

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

#479 Dept of Health
Bd of Dentistry

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 10/12 Temporary Rule _____

Resubmitted and Received _____

DUE DATE 11/4

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved 11/3 Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓ } Same
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓
5. Notice of Hearing ✓
   (i) Sufficiency ✓
6. Secretary of State's List ✓
7. Certificate of Acquisition of Secretary of State's List ✓
8. Affidavit of Mailing ✓
   (i) At least 30 days prior to hearing ✓
9. Statement of Need and Evidence ✓
10. Hearing Examiner's Report ✓
11. Agency's Findings of Fact ✓
12. Certificate of Board's Resolution Adopting Rules, where applicable ✓
13. Order Adopting ✓
14. Report of Chief Hearing Examiner ✓
    (i) Finding of No Substantial Change ✓
    (ii) Permission to Incorporate by Reference, where applicable N.A.
15. Certificate of Compliance with Rulemaking Procedures ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N.A.
17. Petition by Public, where applicable N.A.

2d Adopted

Proposed Amendments to Minn. Rule DE5

(7 MCAR § 3.005)

per Lee Sheely 11-3-78

RECEIVED
JUN 30 1978
OFFICE OF HEARING EXAMINERS

DE5 Fees.

A. ~~Examination~~ Application 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--~~$60.00~~ $70.00.
2. Dental hygienist applicant--~~$20.00~~ $25.00.
3. Registered 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 DE 15 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.~~ B. 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~~ $30.00.
2. Hygienist--~~$13.00~~ $15.00.
3. Registered dental assistant--~~$9.00~~ $10.00.

~~D.~~ C. Licensure by credentials ~~approval~~. Each applicant for licensure as a dentist or dental hygienist by credentials ~~approval~~ pursuant to § 150A.13 subd. 4 (reciprocity) of the Act and DE 22 C. and 25 B. shall submit with his license application a fee in the following amounts:

1. Dentist--~~$50.00~~ $250.00.
2. Dental hygienist--~~$20.00~~ $75.00.

D. Annual license or registration late fee. Applications for renewal of any license or registration must either be reviewed by the Board or postmarked no later than January 1 of each calendar year. Applications received subsequent to that date are subject to a late fee equal to 50 percent of the annual renewal fee.

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~~ $70.00.
2. Hygienist--~~$20.00~~ $25.00.
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.

Bd ex to 3

APPROVED AS TO FORM AND LEGALITY

NOV. - 3 1978 19___

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV - 6 1978
Joan Anderson Growe
Secretary of State
9:15 AM

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Health

Office Memorandum

TO : Lee E. Sheehy
Special Assistant
Attorney General

DATE: October 5, 1978

FROM : William G. Miller
Special Assistant
Attorney General

PHONE: 5500

SUBJECT: In the Matter of Proposed Amendments Relating to Fees
(7 MCAR Sec. 3.005)

Enclosed for your review are the rules amendments, together with supporting documents, which were adopted by the Minnesota Board of Dentistry pursuant to a hearing held by Harry S. Crump on August 7, 1978. The rules adopted are exactly the same as the rules as they were proposed, and as were the subject of the hearing.

WGM:kd

Enclosure

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Dale J. Forseth, do hereby certify that I am the Executive Secretary of the Minnesota Board of Dentistry, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Dentistry duly and properly called and held on the 2nd day of June, 1978; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and not been rescinded or modified:

> RESOLVED, that Dale J. Forseth, Executive Secretary of the Minnesota Board of Dentistry, be and is hereby authorized and directed, for and on behalf of and in the name of this Board, to call a hearing for the purpose of promulgating Rules of the Board relating to all fees for dentists, dental hygienists, and registered 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 as well as requesting the appointment of a hearing examiner and complying with all applicable provisions of the Minnesota Administrative Procedures Act and the Rules of the Office of Hearing Examiners.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13 day of July, 1978.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

RECEIVED
OCT 6 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE
MINNESOTA BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees
(7 MCAR Sec. 3.005)

REPORT OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on August 7, 1978, before Harry Seymour Crump, 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 Minnesota Board of Dentistry on September 7, 1978; and

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

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

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Board has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Board 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 11th day of October, 1978.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

RECEIVED
OCT 6 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees
(7 MCAR Sec. 3.005)

FINDINGS AND CONCLUSIONS

Pursuant to resolution made and passed at its duly held meeting of September 22, 1978, and upon consideration of all the records on file herein, the Minnesota Board of Dentistry hereby adopts as its own the Findings and Conclusions contained in the Report of Hearing Examiner Harry Seymour Crump regarding the above-referenced rules, dated September 5, 1978, which report is hereby fully incorporated by the Board.

Dated: October 5, 1978

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

RECEIVED
OCT 6 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA BOARD OF DENTISTRY

In the Matter of Proposed Amendments Relating to Fees (7 MCAR Sec. 3.005)

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Minnesota Board of Dentistry on the 7th day of August, 1978, Hearing Examiner Harry Seymour Crump presiding, at 9:30 a.m. in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, after proper notice as required by Minn. Stat. § 15.0412 (1976) 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 considered all of the testimony and evidence adduced and upon the records, files and proceedings herein, and the report of the hearing examiner herein, dated September 5, 1978, and all applicable statutory standards and criteria, and having confirmed the need for the above-captioned rules and adopted Findings and Conclusions:

NOW, THEREFORE, IT IS ORDERED that these above-referenced Amendments to rules identified as Minn. Rule DE 5 (7 MCAR Sec. 3.005) are adopted this 5 day of October, 1978, pursuant to authority vested in the Board by Minn. Stat. §§ 150A.01-150A.12,(1976), and the resolution of the Minnesota Board of Dentistry duly adopted at a meeting of the said Board on the 22nd day of September, 1978.

Dated: October 5, 1978

STATE OF MINNESOTA
BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

RECEIVED
OCT 6 1978
OFFICE OF HEARING EXAMINERS

CERTIFICATE OF BOARD OF DENTISTRY

ADOPTION RESOLUTION

I, DALE J. FORSETH, do hereby certify that I am the Executive Secretary of the Minnesota 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 22nd day of September, 1978, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the amendments to the rules relating to Fees identified as 7 MCAR § 3.005 which were considered at a public hearing held on the 7th day of August, 1978, are found to be reasonable, necessary and supported by evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in the Minnesota Board of Dentistry by Minn. Stat. §§ 150A.01-150A.12 (1976) as amended by Minn. Laws 1978, ch. 770, together with Minn. Stat. § 214.06 (Supp. 1977), and that Dale J. Forseth, Executive Secretary of the Board, be and hereby is authorized to sign an order adopting those rules, and to perform such functions as are necessary for the execution of this resolution.
>
> BE IT FURTHER RESOLVED that the Findings and Conclusions set forth in the Report of Hearing Examiner relating to this matter be and hereby are expressly adopted by the Board as its own.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 5 day of October, 1978.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

RECEIVED
OCT 6 1978
OFFICE OF HEARING
EXAMINERS

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General WILLIAM G. MILLER, do hereby declare that I have examined the proposed rules relating to the fees of the Minnesota Board of Dentistry and all related documents and that, based on such examinations and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Dated: 10-5-78

WILLIAM G. MILLER
Special Assistant
Attorney General

RECEIVED
JUL 13 1978
OFFICE OF HEARINGS
EXAMINERS

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of the Proposed
Amendments Relating to Fees

AFFIDAVIT
OF MAILING

Arlayne Nelson, being first duly sworn, deposes and says:

That on the 29th day of June, 1978, 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 Certification 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 of the Minnesota Legislature as of the date of mailing.

Arlayne J Nelson

MARY WICKHOLM
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
My Commission Expires April 6, 1985.

Subscribed and sworn to before
me this 29th day of June, 1978.

Mary Wickholm

Exh. #6

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees

AFFIDAVIT OF RECEIPT
OF THE
SECRETARY OF STATE'S LIST

Dale J. Forseth, being duly sworn upon oath, deposes and says:

1. That he is an employee of the Minnesota Board of Dentistry.

2. That on the 27TH day of June, 1978, he called the Minnesota Secretary of State's Office and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules or amendments thereto pursuant to Minn. Stat. § 15.0412, subd. 4 (1976).

3. That on the 28TH day of June, 1978, in response to the above request, the Secretary of State provided him with such a list, a photocopy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Dale Forseth

DALE J. FORSETH

Subscribed and sworn before
me this 28th day of June, 1978.

Mary Wickholm

MARY WICKHOLM
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
My Commission Expires April 6, 1985.

ADDITIONAL NAMES FOR THE GENERAL LIST

Dawson, Jean, MN Government Report, Room B-21, Capitol, St. Paul 55155
Whitlock, Marshall, Room 433, State Office Bldg., St. Paul, MN 55155
Maclin, Alan, Sp.Asst.Atty.General, 720 American Center Bldg., St. Paul 55101
MOSTCA, PO Box J, Perham, MN 56573

Aker, Donna, 5-164 Health Service, Unit A, University of MN, Mpls 55455

Chicago Dental Laboratory, 84 South 11th Street, Mpls

Heights Dental Laboratory, 3955 Central Avenue Northeast, Mpls

Hennepin Dental Laboratories, 703 Hennepin Avenue, Mpls

Iverson, Dr. Walter G., 5536 Chidago Avenue, Mpls 55417

Latz, Robert, Sachs, Latz & Kirshbaum, Attys., 848 Roanoke Bldg., Mpls

Lewis, Dr. Paton, 4001 Stinson Blvd., Mpls 55421

LoSasso, John S., Am. Dental Hygienists Assn., 211 East Chicago Avenue, Chicago 60611

McNamara, Bartlett W., Dr., 255 Southdale Medical Bldg., Mpls 55435

Mpls District Dental Society, Ste M08, Metropolitan Medical Off.Bldg., Mpls 55404

MN Dental Hygienists Assn., 2828 Zartan Avenue South, Mpls 55416

Muller, John A., 341 Dewey Street, Foley 56329

Thomas, Constance J., 13988 Lynch Road North, Hugo 55038

Tri-City Dental Laboratory, 3002 27th Avenue South, Mpls

Young, Lynda J., 13516 Heather Hills Drive, Burnsville 55337

RECEIVED
OCT 6 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees

CERTIFICATE

I hereby certify that the 475 general labels and 3 page list for the Minnesota 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 9:15 o'clock A.m., this 2nd day of June, 1978, have requested pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules and amendments thereto on the subject captioned above.

SECRETARY OF STATE

JOAN ANDERSON GROWE

By Cheri L. Matthews

Bds # 4

RECEIVED
OCT 6 1978
OFFICE OF HEARING
EXAMINERS

RECEIVED
JUL 13 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees

ORDER FOR HEARING

To effectively implement Minn. Stat. §§ 150A.01-150A.12 (1976) and Minn. Stat. § 214.06 (Supp. 1977), the Minnesota Board of Dentistry deems it necessary to consider adoption of the proposed amendments to Minn. Rule DE 5 (7 MCAR § 3.005) captioned above pursuant to the authority vested in it by the above-referenced statutes.

NOW, THEREFORE, IT IS ORDERED this 16th day of June, 1978, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota on August 7, 1978, commencing at 9:30 a.m., and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard.

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

STATE OF MINNESOTA

BOARD OF DENTISTRY

DALE J. FORSETH
Executive Secretary

HC

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

RECEIVED
JUN 20 1973
OFFICE OF HEARING
EXAMINERS

In the Matter of Proposed
Amendments Relating to Fees

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 (1973), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on August 7, 1973, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments to Minn. Rules DE 5 (7 MCAR § 5.005) captioned above. 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 Harry Crump, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8111, either before the hearing or within five (5) 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 wishing to submit 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 persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed amendments is attached hereto and made a part hereof.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to the Minnesota Board of Dentistry, 717 Delaware Street Southeast, Minnepaolis, Minnesota 55414. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the Board of Dentistry's position relative to the necessity for the proposed amendments and a Statement of Evidence outlining the testimony and evidence which will be introduced by the Board in support of the proposed amendments will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection. The statutory authority of the Board of Dentistry to promulgate and adopt these rules is referenced in the Statement of Need.

BD by HC

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A Lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 a year or five (5) hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Dated: June 15, 1973

STATE OF MINNESOTA

BOARD OF DENTISTRY

/s/ Dale J. Forseth

DALE J. FORSETH
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

RECEIVED
JUL 13 1973
OFFICE OF HEARING EXAMINERS

In the Matter of Proposed Amendments Relating to Fees

NOTICE OF HEARING

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Bd. Ex #2 Cpy

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Dated: June 15, 1978

STATE OF MINNESOTA

BOARD OF DENTISTRY

/s/ Dale J. Forseth

DALE J. FORSETH
Executive Secretary

Proposed Amendments to Minn. Rule DE5

(7 MCAR § 3.005)

DE5 Fees.

A. ~~Examination~~ Application 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:

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2. Dental hygienist applicant--~~$20.00~~ $25.00.
3. Registered dDental 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 DE 15 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.~~B. 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--~~$25.00~~ $33.00.
2. Hygienist--~~$12.00~~ $15.00.
3. Registered dental assistant--~~$8.00~~ $10.00.

~~D.~~ C. Licensure by credentials ~~approval~~. Each applicant for licensure as a dentist or dental hygienist by credentials ~~approval~~ pursuant to § 150A.15 subd. 4 (reciprocity) of the Act and DE 22 C. and 23 B. shall submit with his license application a fee in the following amounts:

1. Dentist--~~$50.00~~ $250.00.
2. Dental hygienist--~~$20.00~~ $75.00..

D. Annual license or registration late fee. Applications for renewal of any license or registration must either be reviewed by the Board or postmarked no later than January 1 of each calendar year. Applications received subsequent to that date are subject to a late fee equal to 50 percent of the annual renewal fee.

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~~ $70.00.
2. Hygienist--~~$20.00~~ $25.00.
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.

DOCKET Docket. 79-001-HC

DATE 8-7-78

TITLE Amendment. adopting P Fees

EXHIBIT	PARTY		MARKED	REC'D	OBJECTION
Order for hearing	Bd		1	July 13	no
Notice of Hearing	"		2	June 30	no
Proposed Amend (S.R)	"		3	June 30	no
Cert. of Sec. of State	"		4	July 13	no
Aff. of Receipt	"		5	July 13	no
Aff. of Mailing	"		6	July 10	no
Statement of Need	"		7	July 13	no
" of Economic Impact	"		8	July 13	no
Statement of Facts Justif.	"		9	July 13	no
Dept. of Finance Approval	"		10	July 17	no
Certificate of Board Action			11	July 13	no

** PLEASE PRINT CLEARLY

HEARING REGISTER

CHECK HERE IF YOU WISH TO BE NOTIFIED BY THE AGENCY WHEN THE HEARING RECORD HAS BEEN SUBMITTED TO THE ATTORNEY GENERAL.

NAME	REPRESENTING	STREET ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE NO.
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
DOMINIC SPOSETO	MINN. DENTAL ASSN.	2236 MARSHALL AVE	ST. PAUL	MINN	55104	646-7454

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees

STATEMENT OF EVIDENCE

The Minnesota Board of Dentistry (hereinafter "Board") will introduce the following evidence at the hearing in the above-entitled matter scheduled for August 7, 1978, at 9:30 a.m., in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota:

1. Documents attached hereto and made a part hereof evidencing the Board's compliance with procedural requirements for rule making:

(a) Order for Hearing;

(b) Notice of Hearing as mailed;

(c) Affidavit of Receipt of the Secretary of State's List;

(d) Certificate of the Secretary of State;

(e) Affidavit of Mailing of the Notice of Hearing; and

(f) Certificate of Board's Authorizing Resolution.

2. Documents attached hereto and made a part hereof constituting the Board's affirmative presentation of facts establishing the need for and reasonableness of the proposed rule and evidencing the Board's compliance with substantive requirements for rule making:

(a) Statement of Need; and

(b) Statement of Facts Establishing Reasonableness of Rule.

3. The following witnesses will represent the Board at the hearing:

Dr. Robert W. Anderson	Dr. Kenneth M. Nelson
James B. Garrity	Dr. James M. Rasmusson
Karen E. Hirman	Carol L. Schuppel
Dr. Walter G. Iverson	Janet H. Spoodis
Dr. Robert E. McDonnell	Dale J. Forseth

Said witnesses will be available to answer questions as they might relate to the Board's affirmative presentation of facts as set forth through the previously listed and attached documents.

4. The Statement of Need attached hereto contains the citations to the Board's statutory authority to promulgate the proposed amendments to the Board's rules.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dated: July 13, 1978

DALE J. FORSETH
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of the Proposed Amendments Relating to Fees

DEPARTMENT OF FINANCE APPROVAL

Minn. Stat. § 150A.01 - 150A.12 (1976), as amended by Minn. Laws 1978, ch. 770, together with Minn. Stat. § 214.06, subd. 1 (Supp. 1977), authorizes the Minnesota Board of Dentistry (hereinafter "Board") to establish fees for the licensure and registration of dentists, dental hygienists, and registered dental assistants. Minn. Stat. § 214.06, subd. 1, (Supp. 1977), provides that " . . . health-related licensing boards . . . may by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount . . . so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium."

The above-captioned proposed amendments to the rules of the Board would increase application fees for dentists from fifty dollars ($50) to seventy-five ($75) and for hygienists from twenty dollars ($20) to twenty-five ($25); increase annual license or registration renewal fees for dentists from twenty-eight dollars ($28) to thirty-eight dollars ($38), hygienists from twelve dollars ($12) to fifteen dollars ($15), registered assistants from eight dollars ($8) to ten dollars ($10); increase licensure by credentials for dentists from fifty dollars ($50) to two-hundred and fifty dollars ($250) and hygienists from twenty dollars ($20) to seventy-five dollars ($75). The above-captioned rule would also establish a penalty for late payment of annual license or registration fees amounting to fifty percent (50%) of the annual license or registration renewal fee.

Upon review of the attached supporting information justifying the need, reasonableness and amounts of the new licensure, renewal fees, and pursuant to the authority vested in the Minnesota Department

Finance by Minn. Stat. § 214.06, subd. 1 (Supp. 1977), as well as § 16A.128 (1976), the fees set forth in the proposed rule of the Board are hereby approved.

GERALD W. CHRISTENSON
COMMISSIONER

Dated: August 3, 1978

By _____
ALLEN A. YOZAMP
Budget, Planning and Control Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees

STATEMENT OF FACTS
ESTABLISHING REASONABLENESS
OF AMENDMENTS

The Minnesota Board of Dentistry (hereinafter "Board"), pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), 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 rule amendments relating to fee adjustments is contained in the document entitled "Department of Finance Approval."

1. As explained in the Statement of Need, the primary reason for the proposed amendment of the Board's rules on fees is to enable the Board to match anticipated expenditures as closely as possible with total fees, pursuant to Minn. Stat. § 214.06, subd. 1 (Supp. 1977) which provides that the Board is empowered to assess fees so that the "total fees . . . will as closely as possible equal anticipated expenditures during the fiscal biennium." As Appendix A to the Statement of Need demonstrates, the estimated revenue based upon the fees here proposed will come within $10 of anticipated expenditures in the 1978-1979 biennium.

The increase in expenditures results largely from unanticipated legal and investigative costs brought about through Minn. Stat. § 214.04, subd. 1 (1976) which requires that investigative services shall be provided to the Board by the office of the Attorney General and Minn. Stat. § 214.04, subd. 2 (1976) which

provides that compensation for such services be paid for by the Board. The services provided by the office of the Attorney General since August 1, 1976, the effective date of the above-referenced statute, have consisted of, in large part, investigation of complaints against dentists and other matters that primarily involve dentists, rather than involving the other professionals regulated by the Board. Therefore, the preponderance of the effect of the proposed fee adjustments is with regard to the fees for dentists. Since the Board does not have an accounting system adequate to exactly separate legal and investigative costs applicable to dentists from those related to dental hygienists or registered dental assistants, estimates of these costs were used in determining the proposed fee adjustments.

a. Application fees have not increased for dentists since 1970 when fees increased from $25 to $50 as authorized by Minn. Laws ch. 974 (1969). This law was repealed by Minn. Laws ch. 222, § 209 (1976), at which time the statutory authority referenced above took effect.

b. Application fees for dental hygienists were most recently increased from $15 to $20 by Board rule made effective on November 15, 1976. The next previous adjustment was in 1971, when the fees were decreased from $20 to $15.

c. Application fees for licensure by credentials were most recently changed by Board rule on November 15, 1976. At that time the fees were reduced from $75 to $50 for dentists and from $50 to $20 for dental hygienists. The review of credentials involves an extensive verification process of the applicant's credentials, reference checks and a personal interview of the applicant. As a consequence, this process involves a substantial investment of the Board's resources. The proposed adjustment closely approximates the expenditures anticipated for such licensing, and therefore is mandated by statute.

d. Annual licensure renewal fees were last increased by rule on November 15, 1976, for dentists from $25 to $28 and for dental hygienists from $10 to $12. Renewal fees for registered dental assistants were then established at $8.

e. The reinstatement of a license which has been revoked or suspended by the Board involves administrative costs additional to those incurred in processing routine renewals. Therefore it is reasonable to establish a fee for such which reflects these costs. The anticipated revenue from the proposed reinstatement fees closely approximates the anticipated costs of this unusual proceeding.

2. Minn. Laws ch. 770, § 11 (1978) requires the Board to reestablish a fee for late payment of annual renewal fees. Minn. Laws ch. 222 (1976) repealed previous provisions for late payment penalties of amounts equal to the annual renewal fees. The proposed amendments provide for the establishment of late payment fees of 50 percent of the annual renewal fees. This figure closely approximates the additional administrative cost involved in the processing of late applications.

3. Board Rule DE 5B was promulgated to facilitate the annual registration of dental assistants that had been registered with the Board before the requirement of annual registration of dental assistants became effective on January 1, 1977, pursuant to Minn. Laws ch. 263 (1976). Since this "grandfather clause" is no longer applicable, the Board proposed that it be omitted and that Rule DE 5 be reorganized to compensate for the omission.

Dated: July 13, 1978

MINNESOTA BOARD OF DENTISTRY

DALE J. FORSETH
Executive Secretary

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF DENTISTRY

In the Matter of Proposed
Amendments Relating to Fees

STATEMENT OF NEED

The above-captioned proposed rules, if adopted, would be amendments to existing rules of the Minnesota Board of Dentistry (hereinafter "Board").

The need to amend Board rule DE 5 arises primarily from the Board's inability to fully meet from total fees presently collected its anticipated operating expenses in the current biennium (See Appendix A, attached hereto). Further, the enactment of Minn. Laws 1978, ch. 770, re-established annual registration late fees and such must be provided for by rule. Finally, rule DE 5B is no longer applicable and should be removed resulting in the reorganization of other paragraphs within Rule DE 5. Each of these matters is more fully explained below.

1. Minn. Stat. § 214.06 subd. 1 (Supp. 1977), requires the Board to adjust fees "a sufficient amount so that the total fees will as closely as possible equal anticipated expenditures during the fiscal biennium." Under the existing fee schedule revenue for the fiscal year ending June 30, 1978, is expected to be approximately $165,000, and revenue for fiscal year ending June 30, 1979, is anticipated to be $190,000. Anticipated

227,515

expenditures for these years are $201,657 and $190,000, respectively, as shown in Appendix A. Essentially, the difference between anticipated revenue and anticipated expense is due to unanticipated legal costs brought about through Minn. Stat. § 214.04 subd. 1 (1976) which requires the Attorney General to provide legal and investigative services to the Board and Minn. Stat. § 214.04 subd. 2 (1976) which requires the Board to provide compensation for such services. Thus, unless fees are now increased, the Board will be without sufficient operating funds to comply with the Legislative directive.

Minn. Stat. § 214.06 subd. 1 (Supp. 1977) 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) Application fee for dentists: Minn. Stat. § 150A.06 subd. 1 (1976), as amended by Minn. Laws 1978, ch. 770 § 2, together with Minn. Stat. § 214.06 subd. 1 (Supp. 1977);

(b) Application fee for dental hygienists: Minn. Stat. § 150A.06 subd. 1 (1976), as amended by Minn. Laws 1978, ch. 770 § 3, together with Minn. Stat. § 214.06 subd. 1 (Supp. 1977);

(c) Annual license or registration fees: Minn. Stat. § 150A.09 subd. 1 (1976), together with Minn. Stat. § 214.06 subd. 1 (Supp. 1977);

(d) Licensure by credentials fees for dentists and dental hygienists: Minn. Stat. § 150A.06 subd. 4 (1976), as amended by Minn. Laws 1978, ch. 770 § 5, together with Minn. Stat. § 214.06 subd. 1 (Supp. 1977).

(e) Reinstatement fees for dentists, dental hygienists, and registered dental assistants: Minn. Stat. § 150A.08 subd. 1 (1976), together with Minn. Stat. § 214.06 subd. 1 (Supp. 1977).

2. The Board is required in Minn. Laws 1978, ch. 770 § 8, to re-establish a late fee to be charged to licensees and registrants that have not paid annual license or registration fees by January 1, of each year pursuant to Minn. Stat. § 150A.09 subd. 1 (1976).

3. Lastly, Minn. Stat. § 150A.09 subd. 1 (1976) required the annual registration of registered dental assistants. Board rule DE 5B was promulgated solely to establish a registration fee for persons who were already registered with the Board at the time formal annual registration was required pursuant to the foregoing statute. Since this "grandfather clause" is no longer applicable, it should be omitted, and the other paragraph of the rule organized to compensate for the omission.

Dated: June 13, 1978

STATE OF MINNESOTA

BOARD OF DENTISTRY

DALE J. FORSETH
Executive Secretary

...cy: Board of Dentistry

Prepared by: Dale Forseth Date: 6/7/78

...e of Fee: Licensing

Statutory Authority: 150A 214 319A

Agency Regulation No. DE5

...e of Last Fee Change: 1976

Budget Activity: Licensure/Registration

GENERAL STATEMENTS

...rpose: To license and register dentists, dental hygienists, registered assistants and professional corporations. Fees for such licensure should approximate expenditures.

FINANCIAL ANALYSIS

...ID: 2507:0010

...edicated [ ] Non-Dedicated [X]

...evenue Code 310

...EVENUE (List Type of Fee)	Agency Code	Fiscal Year 1978 Actual [ ] Estimated [✓] No. of Fees	Cost Per Fee	Total Revenue	Fiscal Year 1979 Actual [ ] Estimated [✓] No. of Fees	Cost Per Fee	Total Revenue
Dentist renewal	100001	3,475	28	97,300	3,600	38	136,800
Hygienist renewal	200001	1,660	12	19,920	1,800	15	27,000
Registered assistant renewal	300001	1,650	8	13,200	1,850	10	18,500
Dentist license-initial	100004	165	50	8,250	165	~~70~~ 75	~~11,550~~ 12,375
Hygienist licenses-initial	200004	225	20	4,500	215	25	5,375
Assistant registration-initial	300004	430	15	6,450	350	15	5,250
Other	-	-	-	15,700	-	-	22,215
TOTAL REVENUE				165,320			~~226,690~~ 227,515

...XPENDITURES (Cost of Collecting Fee)	Total Expend.	Total Expend.
Total Personal Services (No. of Employees 3.4)	57,000	62,100
Printing & Binding (Class 14)	6,000	6,000
EDP Cost - Computer (Class 17)	22,350	22,350
Communications (Class 20)	7,500	7,950
Travel (Class 21 & 22)	18,700	18,700
Supplies (Class 30)	1,700	1,800
Equipment (Class 40)	1,150	0
Other (List)		
a) Per diem	22,500	22,500
b) Rents, leases and repairs (Class 10 & 12)	3,100	3,350
c) Legal, investigative, professional services (Class 15, 16, & 29)	60,000	46,250
Total Direct Cost (TDC)		
Indirect Cost @ _____% of TDC, Less Equipment		
TOTAL EXPENDITURES	200,000	192,000

RECOMMENDATIONS FOR CHANGES

...gency: Signed: Dale J. Forseth
Date: June 8, 1978

...ontroller: Signed: [illegible]
Date: June 19, 1978

Appendix A