtained from an application form. In addition, the applicant must demonstrate that he has satisfactorily completed an accredited training program or one which is equivalent. The key to the obtaining Board approval of a program, besides providing academically sound training, is that it cover all of the expanded functions which a registrant is authorized to perform. It is obviously reasonable for the Board to require all applicants to have received training in the functions they will perform.

(2) Further, the Board is required by law to examine the applicant on his skills and knowledge of dentistry law and rules. Such a requirement is again justified on the basis that the purpose of registration is to assure that only those who know the skills which registration permits them to perform are registered. Testing in these areas is one reasonable way of evaluating an applicant's ability to perform those authorized functions. It is also extremely important for

an applicant to know the laws and rules applicable to him and the legal standards of conduct expected of him so as to avoid violations thereof once registered.

(3) The justification for submitting a photograph is the same as contained in paragraph 3(b) herein. Proposed rule DE 13(e) is merely repetition of a statutory requirement.

(4) DE 13(e) is simply repetition of a statutory requirement. Minn. Laws 1976, ch. 263 § 3.

h. DE 14(b) and (c) are essentially the same as and have been moved from DE 11(h) and 12. The purpose for this organizational change is to place in one rule all provisions applicable to both licensing and registration applications. DE 14(c), transferred from the second paragraph of DE 11(h), has been slightly expanded. DE 11(h) was limited to dentists only. Since the purpose for licensing and registration is the protection of the public by limiting the practice of dentistry and dental functions to qualified persons only, there is no reason to limit the Board's authority to seek appropriate information from dentist applicants only. DE 14(c) thus expands the scope of the rule to include hygienist and registrant applicants also.

The proposal also places a standard on the Board's seeking of additional information. Such information may be sought only "in so far as it relates to the applicant's ability to practice as a licensee or registrant." The standard protects the Board as well as the applicant by authorizing in appropriate cases the Board to seek and/or the applicant to submit evidence beyond that contained in the application form and other required submissions which will bear on the applicant's qualifications. The new language is reasonable in that it clearly specifies the nature of the Board's additional inquiry.

i. Proposed rule DE 15 results from the legislative repeal of statutory license expiration dates. Compare Minn. Stat. § 150A.09 subd. 1 (1974) with Minn. Laws 1976, ch. 222 § 78. See Minn.

Laws 1976, ch. 222 § 3 subd. 2.

(1) The Board has adopted an annual license and registration renewal cycle which is identical to that which was specified in statute, i.e., the calendar year. The calendar year is a commonly accepted basis for license renewals. Also, as noted in the Statement of Need, the annual renewal of licenses is necessary since the Board's operating income is tied to the revenue raised by fees with the largest amounts coming through the renewal process. In addition, the statutory repeal of this renewal basis does not mean that the legislature intended that the Board adopt some other basis for license and registration renewals. Over the last several years the legislature has deleted statutory licensing fee provisions and procedures and has authorized the respective administrative agencies to establish them by rule. See, e.g., Minn. Stat. § 144.122 (Supp. 1975). Authorizing the administrative agencies to promulgate rules in these areas permits their adjustment on a more feasible and flexible basis as the need arises. Further, Minn. Stat. § 15.0412 subd. 3 (Supp. 1975) requires the Board to promulgate its procedures in rule form.

(2) A slightly modified approach to the initial renewal of any person already registered as of the effective date of this rule is necessitated by the existing practice of not renewing registrations. Prior to enactment of Minn. Laws 1976, ch. 263, the Board had a much more limited statutory authority to register dental assistants. The authority did not include the charging of fees or development of a renewal process. The requirement to renew registrations and pay fees thereof will not commence until this rule goes into effect. Although the Board desires for the initial

renewal of already registered dental assistants to commence on January 1, 1977, these rules might not be processed, approved and published in the State Register prior to December 1, 1976. Since the Board by Minn. Stat. § 150A.09 subd. 1 is required to give a 30 day notice, failure of this rule to take effect prior to December 1, 1976, justifies the provision requiring already registered dental assistants to submit their initial registration renewal application and fee by December 31, 1976, or within one month after the effective date of the rule, whichever occurs later. A similar provision is not necessary with respect to renewal of existing licenses since the statutory fees and renewal dates remain in effect until superseded by rule. Minn. Laws 1976, ch. 222 § 210.

(3) The items listed in proposed rule DE 15 which are to be addressed in the license or registration renewal application are identical to what had appeared in Minn. Stat. § 150A.09 subd. 1 (1974) prior to being amended. The information is reasonable as it directly relates to the licensees and registrants current activity with respect to dentistry.

4. Chapter Three (DE 21 to 30) of the Board's rules relates to the examinations which licensee and registrant applicants must take and pass. The principal change in the chapter is to add provisions relating to registrant applicants. Also proposed, however, are strictly organizational changes.

a. DE 21 and 25 specifies the written examination procedure for dentists and hygienist applicants respectively. The two rules are identical except with respect to the applicant group to which they apply. Therefore DE 25 is being repealed and DE 21 amended to cover hygienists as well as dentists. It is also being

amended to cover registered dental assistants for whom no procedure had been specified previously. The procedures are intended to protect the integrity of the examination and are clearly reasonable in view of that purpose.

b. DE 24 is being renumbered DE 22. It along with DE 27 specify the scope of the clinical examination for dentist and hygienist applicants respectively. The two rules are identical except with respect to the applicant group to which they apply. Therefore, DE 27 is being repealed and DE 24(22) amended to cover hygienists as well as dentists.

At the present time the Board does not plan to require a clinical examination for registered dental assistant applicants. However, it may in the future implement such a test for those applicants. The proposed amendment provides for such occurrence and limits the scope of the examination to that which evaluates the applicant's skills in those functions only which a registrant is permitted to perform. Such testing would be reasonable in light of its purpose to determine if the applicant can perform that which he is authorized to perform by registration.

The rule adds further that the test shall be conducted in the presence of a Board member "qualified for the particular examination being given." The language is inserted based upon Minn. Laws 1976, ch. 263 § 4. Thus Board members who are dentists may monitor the examinations for all three categories of applications; the hygienist Board member may monitor the examination for hygienist and registrant applicants, and the registered dental assistant Board member may monitor the examination given to registrant applicants only.

c. While it could be determined from a reading of DE 23 (being renumbered DE 24) that it applied only to dentist applicants (since only dentists can make an oral diagnosis and develop a treatment plan), the rule is being amended to clarify that point.

d. Proposed rule DE 26(a) and (b) merely restate the provisions of Minn. Laws 1976, ch. 263 § 2a. Proposed rule DE 26(c) is consistent with and identical to existing rules DE 22(d) and 26(d) and authorizes the Board, in furtherance of its responsiblity to protect the public, to examine registrants if conditions warrant to determine qualification for continued registration. An example of such a situation would be a long absence from active practice as a registered dental assistant due to a suspension of the registration which would warrant a determination as to whether the person was still qualified to perform the function of a registrant.

5. DE 31 is repealed since the substance of its provisions have been transferred to other sections of the rules. For DE 31(a) see proposed rule DE 13(b); for DE 31(b), see proposed rule DE 26(a).

6. DE 32(a) has been renumbered as DE 31.

a. The only change in DE 31(a) is to delete "direct" and insert "personal" to describe the type of supervision under which an assistant may work. The change is not substantive but is made only to conform the meaning to the new definitions of the various types of supervision which are proposed in DE 2.

b. DE 31(c) merely places in DE 31 that part of DE 32(d) which relates to assistants only.

7. The only substantive amendment proposed in DE 32 is the addition of an authorized function in DE 32(a)(11). The proposal authorizes a registered dental assistant to remain with a patient who has been inducted into nitrous oxide-oxygen relative analgesia as a safeguard for the patient. If problems develop for the patient, the registrant would be present to observe them, to call for help, and to turn off the nitrous oxide-oxygen. The registered dental assistant is not permitted to administer the anesthetic in any manner. The registered dental assistant can be trained to observe danger signals, which can be accomplished with minimal difficulty. This will give the dentist greater freedom yet assure maximum safety for the patient.

8. Chapter five of the Board's rules specifies the grounds for suspension of dentist licenses.

a. Although Minn. Stat. § 150A.08 subd. 1 (1974) authorized the Board to define by rule conduct unbecoming a person licensed to practice dentistry or dental hygiene, existing rule DE 42 only did so with respect to dentists. While reviewing the rules to determine what amendments were necessary as a result of the added authority given the Board with respect to registered dental assistants, the Board recognized the oversight in rule DE 42 of not including hygienists within its scope. Consequently, part of the proposed change to DE 42 is to bring hygienists as well as registered dental assistants within its scope. In addition, the definition itself of conduct unbecoming a licensee or registrant or contrary to the best interests of the public is being expanded.

b. "Gross . . . incompetence in the practice of dentistry" is presently part of the definition. While it is the Board's position that "incompetence" covers the licensee or registrant who is lacking in the requisite skill to meet minimum performance standards as well as the licensee or registrant who is fully capable and knowledgeable to perform dentistry above the minimum standard but for whatever reason does not do so, the Board through the proposed amendment intends to remove any possible doubt that the latter situation subjects a licensee or registrant to disciplinary action just as well as the former. In either situation the individual should not be permitted to practice, i.e., to hold himself as a person performing the various dentistry functions at a minimal acceptable level and in whom the public may place its trust. The Board exists for the very purpose of assuring that such persons are not permitted to practice and thereby protecting the public. The public has the right to expect that only those persons who can and do identify or diagnose dental problems and take appropriate corrective or treatment action are permitted to hold a license or registration.

c. With the advent of third party payment (insurance) for services rendered and the continuing dental education requirement, the responsibility for maintaining accurate records has increased. As with other records maintained by a licensee or registrant, there may be times when those records are falsified in order to increase payment, maintain licensure, cover up mistakes, or for other reasons usually to bring an unwarranted or unmerited advantage to the licensee or registrant. But no reason can justify falsifying records. The Board considers that the only appropriate standard to which licensees and registrants must be held accountable is an honest representation of their services rendered, activities, and other matters relating to dentistry.

d. Proposed rule DE 42(a)(8) is related to the previous matter in that the Board again is establishing a standard of honesty with respect to licensees and registrants entire practice of dentistry. Fraud here is intended to include all multifarious means which human ingenuity can devise, whether by words or conduct, and which are resorted to by a licensee or registrant to get advantage over any other person with whom the licensee or registrant has any connection related to the practice of dentistry by false or misleading allegations or suggestions, or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated.

9. A continuing dental education requirement had been specified in detail in Minn. Stat. § 150A.09 subd. 2 (1974). Consequently, there was no need for extensive rule-making with respect to continuing dental education. However, in 1976 the legislature repealed Minn. Stat. § 150A.09 subd. 2 (1974) and provided in lieu thereof a general provision authorizing all licensing boards to implement a continuing education requirement. Minn. Laws 1976, ch. 222 § 7. (Current continuing dental education provisions remain in effect until superseded by Board rule. Minn. Laws 1976, ch. 222 § 210.) The Board therefore is proposing a

wholesale amendment of Chapter Six of its rules to specify in detail all aspects of the continuing dental education requirement.

a. The Board has decided under proposed rule DE 51 to continue rather than repeal its continuing dental education requirement, the latter being an option under section 7 of chapter 222. There are a number of reasons for this:

(1) The public is demanding and has a right to expect that a professional will keep current with the changes and advancements in knowledge concerning dentistry.

(2) While a licensee or registrant could probably practice for years without keeping abreast of advancements in the field and still probably practice sound dentistry, his patients would be deprived of receiving the benefits of such advancements. It is recognized that continuing dental education does not insure that the licensee or registrant will actually learn, but it does at least provide exposure to learning opportunities. This is a step in the right direction.

(3) Prior to institution of the mandatory continuing dental education program, licenses and registrations were granted "for life" unless the Board could prove that a licensee or registrant could no longer be permitted to practice. There was no affirmative obligation placed upon the licensee or registrant as a condition to maintain authority to practice. The continuing dental education requirement provides at least some periodic assurance that dentists have met a minimum standard for keeping current or for increasing their professional knowledge.

b. The five year cycle is continued under DE 51(b). It is considered superior to a shorter (e.g., one or two years) cycle, as the longer cycle protects the individual licensee or registrant from undue hardship in meeting the requirement because of temporary illness, disablement or other valid reason.

c. The 75, 40 and 25 hour, five year continuing dental education requirement for dentists, hygienists and registered dental assistants respectively is reasonable. It averages out to 15, eight and five hours a year respectively which is not in any way over-burdensome. The establishment of different hour requirements is justified since the functions authorized for dentists, hygienists and registered dental assistants are different. More hours are required of those authorized to perform a broader and more difficult range of functions for which more training is required and in which greater changes are likely to occur.

d. Since the current continuing dental education requirement will remain in effect until these rules supersede them, any person licensed prior to that time will have already been placed in a five year cycle. It is most reasonable to have those persons remain in that same cycle after the effective date of the rule. So that persons licensed after the effective date of the rule or registered after June 30, 1977, may have a full five years for their initial cycle, they shall commence that cycle on June 30 following the date of initial licensure or registration. Persons already registered do not presently have a continuing dental education requirement. To give them and all others registered prior to July 1, 1977, an initial complete five year cycle, they will not commence that cycle until July 1, 1977.

e. The provisions of DE 51 being repealed are actually only being transferred to other places in the Board's rules. In most cases they are being significantly expanded.

10. The number of continuing dental education courses offered is rapidly expanding. To approve each individual course would prove cumbersome and create an administrative problem beyond the manpower capabilities of the Board and its consultant committees. As a result, the Board has opted for primarily a sponsor based continuing dental education program. Under this system the sponsor of continuing dental education courses rather than the courses themselves are approved. A licensee or registrant receives continuing dental education credit for any courses attended which are put on by an approved sponsor.

a. DE 52(a)(2) specifies the information which an applicant sponsor must submit in order to be approved. Based thereon, the Board will determine whether or not the applicant meets the criteria for approval contained in DE 52(b). The intent of these two provisions is to assure that only those applicants who are capable of providing courses which will accomplish the purpose behind the continuing dental education requirement will be approved. Thus, the courses which a sponsor proposes to present for continuing dental education credit have to deal primarily with matters directly related to the practice of dentistry. The instructors also must have the necessary background and qualifications so that they are knowledgeable about the subject matter they are presenting.

b. The reason for the requirement of DE 52(b)(1) is to assure that the sponsor has the continuity, stability, and organization to develop and present continuing dental education courses on an on-going basis. It is intended to exclude the individual or informal group of persons whose interest and devotion to organize quality continuing dental education courses may vary depending upon the continued interest of and time available to the persons involved. This does not mean that a group of this type could not present a course which would qualify for continuing dental education credit. That is one reason behind DE 53. But such

a group would not be able to obtain sponsor approval which results in blanket approval of all courses offered.

c. While sponsors need not obtain an annual renewal of their approved status, they must submit the information specified in DE 52(a)(2) by June 30 of each year so the Board may review the sponsors present situation and assure that they are still qualified to present courses meeting continuing dental education standards.

d. DE 52(d) places additional responsibilities upon sponsors primarily in the area of reminding participants of the actions they must take to assure that continuing dental education credit is received for attendance at the course. The time limits specified are necessary so that records are not lost and for the efficiency of the continuing dental education program. These time limits will not place any burden on either the sponsor or attending licensee or registrant.

e. A sponsor has responsibilities specified in the rules which if not fulfilled will justify revocation of the approved status. (DE 52(f) cites several rules including DE 54. The citation should have been to DE 55 instead.) It is only reasonable to take such action if a sponsor fails to perform in a manner expected of it.

11. An individual licensee or registrant may attend a course in a state distant from Minnesota. Since it would be rare for Minnesota licensees or registrants to attend courses distant from Minnesota, the sponsor would have no reason to apply for approval. On the other hand, the course may be of a quality to otherwise qualify for continuing dental education credit and certainly further and enhance the participants education in dentistry. This hypothetical situation is intended to be illustrative only and not an exhaustive listing of the reasons licensees and registrants may attend qualifying continuing dental education courses which are not presented by an approved sponsor. The point is that there is a need to provide a system whereby individual courses may receive approval for continuing dental education credit. Therefore, DE 53 proposes to permit licensees and

registrants to seek approval of a specific course presented by a group which is not approved ad a sponsor under DE 52.

a. DE 53(b) and (c) state the information which must be submitted to the Board about the course for which continuing dental education credit is requested and the standards and criteria that will be used to determine whether or not the course qualifies for continuing dental education credit. The information and criteria is similar to that applicable to sponsor applicants under DE 52(a) and (b), and the justification thereof is the same as contained herein in paragraph 10.

b. The courses listed in DE 53(d) are excluded from approval since there is no possible control over or system to determine whether or not any educational study is actually accomplished.

c. DE 53(e) limits approval of luncheon speeches since they often are not designed to have significant intellectual or practical content and especially since the setting is not an educational one conclusive to learning.

d. As with DE 52(c), DE 53(f) requires the Board to openly state its reasons for denial of approval of a course so that arbitrary action is avoided and the Board is on record on a case by case basis with respect to the individual problems which justify denying approval.

12. Failure to comply with the continuing dental education requirement is a serious matter justifying disciplinary action against the license or registration. However, DE 54(a) provides a means whereby a licensee or registrant who has not complied with the continuing dental education requirement may avoid disciplinary action by taking an examination. The examination is difficult enough so that passage of it would definitely demonstrate that the individual possesses current knowledge and is qualified in the practice of dentistry. DE 54(b) establishes the same examination procedure for the same reasons for those who have had their

licenses revoked or suspended for failure to comply with the continuing dental education requirement and who are applying for reinstatement of their license or registration.

13. DE 55(a) and (b) give examples of the types of courses which will qualify for continuing dental education credit, assuming all other criteria are met. They give guidance to sponsors as to what they can legitimately offer and to the Board for reviewing requests submitted pursuant to DE 53.

14. DE 55(c) provides criteria to aid in determining how many continuing dental education credit hours should be attributed to each type of approved course. Most courses will receive hour for hour credit. Obviously, one should receive credit for the actual time of participation in a course. Multiday convention type meetings, however, will be worth five credit hours only. Although activities for multiday conventions often exceed five hours a day, their true educational type presentations usually average only about five hours. Further, since the time taken in home study courses will vary greatly between individual licensees and registrants and could be unduly extended by some, the hour credit will be based upon an objective determination by the Board or sponsor of the average time that it should take to complete the course.

15. The time limits specified in DE 55(d) for submission of a completed reporting form to the sponsor of the course or of an application for course approval to the Board far exceed the time necessary to fulfill those responsibilities. There is absolutely no reason to extend the reporting of course participation. It is much more efficient and effective to require that reporting be accomplished soon after the course is completed. Any questions about the course for which credit is requested, whether or not the sponsor is approved, will be more easily answered if those questions surface soon after a course is completed. Memories will be more accurate and records will still be available. If reporting time limits were not imposed, an administrative nightmare could be created if a number of licensees or registrants waited until the end of the five year cycle to report their participation. Verification could prove virtually impossible in some instances especially in cases of sponsors ceasing to exist or records being destroyed. Thus, this rule passes no undue burden on licensees or registrants. It will also exist for their own protection

as it is their responsibility to prove that they have fulfilled their five year continuing dental education requirement.

16. DE 65 is amended so that it reflects the current legal procedure applicable to contested case proceedings. The Board had as part of its rule a Chapter Eight which specified procedural rules applicable to contested case hearings initiated by the Board. When the legislation establishing the State Office of Hearing Examiners was enacted, it provided for that office to promulgate procedural rules which would supersede any such rules of the agencies. Chapter Eight therefore has been superseded. Reference thereto is being deleted and reference to the Administrative Procedure Act and the Rules of the Office of Hearing Examiners is being inserted.

Dated: July 13, 1976

STATE OF MINNESOTA

BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

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

STATE OF MINNESOTA
OFFICE OF HEARINGS EXAMINERS

FOR THE STATE BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:00 a.m. on Friday, August 6, 1976 in the Board Room of the Department of Health Building, Minneapolis, Minnesota.

Richard A. Wexler, Assistant Attorney General, Department of Health Building, appeared as counsel for the Board of Dentistry. Mr. Wexler also made the presentation on behalf of the Board. Several members of the Board of Dentistry were present at the hearing. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.052, subd. 3 (1975 Supp.), this report will include Findings of Fact, Conclusions and Recommendations. The Board shall make a copy of this Report available for review to any interested person upon request.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record to the Chief Hearing Examiner no earlier than ten days subsequent to the receipt of this Report. It shall include the rules as originally proposed, and the rules as proposed for adoption in final form.

The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issue of substantial changes in the rules within ten calendar days. The Board will be responsible for filing the rules with the Attorney General.

Based upon the proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On June 28, 1976, the Board filed the following documents with the Chief Hearing Examiner:

(a) A proposed Order for Hearing;

(b) A proposed Notice of Hearing with the proposed amendments attached; and

(c) A statement of the number of persons expected to attend and estimated length of hearing.

2. On June 30, 1976, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice, to all persons and associations on a list maintained by the Minnesota State Board of Dentistry, and to all members of the Legislature.

3. On July 13, 1976, the Board filed with the Office of Hearings Examiners the following documents:

(a) The Order for Hearing;

(b) The Notice of Hearing as mailed;

(c) The affidavit of receipt of the Secretary of State's list;

(d) The Affidavit of Mailing;

(e) The Statement of Need;

(f) The affidavit of mailing of a notice pursuant to Minn. Stat. § 15.0412, subd. 6, and a copy of the notice and material received pursuant to the Notice;

(g) The names of Department personnel who will represent the agency;

(h) A summary of evidence.

(i) A Department of Finance approval.

The documents were available for inspection at the office of Hearings Examiners from the date of filing to the date of the hearing.

4. The record was closed at the end of the day on August 26, 1976.

5. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. §§ 150A.04, subd. 4, and 150A.06, subds.

2 and 4 (1974); Minn. Stat. §§ 150A.06, subd. 1; 150A.09, subds. 1 and 3, and 214.06 (1974), as amended by Minn. Laws 1976, Ch. 222; Minn. Stat. §§ 150A.08, subd. 3; 150A.09, subd. 1, and 150A.10, subd. 2 (1974), as amended by Minn. Laws 1976, Ch. 263, and Minn. Laws 1976, Chs. 263 and 222, §§ 3 and 7.

6. The proposed amendments to DE 2, Definitions, are needed for clarification and reorganizational purposes. The definitions will be put in alphabetical order and new definitions are added to clarify both the existing and the proposed rules.

The Minnesota Dental Association, MDA, proposed that subparagraphs (r), (k), (n) and (l), dealing with various types of supervision, should be in successive order so that they may be read together. Also, that the various classifications of licensees and registrants, subparagraphs (o), (j), (m), (s), (t), (c) and (i), be in successive order.

7. The proposed new rule, DE 5, Fees, is necessary as a result of 1976 legislation which repealed statutory fees and authorized their establishment by rule. The Commissioner of Finance Approval shows that the estimated revenue generated by the proposed fees will be within $238 of the anticipated expenditures for fiscal year 1977. Unless fees are increased for the up-coming year, the Board will be without sufficient operating funds for next year.

8. The proposed amendment of the title to Chapter Two is needed to reflect that the chapter, in addition to applying to applications for licensure of dentists and hygienists, as it has in the past, will now also apply to applications for registration of dental assistants and to the annual renewal of licenses and registrations.

9. The proposed amendment to DE 11(f) is necessary to insure that a photograph of the head of the individual be submitted for identification purposes and that it be a recent photo, i.e., not more than six months old.

10. It is proposed that the substance of DE 11(g) be transferred to DE 5(g); that present DE 11(h) be relettered to become DE 11(g); that the substance of the second paragraph in DE 11(h)

be transferred to existing rule DE 14(c); that DE 12 be inserted in DE 14(b); and that DE 13 be renumbered to become DE 12, all for clarification and organizational purposes.

11. The proposed amendment to DE 13 is needed to insert a phrase in section (d) which was inadvertently omitted when the rule was initially adopted. Also, section (e) is amended to comply with the photograph provision in DE 11(f) and section (f) is transferred to DE 5.

12. Proposed new rule DE 13 is needed to establish a registration procedure for dental assistants. Chapter 263, § 3, 1976 Laws gave the Board authority to register this classification of auxiliaries.

An amendment to DE 13 was proposed by the Minnesota Dental Assistants Association (MDAA) to delete the language "or other program which, in the judgment of the Board, is equivalent" in section (b). The MDAA asserts that in order to maintain high caliber Registered Dental Assistants, every applicant should be a graduate of an accredited education program. That substitute training cannot provide the same quality Registrant as the minimal education requirements.

The Board of Dentistry and the MDA oppose the amendment proposed by the MDAA on the grounds that: (1) the amount of formal training required would vary greatly depending on the experience of the applicant; (2) it is not difficult to develop or for the Board to evaluate an equivalent program; and (3) it may frustrate the consumer demand for trained auxiliaries.

Harold H. Roelike, D.D.S., University of Minnesota School of Dentistry, proposes an amendment to DE 13 which would delete the same language as suggested to be deleted by the MDAA and add the sentence: "The applicant shall furnish proof of current certification in the American Dental Assistants Association." That this requirement would not only indicate a minimum level of education, but also show an active involvement in dental assisting.

13. The proposed amendments to DE 14 are the addition of the substantive language of existing rules DE 11(h) and DE 12. The purpose for this organizational change is to place in one

rule all provisions applicable to both licensing and registration applications. Also, the title of the rule has been changed to reflect the added language and a needed standard has been included to allow the Board to request additional information from the applicant.

14. Proposed new rule DE 15, Expiration of License and Registration and Renewal Thereof, is needed because the legislature repealed statutory license expiration dates and authorized that it be established by rule. Also, an annual license and registration renewal cycle, which is identical to that which was specified in statute, is included as much of the Board's operating income is tied to revenue raised by renewal fees. Because the Board was recently given the authority to register dental assistants, registration renewals have also been established.

An amendment to DE 15 was proposed by the MDA suggesting that the first sentence of the rule be rewritten to read: "Each dentist and hygienist and each registered dental assistant shall submit an application for renewal of their license certificate or registration certificate together with the necessary renewal fees on or before December 31st of each year." That this amendment would make it clear that the intent is to require the application and fee to be paid promptly, rather than to have a license or registration automatically become invalid if the fee is not paid on time. That failure to submit the request for renewal or pay the fee would be grounds for suspension, as enumerated by the following proposed language at the end of DE 15: "Failure of a dentist, hygienist or registered dental assistant to submit the application for license or certificate renewal and the necessary fee shall be grounds for suspension." Then the procedure would be that a notification would be given to the party to show cause why his license or registration should not be suspended or revoked and the grounds cited and the person would have notification of his omission and have a chance to cure the problem in a simple way by submitting the necessary application or paying the necessary fee without the extremely heavy penalty of in the meantime having had a period of time when he was unlicensed.

The Board takes the position that existing legislation requires that the rule be promulgated as proposed. Chapter 222, § 3, subd. 2, 1976 Laws, states:

> Notwithstanding any law to the contrary, each health-related and non-health related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal and renewal fees to be set pursuant to subdivision 1. (emphasis added)

Chapter 222, § 78, and Chapter 263, § 7, 1976 Laws, state:

> On or before the license expiration date every licensed dentist, dental hygienist, and registered dental assistant shall transmit to the executive secretary of the board such pertinent information as may be required by the board, together with the fee established by the board. At least 30 days before a license date expiration, the board shall cause a written notice stating the amount and due date of the fee and the information to be provided by the licensee, to be sent to the licensed dentist, dental hygienist, and registered dental assistant. (emphasis added)

They further argued that the 1976 legislation expressly provides that a license shall expire on a date certain if it has not been renewed.

15. The proposed amendments to DE 21-26 are needed to clarify which groups of applicants (dentists, hygienists or registered dental assistants) the various examination procedures apply to.

16. Proposed new rule DE 26(a) and (b) merely restate the provisions of Chapter 263, § 2a, 1976 Laws. Proposed DE 26(c) is identical to existing rules DE 22(d) and 26(d) and authorizes the Board, in furtherance of its responsibility to protect the public, to examine registrants if conditions warrant to determine qualification for continued registration.

17. DE 31 is repealed since the substance of its provisions have been transferred to other sections of the rules.

18. The proposed amendments to DE 32, renumbered to become DE 31, are necessary to conform with the types of supervision which are proposed in DE 2 and to place in DE 31 that part of DE 32(d) which relates to assistants only.

19. The only substantive amendment proposed in DE 32 is the addition of an authorized function in DE 32(a)(11). The proposal is needed to authorize a registered dental assistant to remain with a patient who has been inducted into nitrous oxide-oxygen

relative analgesia as a safeguard for the patient.

An amendment was suggested by the Board to delete the word "direct" in proposed 32(b) and replace it with the word "indirect". This change is needed as it reflects the appropriate type of supervision that should apply in the context of the rule.

20. The proposed amendments to the title of Chapter Five of the rules and to DE 41 are necessary to include the new classification of Registered Dental Assistants.

An amendment was proposed to DE 41 in order to correct a typographical error. This would change the wording "and of the registered dental assistants" to "and of the registration of dental assistants."

21. The Board is required by Chapter 263, § 6, 1976 Laws, to define "[c]onduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant or conduct contrary to the best interest of the public. . ." Existing Minn. Rule DE 42(a) applies only to dentists while the conduct listed therein (with two exceptions) would be equally reprehensible if attributable to a hygienist or registrant. Consequently, the proposed amendments to DE 42 bring dental hygienists as well as registered dental assistants within its scope. Two new areas of "unbecoming conduct" are specified in the rule. They are, falsifying records and perpetrating fraud, which are needed because of recent problems in those areas. Other necessary grammatical and clarifying changes are made in the rule.

It was suggested, by both the MDA and the Board, that DE 42(a)(5) be amended to clarify the intent of the language. The proposed amendment would add an additional subsection, (6), which would read: "Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienists or registered dental assistants only)." DE 42(a)(5) would not be amended except for capitalizing the letter "P". The rest of the subsections would be renumbered accordingly.

The Board also proposed to amend DE 42(a)(7)(i) by deleting the words "Third Party". This is necessary to broaden the

application to include not only records relating to third-party payment but to any records.

22. The proposed amendments to DE 51 are needed to establish continuing dental education (CDE) requirements for dentists, hygienists and registered dental assistants. Chapter 222, § 7, 1976 Laws, repealed the statutory CDE requirements and authorized the Board to implement the continuing education requirements by rule.

An amendment was proposed by the Board to change the June 30 date in DE 51(c)(3) to July 1. This is necessary so that the date will coincide with the anniversay date for continuing education.

23. The proposed new rule, DE 52, is necessary to establish a procedure whereby sponsors can apply for approval to be able to offer accredited CDE courses.

The following amendments were offered by the MDA, with subsequent approbation by the Board, to DE 52:

(1) Subsection (a)(2)(iv): delete the word "detailed" so the subsection would then read "a description of the types of courses which the applicant plans to sponsor." This change is necessary because the sponsor applicants very probably would not have detailed knowledge of all courses to be offered for the year.

(2) Subsection (d): delete the word "completed" so that the subsection would read "Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit, they must submit to the sponsor a computer card. . ." This change is needed in that there is no "completion" necessary on the computer card submitted to a sponsor.

(3) Subsection (e): Change the subsection to read "Sponsors shall submit the information required by Minn. Rules DE 52 (a)(2) annually." This change is necessary because of the fact that the change of officers and the program development of many organizations would not coincide with the June 30 date as proposed.

(4) Add a new subsection (g) to read: "The Board may deny approval of a specific course offered by an approved sponsor if

such a course does not meet the standards of courses as specified by DE 53(c). This addition is needed to clarify the prerogative of the Board and the intent of the rules.

24. Proposed new rule DE 53 is necessary to establish a procedure whereby licensees or registrants may apply individually for approval of CDE courses which are sponsored by organizations which have not applied and been approved as sponsors pursuant to DE 52.

The following amendments were offered by the MDA and later agreed to by the Board, to DE 53:

(1) Subsection (b)(5): Change the wording to the following "The location including the name and address of the facility at which the course will be conducted." This change is necessary to accommodate the intent of the following subsection which should be deleted.

(2) Subsection (b)(6): Delete this subsection entirely. It is felt that the sponsor may not know the exact room or be able to describe the room of the facility in which the course is to be offered.

(3) Subsection (c)(3): Change the wording to read: "Participants shall attend courses in a classroom, laboratory or setting suitable for the course. Video, motion picture or sound tape presentations may be used provided a qualified person is present to verify attendance." These changes are suggested because there are settings other than a classroom or laboratory that are suitable for many CDE courses; the education derived from tape presentations, etc. is usually presented in a manner that the questions are answered in the presentation and there would be no need for a "faculty" person to be present.

25. Proposed new rule DE 54 is needed to establish the disciplinary actions which may be taken by the Board, or ways to avoid disciplinary actions by licensees and registrants for failure to comply with CDE requirements.

The Board proposes to delete "revoked or", which are the first two words in the second line of DE 54(b) and to add DE 54(c) as follows:

(c) Any licensee or registrant who has his license or registration revoked (pursuant to Minn. Stat. § 150A.08, subd. 10(1974), as amended by Minn. Laws 1976, ch. 263 § 6) for failure to comply with the CDE requirement of this chapter may be relicensed or reregistered if he meets the reasonable conditions imposed by the Board, as in other revocation cases, to determine eligibility for licensure or registration.

The underlined portion is identical to proposed DE 54(b), with the exception of the deletion of the words "or suspended" in the second line. The need for this change is to differentiate between a suspension and a revocation.

26. Proposed new rule DE 55 is necessary to establish criteria for: (a) the accreditation of CDE courses; (b) affixing the number of hours of CDE credit to courses; and (c) documentation needed to receive credit for attending CDE courses.

The MDA proposes to amend DE 55, subsection (b)(2) by deleting the words "Council on Dental Education" and replacing them with "Commission on Accreditation." This change is needed to accurately reflect the name of the accrediting body.

The Board proposes the addition of DE 55(b)(5) as follows:

(5) Publication of articles or books. (CDE credit will be granted on an individual consideration basis.)

This change is needed to allow for an "individual research" type of CDE credit. The Board also proposes to amend DE 55(c)(1) by deleting the word "only". This change is necessary so that the Board will be able to grant participants at the scientific or educational meetings which are part of multi-day conventions appropriate hourly credit over and above the five-hour per day credit for the general events of the convention.

27. The proposed amendments to DE 65 are needed to comply with the Administrative Procedures Act and the rules of the Office of Hearing Examiners.

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the Board of Dentistry. All other substantive and procedural requirements of statute or rule have been complied with.

2. The Examiner concludes that subparagraphs (r), (k), (n) and (l) in DE 2, all of which deal with different kinds of

supervision, should be grouped under a main heading of "Supervision" in the rule. That subparagraphs (o), (j), (m), (s), (t), (c) and (i) do not have a common denominator and should not be grouped under a single heading.

3. The Examiner concludes that because registered dental assistants are allowed to perform many more services than are non-registered assistants and that the nature of those services now requires that they be examined by the state prior to registration, a minimum level of dental education should be required of every applicant for registration. That DE 13 should be amended to reflect that educational requirement. The Examiner, however, has no basis on which to recommend either the MDAA or Dr. Roelike's proposal over the other. Consequently, the Examiner asks that the Board exercise its discretion and expertise in selecting the appropriate amendment. It should be noted that recent legislative definitional determinations should dictate that registered dental assistants be licensed dental assistants. It appears that the legislature, itself, may have erred in its authorizing legislation.

4. The Examiner concludes that the intent of Chapter 222, §§ 3 and 78, and Chapter 263, § 7, 1976 Laws, is to form a basis for rules relating to license renewals; that the use of the terms "valid" and "expiration date" refer to the period before which, and the date at which, a license must be renewed; that the intent of the legislation is not to have dentist, etc., licenses become invalid because a check got lost in the mail or a renewal slip was sent to the wrong address; and that there should be some kind of notice requirement and due process procedure undertaken before a license automatically becomes invalid. The Examiner is of the opinion that DE 15 should be amended as suggested by the MDA and set out in Finding No. 14. (See the proposed Board of Psychology rule amendments, PSYCH 7(c)(1)).

5. The Examiner concludes that DE 32(b) should be amended by deleting the word "direct" and replacing it with the word "indirect" and that the typographical error should be corrected in DE 41.

6. The Examiner concludes that DE 42(a)(5) and DE 42(a)(7)(i) should be amended as set out in Finding No. 21; that DE 51(c)(3) should be amended as set out in Finding No. 22; that DE 52(a)(2)(iv), (d), (e) and (g) should be amended as set out in Finding No. 23; that DE 53(b)(5), (b)(6) and (c)(3) be amended as set out in Finding No. 24; that DE 54(b) be amended, with the addition of DE 54(c), as set out in Finding No. 25; and that DE 55(b)(2) and (c)(1) be amended and DE 55(b)(5) be added as set out in Finding No. 26.

7. The Examiner concludes that the Board of Dentistry has documented its statutory authority to promulgate the proposed rules and that the need for and reasonableness of the proposed rules has been demonstrated.

8. The Examiner concludes that the amendments he is suggesting to the proposed rules make the rules more reasonable and that none of these amendments constitute a substantial change.

RECOMMENDATION

That the Board of Dentistry adopt the rules as proposed and recommended to be amended in this report.

Dated this 8 day of September, 1976.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Fees, Continuing Education, Registration of Dental Assistants, Disciplinary Actions, and Clarification and Reorganization of Existing Rules

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Minnesota State Board of Dentistry (hereinafter "Board"), Peter Erickson, Hearing Examiner presiding, on the 6th day of August, 1976, at 9:00 a.m. in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) 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, and having heard and considered all of the testimony and evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that the amendments to the Board's rules relating to fees, continuing education, registration of dental assistants, disciplinary actions, and clarification and reorganization of existing rules are adopted this 28th day of September, 1976, pursuant to authority vested in the Board by Minn. Stat. §§ 150A.04 subd. 4, and 150A.06 subds. 2 and 4 (1974); Minn. Stat. §§ 150A.06 subd. 1, 150A.09, subds. 1 and 3, and 214.06 (1974) as amended by

Minn. Laws 1976, ch. 222; Minn. Stat. §§ 150A.08 subd. 3, 150A.09 subd. 1, and 150A.10 subd. 2 (1974) as amended by Minn. Laws 1976, ch. 263; and Minn. Laws 1976, chs. 263 and 222 §§ 3 and 7, and in me by resolution of the Board duly adopted at a meeting of the said Board held on the 24th day of September, 1976.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Robert E. McDonnell, D.D.S.

ROBERT E. MC DONNELL, D.D.S.
Secretary-Treasurer

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Dale J. Forseth, do hereby certify that I am the Executive 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 said Board of Health duly and properly called and held on the 24th day of September, 1976; that a quorum was present at said meeting; that a majority of those present voted for the resolution; and that said resolution will be set forth in the minutes of said meeting.

RESOLVED, That the amendments to selected provisions of the Board of Dentistry rules, DE 1 through 65, relating to fees, continuing education, registration of dental assistants, disciplinary actions, and clarification and reorganization of existing rules are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 150A.04 subd. 4 and 150A.06 subds. 2 and 4 (1974); Minn. Stat. §§ 150A.06 subd. 1, 150A.09 subds. 1 and 3, and 214.06 (1974), as amended by Minn. Laws 1976, ch. 222; Minn. Stat. §§ 150A.08 subd. 3, 150A.09 subd. 1, and 150A.10 subd. 2 (1974), as amended by Minn. Laws 1976, ch. 263; and Minn. Laws 1976, chs. 263 and 222 §§ 3 and 7, and that Robert E. McDonnell, D.D.S., Secretary-Treasurer of the Minnesota State Board of Dentistry be and hereby is authorized to sign an order adopting those amendments.

BE IT FURTHER RESOLVED, That the Report of Hearing Examiner be adopted by the Board of Dentistry as its own with the following changes:

1. The Report of Hearing Examiner is amended by adding Paragraph 7a in the Finding of Fact section as follows:

7(a) The Commissioner of Finance approved the fees as required by Minn. Stat. § 150A.06 as amended by Minn. Laws 1976, ch. 222 § 3.

2. The last sentence of paragraph 11 of the Report of Hearing Examiner is amended to read as follows:

Also, section (e) is amended to be consistent with the photograph provision in DE 11(f) and section (f) is transferred to DE 5.

3. The Report of Hearing Examiner is amended by deleting paragraph 3 of the section entitled "Conclusions" and by adding in lieu thereof the following:

> The Board concludes that rule DE 13(b) as proposed requires all registered dental assistant applicants to have a minimum level of dental education. The applicants must have graduated from a training program approved by the Commission on Accreditation or some other program approved by the Board. Such a program, however, as stated in the rule, must be equivalent in its standards of course offerings as those courses approved by the Commission on Accreditation. This assures that all applicants who are registered by the Board will have had the same minimum level of training. The last sentence of DE 13(b) would also apply to any training program approved by the Commission on Accreditation.

4. Conclusion 4 of the Report of Hearing Examiner is amended to read:

> The Examiner concludes that the intent of Chapter 222, §§ 3 and 78, and Chapter 263, § 7, 1976 Laws, is to form a basis for rules relating to license renewals; that the use of the terms "valid" and "expiration date" refer to the period before which, and the date at which, a license must be renewed; that the intent of the legislation is not to have dentist, etc., licenses become invalid because a check got lost in the mail or a renewal slip was sent to the wrong address; and that there should be some kind of notice requirement and due process procedure undertaken before a license automatically becomes invalid. The Board is of the opinion that DE 15 should be amended to reflect the substance of the change suggested in Finding No. 14; provided, however, that there is no need to add the suggested language relating to license or registration revocation or suspension since that is already provided for in the Act, Minn. Stat. § 150A.08 subd. 1(10). (See the proposed Board of Psychology rule amendments, PSYCH 7(c)(1)).

5. Paragraph 8 of the section of the Report of Hearing Examiner entitled "Conclusions" is amended to read:

The Board concludes that the amendments suggested by the Hearing Examiner and adopted by the Board and the amendments made by the Board on its own motion make the rules more reasonable and that none of the amendments constitute a substantial change. All rule amendments suggested by the Hearing Examiner but rejected by the Board are done so because they do not improve upon the reasonableness of the rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of September, 1976.

STATE OF MINNESOTA

BOARD OF DENTISTRY

DALE J. FORSETH
Executive Secretary

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Assistant Attorney General Richard A. Wexler, do hereby declare that I have examined the proposed amendments to the Minnesota State Board of Dentistry rules relating to fees, continuing education, registration of dental assistants, disciplinary actions, and clarification and reorganization of existing 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.

Dated: September 27, 1976.

RICHARD A. WEXLER
Assistant Attorney General