

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1099

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-19-84
DATE FOR REVIEW 10-28-84
DATE DUE 11-2-84

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 10.30.84 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 10/31/84 Revisor approved 10/22/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.3.84 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 2.1.82

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
6.14.84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
6.18.84 At least 30/~~20~~ days prior ~~to hearing~~/adoption
+ Errata Notice SR 8.20.84

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

✓ Dept. of Finance approval

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO: J. Michael Miles
Assistant Attorney General
Administration/Finance Division

DATE: October 15, 1984

FROM: Catherine E. Avina
Special Assistant
Attorney General

PHONE: 341-7272

SUBJECT: In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule pt. 3100.2000.

Pursuant to Minn. Stat. 14.26, the attached documents in support of the above referenced rule amendments are submitted to your office for approval as to the legality of the adopted amendments:

1. A copy of the Notice of Intent to Solicit Information or Opinions from Nonagency Sources on Rule Revisions, published February 1, 1982, at 6 S.R. 1386 and a photocopy of the cited State Register page.

2. Certificate of Board's Authorizing Resolution, executed May 15, 1984, directing the executive secretary of the Board to publish a notice of intent to adopt rules governing fees without a public hearing.

3. Order for Notice of Intent to Adopt Rules Without Public Hearing, executed May 25, 1984.

4. Notice of Intent to Adopt Rules Without a Public Hearing, executed May 25, 1984, with attached copy of the proposed amendments approved by the Revisor's office May 1, 1984.

5. A photocopy of the relevant pages of the June 18, 1984, State Register, Volume 8, Number 15, in which the Notice and proposed amendments referenced in number 4 above were published.

6. A photocopy of 9 S.R. 402, in which the editor of the State Register corrected typographical errors in the June 18, 1984, publication of the proposed rules.

7. Statement of Need For and Facts Establishing Reasonableness of Amendments, with attached Commissioner of Finance Approval.

8. Affidavit of Mailing, executed June 14, 1984.

9. Certificate of Agency's Mailing List, executed June 14, 1984.

10. Written comments on the rule received by the agency:

Letter dated July 7, 1984, from Carol K. Meisner, R.DH., consultant to the State Board of Dentistry, Minnesota Dental Hygienists' Association.

11. Affidavit setting forth that the Board received no requests for notice of submission of the rule to the attorney general.

12. Certificate of Board's Resolution Adopting Rules, executed September 15, 1984.

13. Order Adopting Noncontroversial Rules, executed October 3, 1984.

14. The original and three copies of the amended rule as adopted, reflecting a nonsubstantial grammatical change in subpart 1 A. and B. of the rule from that as originally published June 18, 1984.

15. Certificate of Compliance With Rulemaking Procedures.

Please call me if you have any questions concerning the attached documents or the procedures followed by the Board.

CEA:lb

Attachments

RECEIVED
OCT 19 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Dale Forseth, Executive Secretary
Board of Dentistry

DATE: October 30, 1984

ATTN: Catherine Avina

FROM : Special Assistant Attorney General
Martha J. Casserly MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule, Part 3100.2000.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

MJC:slz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Board of Dentistry

Adopted Rule Amending Fees of the Board of Dentistry

Rule as Adopted

3100.2000 FEES.

Subpart 1. 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 application a fee in the following amounts:

A. dentist ~~applicant~~ application, $70;

B. dental hygienist application, $25; and

C. dental assistant ~~applicant~~ application, $15.

editorial correction - see Order Adopting

Subp. 2. Annual license or registration fees. Each dentist, dental hygienist, and registered dental assistant shall submit with his annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, $42;

B. dental hygienist, $17; and

C. registered dental assistant, $11.

Subp. 3. Licensure by credentials. Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to Minnesota Statutes, section 150A.06, subdivision 4 and part 3100.1400 shall submit with his license application a fee in the following amounts:

A. dentist, $250; and

B. dental hygienist, $75.

Subp. 4. Annual license or registration late fee. Applications for renewal of any license or registration received after the time specified in part 3100.1700 are subject to a late fee equal to 50 percent of the annual renewal fee.

Subp. 5. 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 following amounts:

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

A. original dentist or dental hygiene license, $8; and

B. initial and renewal registration certificates and license renewal certificates, $5.

Subp. 6. Reinstatement fee. No dentist, dental 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:

A. dentist, $70;

B. dental hygienist, $25; and

C. registered dental assistant, $15.

Subp. 7. Application for permission to take dental X rays. A person applying for permission to take dental X rays pursuant to part 3100.8400, subpart 2, shall submit with his application a fee in the amount of $10.

Subp. 8. Application for approval as sponsor of CDE courses. A person applying for approval as a sponsor of CDE programs pursuant to part 3100.4200, subpart 2, shall submit with his application a fee in the amount of $25.

Subp. 9. Refunds. 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.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

APPROVED AS TO FORM AND LEGALITY

October 30 1984

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 31 1984
Joan Anderson Growe
Secretary of State

9:15AM

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule p. 3100.2000

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 25 day of May, 1984, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Board of Dentistry for that purpose and be published in the State Register.

MINNESOTA BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule pt. 3100.2000

ORDER ADOPTING NONCONTROVERSIAL RULES

Notice of the Board's intent to adopt the above-entitled amendments to rules without a public hearing was published in the State Register on June 18, 1984, and was sent by United States Mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on June 14, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than twentyfive written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for an reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these amended rules identified as Rules of the Board of Dentistry, part 3100.2000 FEES, are adopted this 3rd day of October, 1984, pursuant to authority vested in the Board by Minnesota Statutes, sections 214.06, subd. 1 (Supp. 1983), 214.12 (1982), 150.06, subd. 2A, and 150A.09, subds. 1, 4, 5 and 6 (Supp. 1983), and pursuant to a resolution of the Board on September 15, 1984.

STATE OF MINNESOTA

DALE J. FØRSETH
Executive Secretary
Board of Dentistry

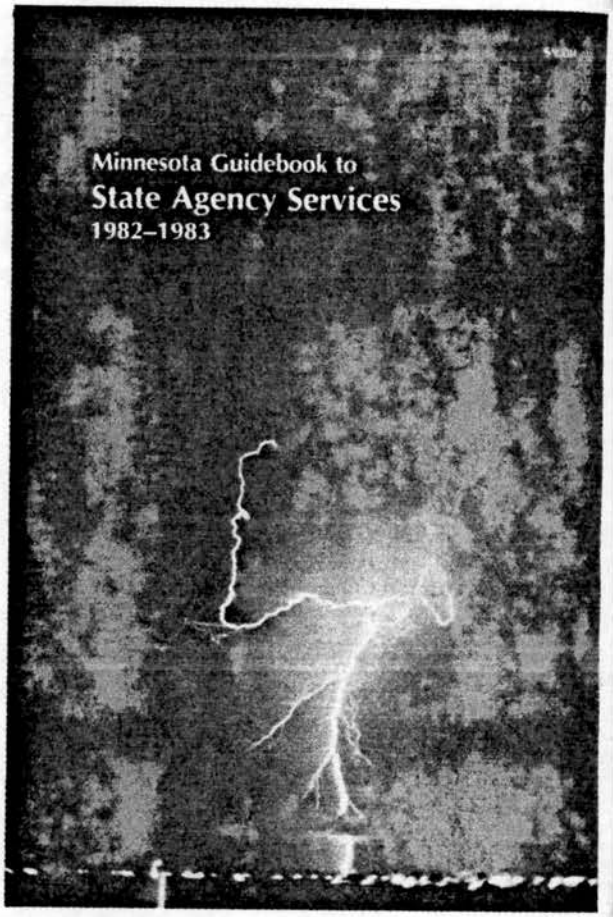
OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Administration State Register & Public Documents Division

Notice of Publication of the 1982-83 *Minnesota Guidebook to State Agency Services*



The *Minnesota Guidebook to State Agency Services* 1982-83 is now available in a new, revised edition. The 4th edition of the *Guidebook*, almost 750 pages, guides readers through requirements, forms and fees, applications and complaint filing, and tells the length of waiting time for obtaining services.

A new section on agency rulemaking and administrative law gives a clear explanation of the process that directs agencies to set rules of procedure that have the force and effect of law.

The *Guidebook* tells how to obtain grants, scholarships, assistance programs, information services, maps, guides and studies. It lists statewide emergency numbers, hotlines, crisis shelters and information-referral services. The *Guidebook* gives direct access to all state agencies and explains what each agency does, how it is organized, who is in charge and why it was established.

The *Guidebook* also has the only complete listing of licenses and permits required in Minnesota, for the professions and occupations as well as recreation and vehicles. The book tells where to obtain them, how much they cost, what applications to fill out and how to renew them.

The legislative and judicial branches of state government are described along with legislative and judicial commissions, law board admission requirements, professional standards for lawyers and judges, and legislative committees and their chairpersons.

Copies of the *Guidebook* are available through the Minnesota State Documents Center and cost $9.00 plus 45¢. *State Register* subscribers no longer receive a free copy of the *Guidebook*. All orders must be prepaid and purchase orders cannot be accepted. For more information, call 297-3000. Send orders to the Minnesota State Documents Center, 117 University Avenue, St. Paul, MN 55155.

Board of Dentistry

Notice of Intent to Solicit Information or Opinions from Non-agency Sources on Rule Revisions

Notice is hereby given, pursuant to Minn. Stat. § 15.0412, subd. 6, that the Minnesota Board of Dentistry (hereinafter "board") is reviewing its rules to determine if any amendments are needed. Accordingly, the board is soliciting information and opinions from sources outside the agency for the purpose of revising board rules.

All interested or affected persons or groups desiring to submit information and comments relating to the adoption, amendment or revision of board rules should address their comments (either written or oral) to Mr. Dale Forseth, Executive

Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, Room 339, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, telephone (612) 296-5313. Any written material received by the board shall become part of the record in the event that the board decides to amend its rules and proceeds with institution of the rule-making process.

Any materials submitted shall be reviewed and considered by the board during the preparation of the proposed rules. Notice of a public hearing on proposed rules shall be published in the *State Register* and given to all interested parties who have registered with the Board in accordance with the provisions of the Administrative Procedure Act.

January 18, 1982

Dale J. Forseth, Executive Secretary

Department of Education
Vocational-Technical Education Division

Notice of Public Hearing on Revisions of 1982 Area Vocational-Technical Institute Aid Distribution Levels

This is to announce that a public hearing will be held on Monday, February 8, at 1:00 p.m. in Room 716 of the Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, on the recommended revisions of the Fiscal Year 1982 area vocational-technical institute aid distribution levels.

Office of the Governor

Notice of Appointment of Department Head

In accordance with Minnesota Statute § 15.06, subd. 2, notice is hereby given of the appointment of Allan L. Rudell as Commissioner of the Minnesota Department of Finance on January 21, 1982.

Metropolitan Council
Metropolitan Health Board

Public Hearing for the Joint Consideration of I. Proposed 1982 Health Systems Plan for the Metropolitan Area and Health Guide Chapter of the Metropolitan Development Guide; 1982 Annual Implementation Plan; and Application for Renewal of HSA Designation

The Metropolitan Council and Metropolitan Health Board will jointly hold a public hearing on Thursday, February 25, 1982, at 7 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, Saint Paul, Minnesota 55101 for the purpose of receiving written and oral comments on the proposed 1982 Health Systems Plan and Health Guide Chapter of the Metropolitan Development Guide; 1982 Annual Implementation Plan and 1982 Application for Renewal of the Metropolitan Council/Metropolitan Health Board's HSA Designation. Copies of the Health Systems Plan and Health Guide Chapter, Annual Implementation Plan, and the 1982 HSA Application are available for public inspection beginning January 25, 1982, at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Mn. 55101

Minneapolis Public Library
Government Document Room
300 Nicollet Mall
Minneapolis, Mn. 55401

St. Paul Public Library
Science and Industry Room
90 West Fourth Street
St. Paul, Mn. 55102

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule p. 3100.2000

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Robert R. Hoover, DDS, do hereby certify that I am a member and the president of the 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 27th day of April, 1984, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the Board authorizes and directs Dale J. Forseth, executive secretary of the Board of Dentistry, to proceed with the legal requirements for the adoption of rules relating to fees: to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing Licensure Fees, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of May, 1984.

Robert R. Hoover, DDS

ROBERT R. HOOVER, DDS
President

Thomas J. McCarter

Attested by: Thomas J. McCarter
Secretary

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

In the Matter of Proposed Amendments
to a Board of Dentistry Rule Relating
to Fees, Minn. Rule p. 3100.2000

AFFIDAVIT OF MAILING

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

That on the 14th day of June, 1984, at the City of Minneapolis, County of Hennepin, State of Minnesota he served the attached NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING and a copy of the proposed amendment to Minn. Rule p. 3100.2000 by depositing in the United States mail through the Mail Room of the Minnesota Department of Health Building at said City of Minneapolis, copies thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Board of Dentistry for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Board of Dentistry.

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

Subscribed and sworn to before me this
14 day of June, 1984.

Arlayne J. Nelson

ARLAYNE J. NELSON
NOTARY PUBLIC
HENNEPIN COUNTY, MN
MY
APRIL 14, 1987

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Pertaining to a Dentistry Rule Relating to Fees, Minn. Rule p. 3100.2000

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry (hereinafter "Board") proposes to amend Minn. Rule p. 3100.2000 (formerly 7 MCAR § 3.005). A copy of the proposed amendments is attached to this Notice.

The Board has determined that these proposed amendments will be noncontroversial in nature. Therefore, the Board intends to utilize the provisions of Minn. Stat. §§ 14.21 to 14.28 and adopt the rule changes without a public hearing.

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendment, and comment is encouraged;

2. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed;

3. If twenty-five or more persons make a written request for a public hearing within the 30-day comment period, a public hearing will be held;

4. All comments and any written requests for a public hearing shall be submitted to Dale J. Forseth, Executive Secretary, Minnesota Board of Dentistry, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414;

5. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed;

6. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

7. Under the procedure for adopting non-controversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. If a hearing is not required, notice of the date of submission of the proposed rule to the attorney general for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Forseth at the above address.

8. Authority to amend Minn. Rule p. 3100.2000 is contained in Minn. Stat. §§ 150A.04, subd. 5, 150A.06, and 214.06, subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Forseth at the above address;

9. The approval of the Commissioner of Finance for amendments of rules relating to fees is required by Minn. Stat. § 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed amendments to Minn. Rules p. 3100.2000 is available. Anyone wishing to receive a copy of this document may contact Mr. Forseth at the above address.

10. If twenty-five or more persons request a public hearing on this matter, notice of any such hearing will be published in the State Register, and the Board will then proceed pursuant to Minn. Stat. §§ 14.13-14.20.

11. Any rule change made pursuant to this proceeding shall be effective five days after publication in the State Register of notice of the adoption of the change.

Dated: May 25, 1984

STATE OF MINNESOTA

BOARD OF DENTISTRY

DALE J. FORSETH
Executive Secretary

Rule as Proposed

3100.2000 FEES.

Subpart 1. **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 application a fee in the following amounts:

A. dentist applicant, $70;

B. dental hygienist ~~applicant~~ application, $25; and

C. dental assistant applicant, $15.

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with his annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, ~~$38~~ $42;

B. dental hygienist, ~~$15~~ $17; and

C. registered dental assistant, ~~$10~~ $11.

Subp. 3. **Licensure by credentials.** Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to Minnesota Statutes, section ~~150A.16~~ 150A.06, subdivision 4 ~~(reciprocity) of the act~~ and ~~parts 3100.3300, subpart 2 and 3100.3400, subpart 2~~ part 3100.1400 shall submit with his license application a fee in the following amounts:

A. dentist, $250; and

B. dental hygienist, $75.

Subp. 4. **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~~ after the time specified in part 3100.1700 are subject to a late fee equal to 50 percent of the annual renewal fee.

Subp. 5. **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~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

following amounts:

A. original dentist or dental hygiene license, $8; and

B. initial and renewal registration certificates and license renewal certificates, $5.

Subp. 6. **Reinstatement fee.** No dentist, dental 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:

A. dentist, $70;

B. dental hygienist, $25; and

C. registered dental assistant, $15.

Subp. 7. **Application for permission to take dental X rays.** A person applying for permission to take dental X rays pursuant to part 3100.8400, subpart 2, shall submit with his application a fee in the amount of $10.

Subp. 8. **Application for approval as sponsor of CDE courses.** A person applying for approval as a sponsor of CDE programs pursuant to part 3100.4200, subpart 2, shall submit with his application a fee in the amount of $25.

Subp. 9. **Refunds.** 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.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD522

Agency: Board of Dentistry

Division:

Agency Contact: Dale Forseth 623-5313

Minnesota Rules: Part 3100.2000

Title: Proposed Rule Amending Fees of the Board of Dentistry

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

Steven C. Cross
Revisor of Statutes

Paul M. Marinac
Assistant Deputy Revisor
Phone: 296-0948
Date: May 1, 1984

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule p. 3100.2000

CERTIFICATE OF AGENCY'S MAILING LIST

I, Dale J. Forseth, Executive Secretary of the Minnesota Board of Dentistry, hereby certify that I am responsible for maintaining the list of all persons who register with the Minnesota Board of Dentistry for the purpose of receiving notices of Board action on proposed rules and amendments to rules pursuant to Minn. Stat. § 14.26 and further certify that the list attached hereto and made a part hereof constitutes the complete lists of the persons, associations, and other interested groups who, as of 10:00 a.m. this 14th day of June, 1984, have so registered with the Minnesota Board of Dentistry.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

. Odin M. Langsjoen
iiversity of Minnesota
ntal Hygiene Dept., 73 MWAH
luth, MN 55812

. Mike Johnson, U of M
part. Health Ecology
S. Unit A, 8-536 - Hygiene
nneapolis, MN 55455

. Cher Lundeen
nnepin Technical Center
ntal Assisting Program
00 No. 77th Avenue
ooklyn Park, MN 55445

. Kathy Brown
. Cloud Vo-Tech Institute
ntal Assisting Department
40 Northway Drive
. Cloud, MN 56301

. Nancy Post
chester Vo-Tech Institute
ntal Assisting Program
26 Second Street S.E.
chester, MN 55901

. Ruth Martinson
rmandale State Junior College
ntal Hygiene Program
00 France Avenue So.
oomington, MN 55431

. Joan Farkas
rmandale State Junior College
ntal Assisting Program
00 France Avenue So.
oomington, MN 55431

. Sue Bundy
6 Vo-Tech Institute
ntal Assisting Program
00 Century Avenue
ite Bear Lake, MN 55110

nnie Humphrey
orhead Vo-Tech Institute
ntal Assisting Program
x 100
orhead, MN 56560

Minnesota Institute of Medical
& Dental Assisting
2915 Wayzata Boulevard
Minneapolis, MN 55405

Dr. Robert Fonda
Mankato State University
Dental Hygiene Department
Department of Dental Educ.
Mankato, MN 56001

Karron Metz
Mankato State University
Dental Assisting Program
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Mankato, MN 56001

Rita Anderson, Director
Lakeland Medical & Dental
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Minneapolis, MN 55408

Ethel Meyer
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Dental Assisting Program
2900 Beltline
Hibbing, MN 55746

Roger Ostroot
Canby Area Vo-Tech School
Dental Assisting Program
Canby, MN 56401

Dr. Robert Bender
Brainerd Vo-Tech Institute
Dental Assisting Program
300 Quince
Brainerd, MN 56401

Judith R. Damp
Bemidji Vo-Tech Institute
Dental Assisting Program
Roosevelt Road & Grant Ave.
Bemidji, MN 56601

Dr. Rodney J. Casad
Dental Auxiliaries
No. Dakota State School Scien.
Wahpeton, ND 58075

Dr. James F. Westman
Northeastern Dist. Dental Sc
412 No. Central Avenue
Duluth, MN 55807

Dr. Theodore L. Ostrem
Northwestern Dist. Dental Sc
310 Broadway
Crookston, MN 56716

Dr. David J. Finn
Northwestern Dist. Dental Sc
1131 Jackson
Detroit Lakes, MN 56501

Dr. Douglas A. Nelson
Southeastern Dist. Dental S
2112 Viking Drive N.W.
Rochester, MN 55901

Dr. Spencer W. Burrington
Southeastern Dist. Dental S
407 First National Bank Blc
Rochester, MN 55901

Dr. Frederick D. Carlson
Southern Dist. Dental Socie
800 Clinic Circle
Fairmont, MN 56031

Dr. Ronald L. Albright
Southern District Dental Sc
Box 426
New Ulm, MN 56073

Catherine Gasteyer, Exec. Sc
MN Private Detective Board
1246 University Avenue
St. Paul, MN 55104

Nancy Stokes, D.H., Minnesota
Dental Hygienists' Association
715 Carlton Avenue
Cloquet, MN 55720

Dr. Frederick Noble
U of M, School of Dentistry
H.S. Unit A, Room 4-2158
Minneapolis, MN 55455

Dr. Walter Iverson
5538 Chicago Avenue So.
Minneapolis, MN 55417

Vickie Michelich, D.H.
3802 - 3rd Place N.W.
Rochester, MN 55901

Dr. Anthony C. Michelich
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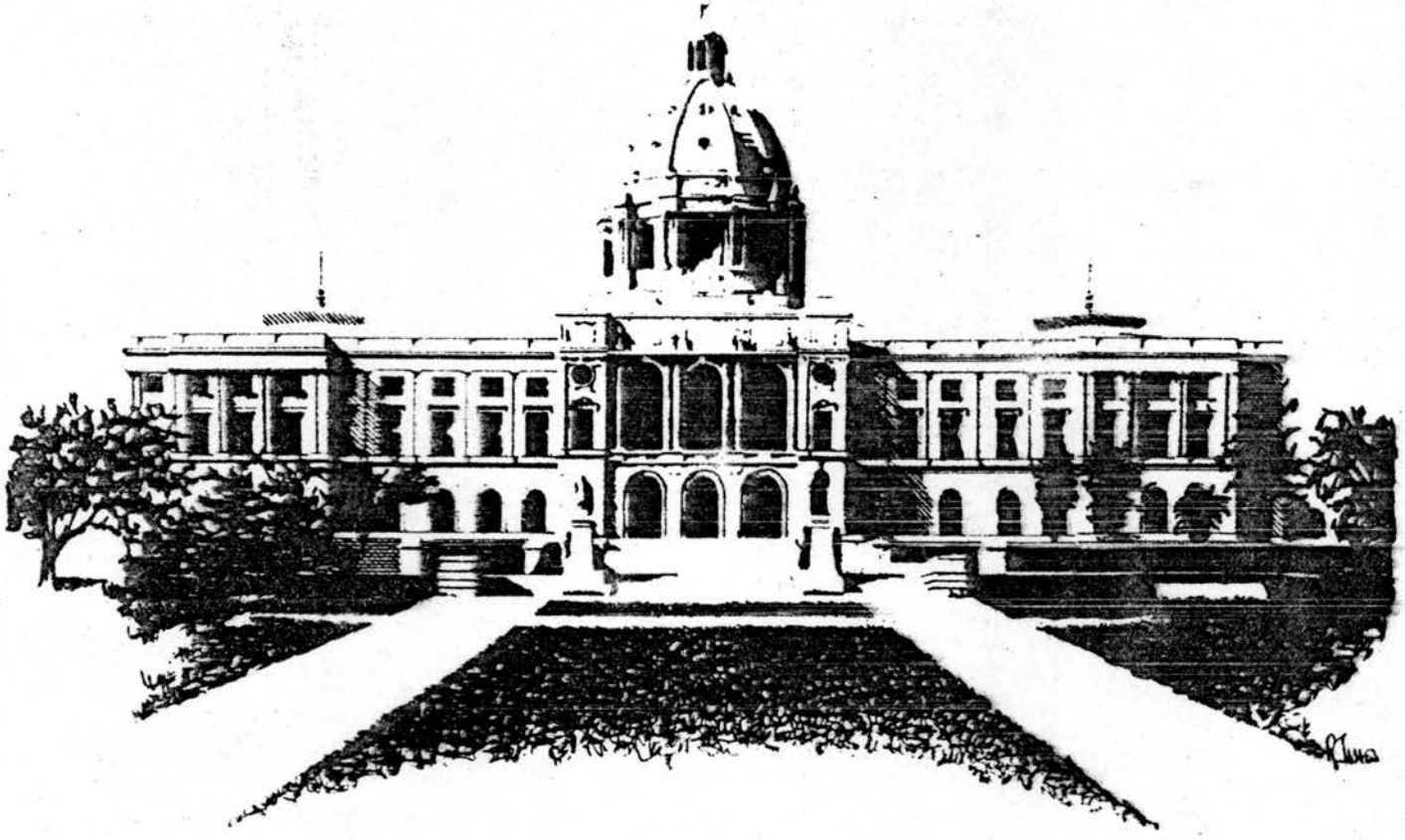
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STATE REGISTER

STATE OF MINNESOTA



VOLUME 8, NUMBER 51

June 18, 1984

Pages 2677-2756

2770.8300 AUTOMATIC COVERAGE ON NEWLY ACQUIRED AND REPLACEMENT VEHICLES.

Parts 2770.7500 to 2770.8500 also apply to newly acquired vehicles and replacement vehicles which qualify for the automatic coverage provisions of a policy.

2770.8400 NONRENEWAL OF MULTILINE CONTRACTS.

Nothing in parts 2770.7500 to 2770.8500 prohibits an insurance company from nonrenewing a multiline insurance contract. However, if these parts prevent nonrenewal of the automobile insurance portion of the contract, then the insurance company shall issue to the named insured a policy of automobile insurance providing coverage as included in the multiline contract.

2770.8500 PENALTIES.

Subpart 1. Generally. Failure to comply with parts 2770.7500 to 2770.8500 subjects the insurers to the following penalties during each calendar year period:

A. first violation, $100;

B. second violation, $300; and

C. third and subsequent violation, $500.

Monetary penalties must be waived if the commissioner determines that the nonrenewal notice was based on a good faith judgment supported by evidence that was in the possession of the insurer at the time of the sending of the nonrenewal notice, or if the nonrenewal was subject to the waiver of penalty provisions in part 2770.7800, subpart 1, item H.

Subp. 2. Disapproval of commissioner. Any nonrenewal of a policy in violation of parts 2770.7500 to 2770.8500 must be disapproved by the commissioner of commerce under Minnesota Statutes, section 65B.21.

Subp. 3. Additional penalties. Nothing contained in this part prohibits the commissioner of commerce from applying additional penalties or remedies as may be imposed under Minnesota Statutes, chapter 72A.

Subp. 4. Application and effective date. Monetary penalties become effective for any nonrenewal in violation of parts 2770.7500 to 2770.8500 sent on or after January 1, 1984.

EFFECTIVE DATE. Parts 2770.7500 to 2770.8500 supercede 4 MCAR §§ 1.9081-1.90892 [Temporary] from the effective date of parts 2770.7500 to 2770.8500.

Board of Dentistry

Proposed Rule Amending Fees of the Board of Dentistry

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry (hereinafter "Board") proposes to amend Minn. Rule p. 3100.2000 (formerly 7 MCAR § 3.005). A copy of the proposed amendments is attached to his notice.

The Board has determined that these proposed amendments will be noncontroversial in nature. Therefore, the Board intends to utilize the provisions of Minn. Stat. §§ 14.21 to 14.28 and adopt the rule changes without a public hearing.

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendment, and comment is encouraged;

2. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed;

3. If twenty-five or more persons make a written request for a public hearing within the 30-day comment period, a public hearing will be held;

4. All comments and any written requests for a public hearing shall be submitted to Dale J. Forseth, Executive Secretary, Minnesota Board of Dentistry, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414;

5. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed;

6. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

7. Under the procedure for adopting non-controversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. If a hearing is not required, notice of the date of submission of the proposed rule to the attorney general for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Forseth at the above address.

8. Authority to amend Minn. Rule p. 3100.2000 is contained in Minn. Stat. §§ 150A.04, subd. 5, 150A.06, and 214.06, subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Forseth at the above address;

9. The approval of the Commissioner of Finance for amendments of rules relating to fees is required by Minn. Stat. § 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed amendments to Minn. Rules p. 3100.2000 is available. Anyone wishing to receive a copy of this document may contact Mr. Forseth at the above address.

10. If twenty-five or more persons request a public hearing on this matter, notice of any such hearing will be published in the *State Register*, and the Board will then proceed pursuant to Minn. Stat. §§ 14.13-14.20.

11. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

May 25, 1984

Dale J. Forseth
Executive Secretary
Board of Dentistry

Rule as Proposed

3100.2000 FEES.

Subpart 1. 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 applicaton a fee in the following amounts:

A. dental applicant, $70;

B. dental hygienist ~~applicant~~ application, $25; and

C. dental assistant applicant, $15.

Subp. 2. Annual license or registration fees. Each dentist, dental hygienist, and registered dental assistant shall submit with his annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, ~~$38~~ $42;

B. dental hygienist, ~~$15~~ $17; and

C. registered dental assistant, ~~$10~~ $11.

Subp. 3. Licensure by credentials. Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to Minnesota Statutes, section ~~150A.16~~ 150A.06, subdivision 4 ~~(reciprocity) of the act~~ and ~~parts 3100.3300, subpart 2 and 3100.3400, subpart 2~~ part 3100.1406 shall submit with his license application a fee in the following amounts:

A. dentist, $250; and

B. dental hygienist, $75.

Subp. 4. 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~~ after the time specified in part 3100.1700 are subject to a late fee equal to 50 percent of the annual renewal fee.

Subp. 5. 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~~ following amounts.

A. original dentist or dental hygiene license, $8; and

B. initial and renewal registration certificates and license renewal certificates, $5.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Subp. 6. Reinstatement fee. No dentist, dental 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:

A. dentist, $70;

B. dental hygienist, $25; and

C. registered dental assistant, $15.

Subp. 7. Application for permission to take dental X rays. A person applying for permission to take dental X rays pursuant to part 3100.8400, subpart 2, shall submit with his application a fee in the amount of $10.

Subp. 8. Application for approval as sponsor of CDE courses. A person applying for approval as a sponsor of CDE programs pursuant to part 3100.4200, subpart 2, shall submit with his application a fee in the amount of $25.

Subp. 9. Refunds. 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.

Department of Health

Proposed Rules Governing Communicable Diseases; Duties of the Commissioner and Local Boards of Health

Notice of Intent to Adopt Rules and to Repeal Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Health (hereinafter "Commissioner") proposes to adopt the following rules: parts 4605.7000; 4605.7010; 4605.7020; 4605.7030; 4605.7040; 4605.7050; 4605.7060; 4605.7070; 4605.7080; 4605.7090; 4605.7100; 4605.7200; 4605.7300; 4605.7400; 4605.7500; 4605.7600; 4605.7700; 4605.7800; 4735.0100; 4735.0200; 4735.0300.

NOTICE IS ALSO GIVEN that the Commissioner proposes to repeal the following rules: parts 4605.0200; 4605.0300; 4605.0400; 4605.0500; 4605.0600; 4605.0700; 4605.0800; 4605.0900; 4605.1000; 4605.1100; 4605.1200; 4605.1300; 4605.1400; 4605.1500; 4605.1600; 4605.1700; 4605.1800; 4605.1900; 4605.2000; 4605.2100; 4605.2200; 4605.2300; 4605.2400; 4605.2500; 4605.2600; 4605.2700; 4605.2800; 4605.2900; 4605.3000, subps. (1), (2) and (4); 4605.3400; 4605.3500; 4605.3600; 4605.3700; 4605.3800; 4605.3900; 4605.4000; 4605.4100; 4605.4200; 4605.4300; 4605.4400; 4605.4500; 4605.4600; 4605.4700; 4605.4800; 4605.4900; 4605.5000; 4605.5100; 4735.0010; 4735.0020. A copy of the proposed rules and the proposed repealer are attached to this notice.

The Commissioner has determined that the proposed rules and repealer will be noncontroversial in nature and has elected to follow the provisions of Minn. Stat. §§ 14.21-1428 (1982). Sections 14.21-1428 provide for an expedited process for the adoption of noncontroverted administrative rule changes without the holding of a public hearing.

THE PUBLIC IS HEREBY ADVISED that:

1. There is a 30-day period in which to submit comment in support of or in opposition to the proposed rules and repealer, and comment is encouraged;

2. Each comment should identify the portion of the proposed rule or repealer addressed, the reason for the comment, and any change proposed;

3. If twenty-five or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

4. All comments and any written requests for a public hearing shall be submitted to John Washburn, Chief, Epidemiologic Field Services Section, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

5. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule or repealer addressed, the reason for the request, and any change proposed;

6. The proposed rules and repealer may be modified if modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

7. Under this expedited procedure, the department must submit any action on its rules to the attorney general for review

A school district owes no duty to indemnify a teacher or other employee guilty of malfeasance or willful or wanton neglect of duty.

Affirmed in part; reversed in part. Kelley, J.

CX-83-1056 The Estate of Gloria J. Lehmann, by Walter A. Lehmann, as Personal Representative, and Walter A. Lehmann and Agnes Lehmann, v. Robert W. Metzger, Defendant and Third-Party Plaintiff, v. Auto-Owners Insurance Company, Third-Party Defendant. Appellant. Hennepin County.

Reversed and remanded for vacation of judgment in favor of respondent and entry of judgment for appellant. Kelley, J.

C7-83-1077 State Farm Fire and Casualty Company, Appellant, v. Tony Williams, Harry Keller. Rice County.

When an insured under a homeowner's insurance policy repeatedly inflicts nonconsensual sexual acts upon a physically disabled adult victim, intent by the insured to inflict bodily harm is inferred as a matter of law.

Since the intentional act exclusion and facts beyond the complaint indicate no coverage exists, the insurer has no duty to defend or indemnify the insured in either the declaratory judgment or main action.

Reversed and remanded. Kelley, J.

Took no part, Coyne, J.

ERRATA

Board of Dentistry

Corrections to Proposed Rule Amending Fees of the Board of Dentistry, 8 SR 2688

Two items published in the June 18, 1984 issue of the *State Register* (8 SR 2688) are in error. The corrections are as follows:

Rule as Proposed

3100.2000 Fees.

Subpart 1. Application Fees. . . . . . .

A. dental applicant, $70;

should be changed to read:

A. dentist applicant, $70;

The other change occurs in Subpart 3 of the same rule. The third line of **Subpart 3** cites part *3100.1406*; this should read: *3100.1400*.

Please note: this is a correction of typing errors. This is not an amendment.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule pt. 3100.2000

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Robert R. Hoover, DDS, do hereby certify that I am a member and the president of the 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 15th day of September, 1984, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, pursuant to authority vested in us by Minnesota Statutes, sections 214.06, subd. 1 (Supp. 1983), 214.12 (1982), 150A.06, subd. 2A and 150A.09, subds. 1, 4, 5 and 6 (Supp. 1983), that amendments to rules relating to fees be and they hereby are approved and adopted as published in the State Register on June 18, 1984, at 8 S.R. 2688 with the following non-substantial change in the language: In part 3100.2000, subpart 1, items A and C, the word "applicant" is deleted, and the word "application" is substituted; and that Dale J. Forseth, the executive secretary of the Board of Dentistry, be and hereby is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of September, 1984.

Robert R. Hoover, D.D.S.

ROBERT R. HOOVER, DDS
President
Minnesota Board of Dentistry

Mary Jane Ploof

Attested
Member, Board of Dentistry

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Dentistry Rule Relating to Fees, Minn. Rule P. 3100.2000

STATEMENT OF NEED FOR AND FACTS ESTABLISHING REASONABLENESS OF AMENDMENTS

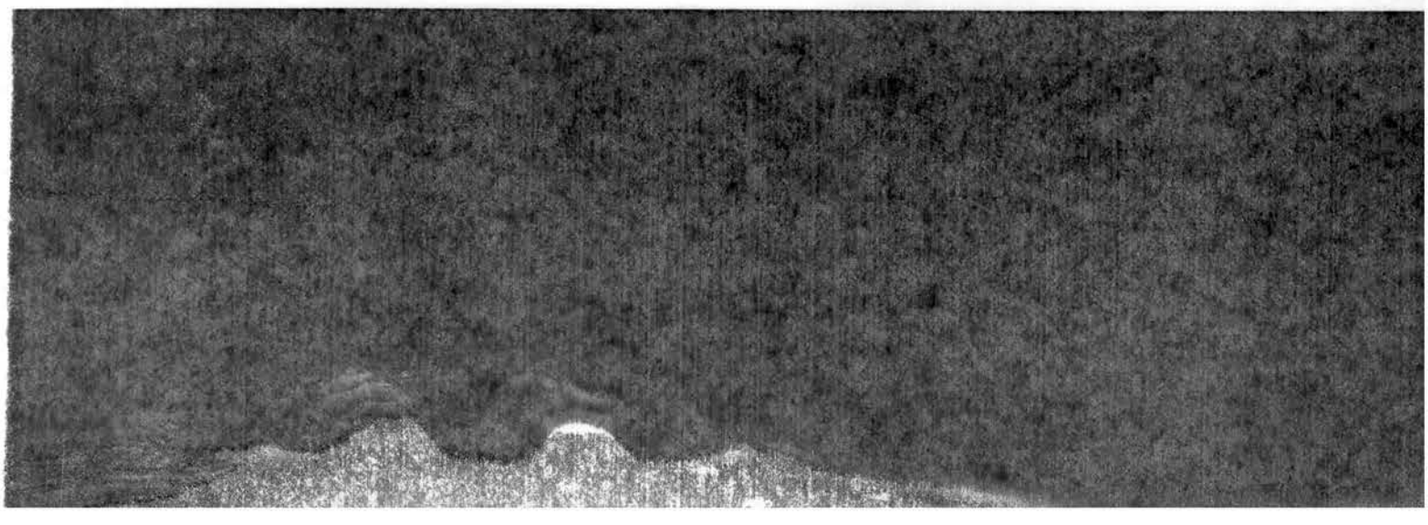
The Minnesota Board of Dentistry (hereinafter "board"), pursuant to Minn. Stat. § 14.23 (1982) hereby affirmatively presents the need for and facts establishing the reasonableness of the proposed amendments to the above-captioned rule. The approval of the Commissioner of Finance for provisions relating to fee adjustments is contained in an attached document entitled "Commissioner of Finance Approval."

Minn.Rule p. 3100.2000, subpart 1

The word "application" in subpart 1, items A and B, is substituted for "applicant" which is improper in the context of the rule.

Minn. Rule p. 3100.2000, subpart 2

The need to amend subpart 2 is found in Minn. Stat. §§ 214.06, subd. 1, and 16A.128 (Supp. 1983), which require the board to adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected will as closely as possible equal anticipated expenditures during the fiscal biennium. This includes the general support costs and the statewide indirect costs provided to the Board by the Department of Health. The part of the statute requiring the board to pay for the general support costs and the costs of administrative support services provided to the board by the Department of Health



was added in Minn. Laws 1981, ch. 357, §69. As a result of this amendment, the board must pay three percent of its revenue for these services. Because of this and because of normal increases in cost, the board must increase the renewal fees of dentists, dental hygienists, and registered dental assistants.

Minn. Rule p. 3100.2000, subpart 3

The amendments to subpart 3 are to correct improper citations. The addition of the words "Minnesota Statutes" in place of "the Act" clarifies the source of the statute cited.

Minn. Rule p.3100.2000, subpart 4

The proposed amendments to subpart 4 are mostly housekeeping changes made for a better understanding of the rule. However, the change from January 1 to December 31 is made to comply with Minn. Stat. § 150A.09, subds. 1 and 5 (Supp. 1983) and Minn. Rule 3100.1700. The statute requires that the annual renewal application for dentists, dental hygienists, and registered dental assistants be received by the board on or before the expiration date of the license or registration. Minn. Rule 3100.1700 establishes December 31 as the expiration date.

Minn.Rule p. 3100.2000, subpart 5

The statutory authority for charging a fee for duplicate licenses or certificates of registration is contained in Minn. Stat. § 150A.09, subd. 4 (Supp. 1983). The need to increase the fee for a duplicate license or registration certificate proposed in subpart 5 arises from the increased cost of ordering, producing, recording and mailing a duplicate. Currently, the board pays $3.50 to an engrosser to produce the duplicate and $1.50 for postage for mailing the duplicate. The remaining costs are for ordering and recording the duplicate, obtaining nine board member signatures on



the duplicate, and for supplies needed to mail and protect the duplicate.

Minn. Rule p. 3100.2000, subpart 7

The board is proposing new subpart 7 to cover the board's cost of implementing Minn. Rule 3100.8400, subpart 2. That rule allows qualified dental assistants to take dental x-rays even though they are not registered to perform all the tasks of a registered dental assistant. Under Minn. Rule 3100.8400, subpart 2, a dental assistant is not permitted to take dental x-rays. A registered dental assistant, however, can take dental x-rays. Thus, a dental assistant who qualifies and receives board approval to take dental x-rays is in fact a special registered dental assistant and subject to the application fees authorized in Minn.Stat. § 150A.06, subd. 2A (Supp. 1983). The proposed fee is the minimum fee necessary to review and approve or disapprove the applicant's credentials and to issue a certificate of approval. No fee has previously been required.

Minn. Rule p. 3100.2000, subpart 8.

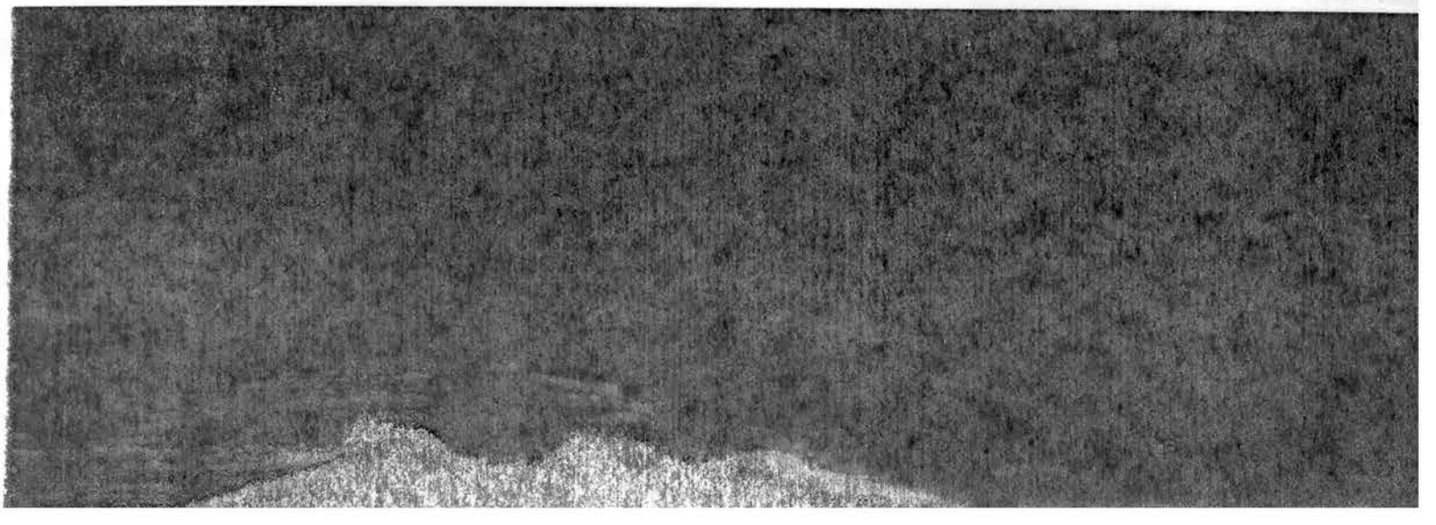
The board is proposing new subpart 8 to implement the provisions of Minn. State § 150A.09, subd. 6 (Supp. 1983). This law gives the board authority to establish an application and renewal fee to be paid by persons who apply to be approved as a continuing education sponsor. The board's authority to establish rules on continuing education is found in Minn. Stat. § 214.12 (1982). Currently, under Minn. Rule 3100.4200, subp. 2, a person or organization who wishes to be a sponsor must apply to the board for approval. Proposed 3100.2000, subp. 8 will require an



approved sponsor to renew sponsor approval every four years by submitting an application and the application fee. The $25 application fee is necessary to cover the board's costs associated with reviewing the application and determining whether the sponsor meets with applicable standards. The approval of a continuing education sponsor is necessary to assure that the sponsor is capable of providing continuing education programs consistent with the board's objectives. Renewal of sponsor approval is necessary to assure that the sponsor remains consistent with board objectives and to allow the board to eliminate the need to keep records of sponsors that no longer exist or do not want to continue sponsor-approved programs.

Minn. Rule p. 3100.2000, subparts 6 and 9

The amendments to subparts 6 and 9 are merely housekeeping.



STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule p. 3100.2000

COMMISSIONER OF FINANCE APPROVAL

Minnesota Statutes §§ 150A.04, subd. 5 and 150A.06 authorize the Minnesota Board of Dentistry (hereinafter "Board") to establish annual license fees. Minn. Stat. § 214.06 provides in part that "health related licensing boards . . . shall 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."

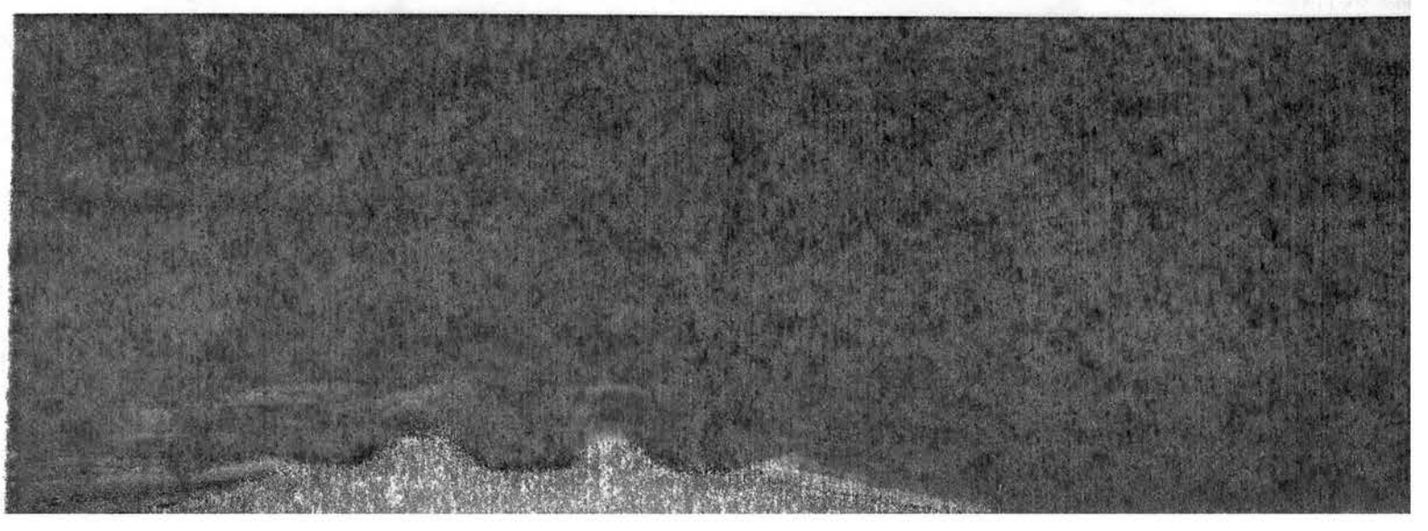
The above-captioned rule of the Board would increase the annual license or registration fees for dentists from thirty-eight dollars ($38.00) to forty-two dollars ($42.00), for dental hygienists from fifteen dollars ($15.00) to seventeen dollars ($17.00), and for registered dental assistants from ten dollars ($10.00) to eleven dollars ($11.00); create an initial registration fee of ten dollars ($10.00) for x-ray assistants; and create an application fee of twenty-five dollars ($25.00) for sponsors of continuing education programs.

Upon review of the attached supporting information justifying the need, reasonableness and amounts of the adjusted fees and newly created fees, and pursuant to the authority vested in the Minnesota Department of Finance by Minnesota Statutes § 214.06, the fees set forth in the proposed amendment to Minn. Rule p. 3100.2000 (formerly 7 MCAR § 3.005) of the Board are hereby approved.

COMMISSIONER OF FINANCE

Dated: 5-23-84

By: Dir: Budget Operations & Support



Board of Dentistry

EXECUTIVE OFFICE
717 S.E. DELAWARE STREET
MINNEAPOLIS, MINNESOTA 55414
(612) 623-5313

May 14, 1984

TO: Mr. John M. Schorn
Department of Finance

FROM: Dale J. Forseth
Executive Secretary

SUBJ: COMMISSIONER OF FINANCE APPROVAL
Fee Revisions

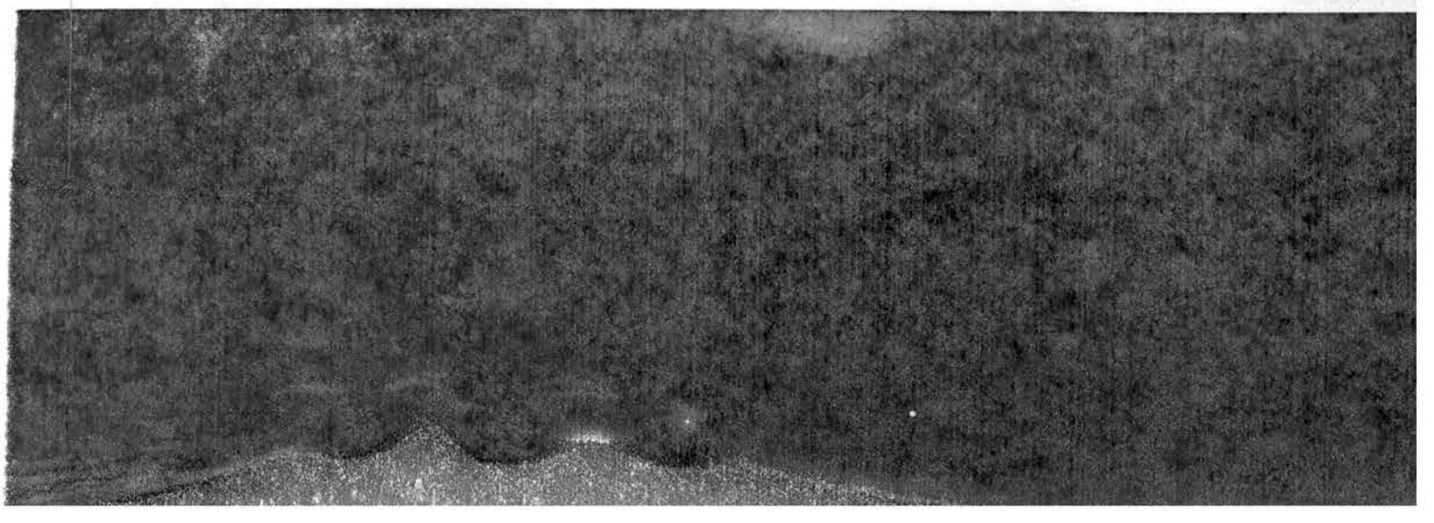
The attached document entitled "Commissioner of Finance Approval" is submitted for the purpose of carrying out M.S. §§ 16A.128, subd. 1 and 214.06, subd. 1, supplement 1983, which requires the Commissioner of Finance to approve adjustments to fees that are set by rule. Several other documents are also submitted in support of the Board's request for the Commissioner's approval for the Board to increase annual registration fees and to add two new fee categories.

As indicated in enclosure #2, the Fee Review Sheet, the Board of Dentistry anticipates a $10,800 short-fall for F.Y. 1984. Since M.S. § 214.06 requires that the Board assess fees a sufficient amount so that the total fees collected will as closely as possible equal anticipated expenditures during the biennium, the Board finds it necessary to increase the annual registration fees for dentists, dental hygienists, and registered dental assistants.

In addition to increasing the annual registration fees, the Board proposes the addition of two new fee categories: x-ray assistant and continuing education sponsor. The former is to carry out the provisions authorized in M.S. § 150A.10, subd. 1 and Minn. Rule 1983 § 3100.8400, sp 2 and the later M.S. § 150A.09, subd. 6, supplement 1983.

Enclosure 3 indicates present and proposed fees in each fee category. Enclosure 4 indicates the sources of revenue during F.Y. 1985.

DJF/ajn
Encl.



Department/Agency:
Board of Dentistry

Fee Name:
License Application and Registration

Legal Citation:
150A.06; 150A.09; 319A.21; 214.06; 3100.2000

Fee Set By: (1) XX Law XX Agency

Purpose of Fee: To examine, initially license and annually register dentists, dental hygienists, and registered dental assistants; to register professional corporations; to monitor continuing education requirements and to enforce the provisions of the Minnesota Dental Practices Act.

☐ Dedicated ☒ Non-Dedicated

Revenue Code: 310

APID: 21507:00-10

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 81	Actual F.Y. 82	Actual Estimated F.Y. 83	Anticipated Requested F.Y. 84	Anticipated Requested F.Y. 85
Actual/Anticipated Receipts	181.9	243.9	253.6	260.5	294.7
Less Actual/ Anticipated Costs (2)	203.9	250.0	247.1	271.3	284.6(3)
Current Difference	(11.9)	(6.1)	6.5	(10.8)	10.1
Accumulated Difference*	28.0	21.9	28.4	17.6	27.7
Number Paying Fee					
Present Fee	See below	See below	See below	See below	See below
Date Fee Last Changed	1980	1981	1982	1982	1985

*Accumulated from F.Y. 75.

Remarks:

(1) Corporation registration set by M.S. 319A.21. The other fees are established by the Board by Rule.

(2) The acutal/anticipated costs are adjusted beginning with 1982 to include approximately three percent of appropriations to cover the costs of statewide and indirect costs provided by the Department of Health. The Board is required to pay these costs by Minn. Laws 1981, ch. 357 § 69.

(3) The anticipated costs for F.Y. 1985 include a $13,300 anticipated salary supplement.

F.Y.	Dentist	Dental Hygienist	Registered Assistant
1981	$38	$15	$10
1982	28	10	6
1983	37	14	9
1984	38	15	10
1985 (proposed)	42	17	11

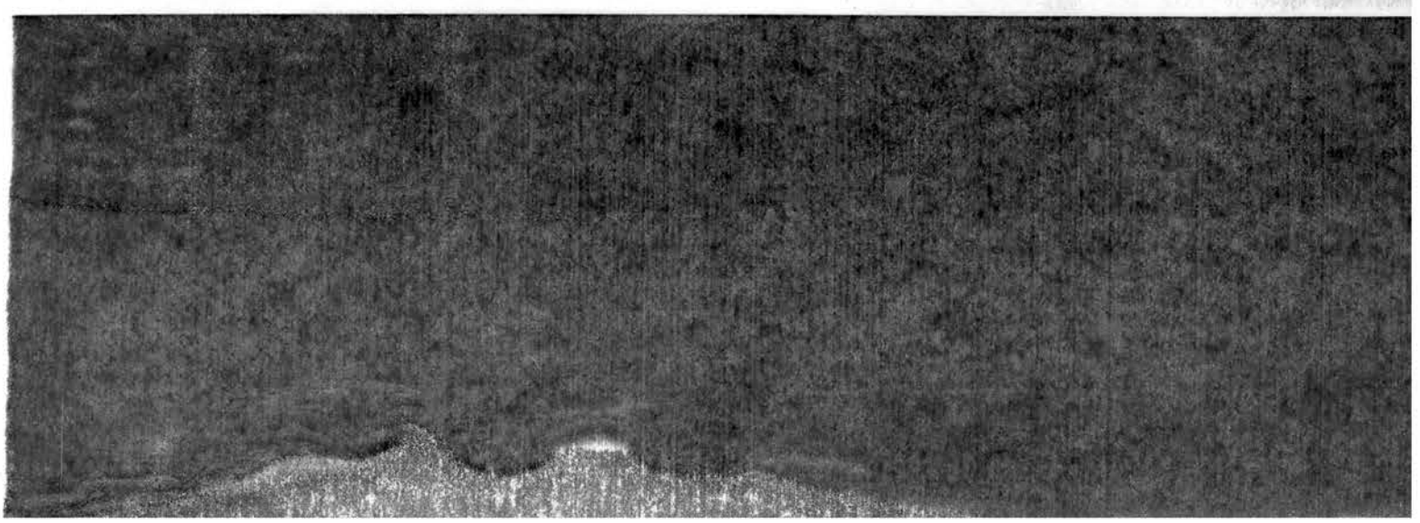
Department Authorized Signature: 5/14/84

Agency Controller Signature:

MINNESOTA BOARD OF DENTISTRY
FEE SCHEDULE
(May 8, 1984)

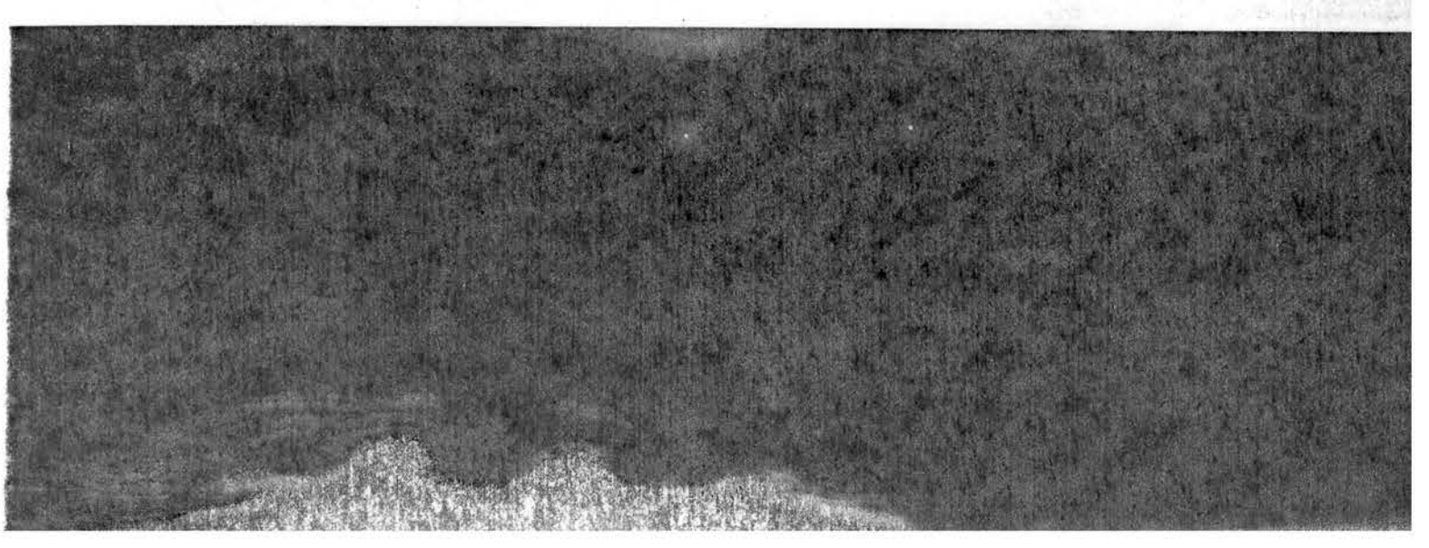
	Present	Proposed
Licensure by Examination		
Dentist	$ 70	$ 70
Dental hygienist	25	25
Licensure by Credentials		
Dentist	250	250
Dental hygienist	75	75
Initial Registration		
Registered dental assistants	15	15
Professional corporations	100	100
X-ray assistant	-	10 **
Annual Registration		
Dentist	38	42 *
Dental hygienist	15	17 *
Registered assistant	10	11 *
Corporation	25	25
Duplicate Licenses	5	8
Duplicate Registration Certificates	5	5
Continuing Education Sponsor Application	-	25 **

* Proposed change
** New



MINNESOTA BOARD OF DENTISTRY
Anticipated Revenue - F.Y. 19[illegible]
(As of May 8, 1984)

	Number	Fee	Amount
Initial License/Registration			
Dentist			
Examination	$ 133	$ 70	$ 9,310
Credentials	12	250	3,000
Dental hygienist			
Examination	137	25	3,425
Credentials	13	75	975
Registered dental assistant	385	15	5,775
Assistant - radiographs only	3	10	30
Professional Corporation	22	100	2,200
Annual License/Registration Renewal			
Dentist	3,866	42	162,372
Dental hygienist	2,509	17	42,653
Registered dental assistant	3,273	11	36,003
Professional Corporation	698	25	17,450
Late Renewal Penalties			
Dentist	150	21	3,150
Dental hygienist	144	8.50	1,224
Registered dental assistant	300	5.50	1,650
Other Income			
Duplicate Licenses	35	8	280
Duplicate Certificates	69	5	345
Continuing Education Sponsor Applications	75	25	1,875
Prior Year Renewal Fees			589
Miscellaneous			2,400
TOTAL ANTICIPATED REVENUE F.Y. 1985			$294,706



STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments to a Board of
Dentistry Rule Relating
to Fees, Minn. Rule pt. 3100.2000

STATEMENT OF COMPLIANCE
WITH RULEMAKING
PROCEDURE

I, Catherine E. Avina, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Catherine E. Avina

CATHERINE E. AVINA
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to a Board of Dentistry Rule Relating to Fees, Minn. Rule pt. 3100.2000

AFFIDAVIT CONCERNING MAILING NOTICE OF SUBMISSION OF RULES TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

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

That subsequent to the Board of Dentistry's publication in the State Register of June 18, 1984, of a Notice of Intent to Adopt Rules Without a Public Hearing, in which the public were advised to submit to the Board requests to receive notice of submission of the rules to the Attorney General, no requests for such notice were received by the Board.

DALE J. FORSETH

Subscribed and sworn to before me
this 16th day of October, 1984

Notary Public

ARLAYNE J. NELSON
NOTARY PUBLIC
HENNEPIN COUNTY, MN
MY COMMISSION EXPIRES
APRIL 14, 1987