

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: DALE J. FORSESTH, Executive Secretary
Board of Dentistry

DATE: 10/7/85

ATTN: CATHERINE E. AVINA
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-4692

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

The above-referenced rule has been approved as to its legality by the Attorney General on October 7, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

SF-00006-04

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

STATE OF MINNESOTA

Office Memorandum

DATE : September 24, 1985

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

FROM : Catherine E. Avina
Special Assistant
Attorney General

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 adoption amendments:

1. A copy of the Notice of Intent to Solicit Information or Opinions from Nonagency Sources on Rule Revisions, published April 29, 1985, at 9 S.R. 2402 and a photocopy of the cited State Register page.

2. Certificate of Board's Authorizing Resolution, executed May 12, 1985, 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 13, 1985.

4. Notice of Intent to Adopt Rules Without a Public Hearing, executed May 31, 1985, with attached copy of the proposed amendments approved by the Revisor's office April 23, 1985.

5. A photocopy of the relevant pages of the June 7, 1985, State Register, Volume 9, Number 51, in which the Notice and proposed amendments referenced in number 4 above were published.

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

7. Affidavit of Mailing, executed June 13, 1985.

8. Certificate of Agency's Mailing List, executed June 13, 1985.

9. Certificate of Board's Resolution Adopting Rules, executed September 14, 1985.

10. Findings of Fact, Conclusions and Order Adopting a Rule Without a Public Hearing, executed September 14, 1985.

11. The original and three copies of the amended rule as adopted.

12. Declaration of Counsel.

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

CEA:lb

Attachments

Our File No. 1209

RULE REVIEW CHECKLIST 05-0009-0479

DATE RULE RECEIVED 9-27
DATE FOR REVIEW 10-7
DATE DUE 10-11

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

Approved 10-7-85 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 10-7-85 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 9.14.85 Date combined w/ FofF

✓ Notice of Intent to Solicit Outside Opinion SR. 4.29.85.

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency no small biz statement → see last ~~stat~~ pg of SNR -- -- in opinion of mjc, rule does not affect small biz

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

✓ Mailing list Certificate

✓ Publication in State Register
6.17.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

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 combined with Order Adopting

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness includes statement of impact on small biz.

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

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

AG copy

Board of Dentistry

Adopted Rule Relating to Fees

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 a license or registration application a fee in the following amounts:

A. dentist application, $75;

B. dental hygienist application, $30; and

C. dental assistant application, $20.

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

A. dentist, $45;

B. dental hygienist, $20; and

C. registered dental assistant, $14.

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 or her license application a fee in the following amounts:

A. dentist, $275; and

B. dental hygienist, $80.

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 a request for issuance of a duplicate of his or her original license or registration or of an annual renewal thereof a fee in the following amounts:

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

B. initial and renewal registration certificates and license renewal certificates, $6.

Subp. 6. Reinstatement fee. No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his or her license or registration reinstated or a new license or registration issued until he or she has submitted to the board a fee in the following amount:

A. dentist, $75;

B. dental hygienist, $30; and

C. registered dental assistant, $20.

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 an 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 an application a fee in the amount of $75.

Subp. 9. Affidavit of licensure. Each licensee or registrant shall submit with a request for an affidavit of licensure a fee in the amount of $10.

Subp. 10. 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.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 7 1985
Joan Anderson Growe
Secretary of State
8:50 AM

APPROVED AS TO FORM AND LEGALITY
October 7 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

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 pt. 3100.2000

FINDINGS OF FACT,
CONCLUSIONS AND ORDER
ADOPTING A RULE WITHOUT
A PUBLIC HEARING

Notice of the Board's proposed adoption of the above-entitled amendments was published in the State Register on June 17, 1985, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. 1a, and 14.22 on June 13, 1985.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking without a public hearing.

No submissions or comments on the rule or requests for notice of submission to the attorney general were received by the Board.

Based on the evidence in the record before the agency, the Board finds the following:

The above-captioned amendments are needed and reasonable.

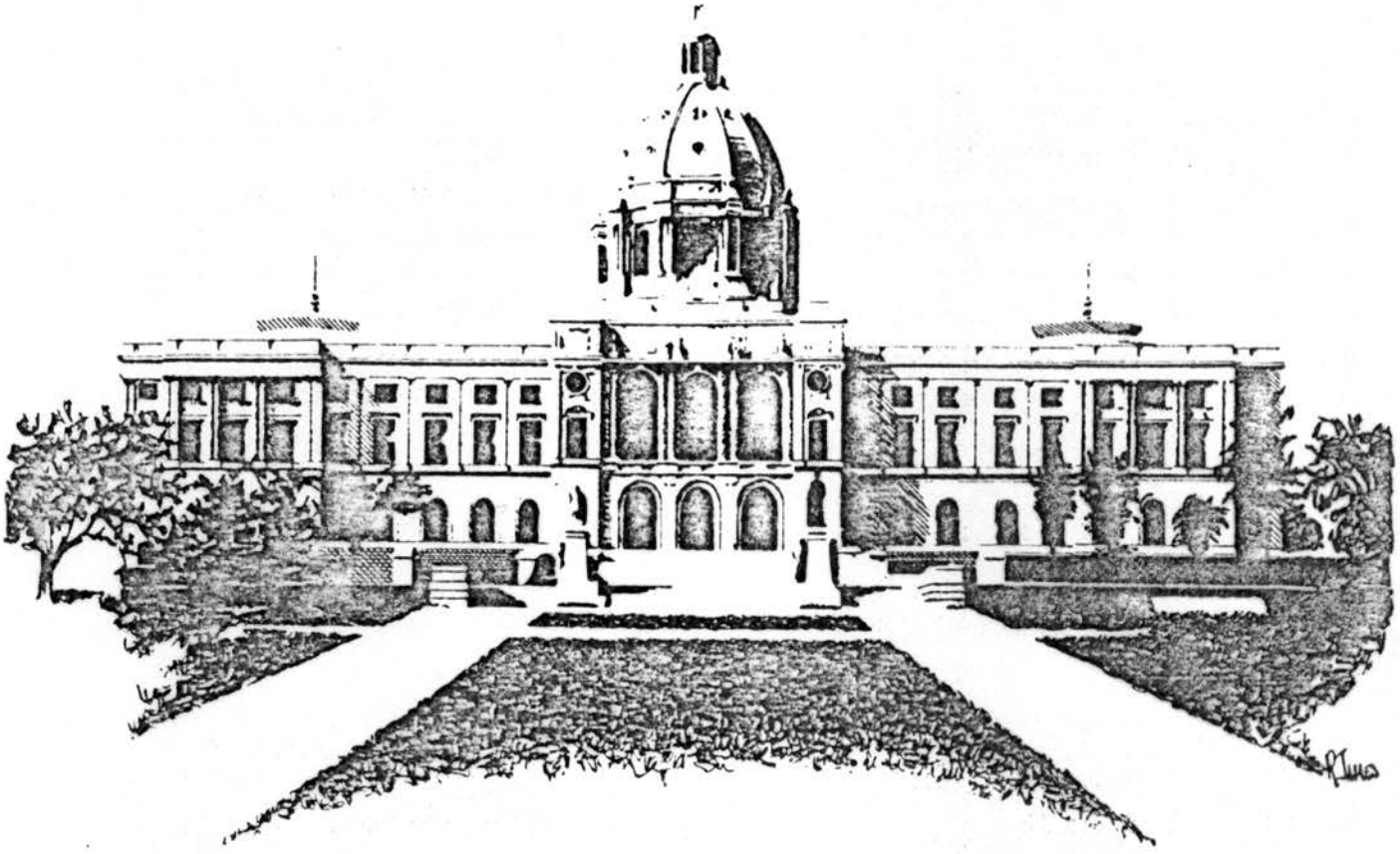
NOW, THEREFORE, IT IS ORDERED that the amendments to the rule identified as Part 3100.2000 Fees is adopted this 14th day of September, 1985, pursuant to authority vested in the Board by Minn. Stat. §§ 16A.128, 150A.04, subd. 5, and 214.06, subd. 1, and pursuant to a resolution adopted by the Board on September 14, 1985.

STATE OF MINNESOTA

DALE J. FORSETH
Executive Secretary
Board of Dentistry

STATE REGISTER

STATE OF MINNESOTA



VOLUME 9, NUMBER 44

April 29, 1985

Pages 2395-2418

Rules as Proposed

4900.1200 APPLICATIONS FOR INNOVATIVE HOUSING LOANS.

To be eligible to be selected for an innovative housing loan, to be made from the fund established pursuant to Minnesota Statutes, sections 462A.05, subdivision 18 and 462A.21, subdivision 9, each applicant must satisfy the following requirements:

A. The applicant must be a nonprofit or for-profit entity ~~or a limited dividend entity~~.

B. to G. [Unchanged.]

4900.1210 SELECTION CRITERIA FOR INNOVATIVE HOUSING LOANS.

In determining whether or not to accept applications from nonprofit or for-profit entities for innovative housing loans, the members shall examine the following facts and make their determinations thereon:

A. to I. [Unchanged.]

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

State Board Education
Department of Education
Partnerships Division

Adopted Rule Relating to Implementation of Health Occupation Programs

The rule proposed and published at *State Register*, Volume 9, Number 27, pages 1505-1506, December 31, 1984 (9 S.R. 1505) is adopted as proposed.

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.

Board of Dentistry

Outside Opinions Sought Concerning Fees Amendment

Notice is hereby given, pursuant to Minnesota Statutes § 14.10 (1984), that the Minnesota Board of Dentistry (hereinafter "Board") is preparing to propose an amendment to Minnesota Rules, part 3100.2000 (1983), relating to fees. Accordingly, the Board solicits information and opinions from sources outside the agency for the purpose of amending Minnesota Rules, part 3100.2000.

All interested or affected persons or groups desiring to submit information and comments relating to the amendment of part 3100.2000 should address their comments (either written or oral) to Mr. Dale Forseth, Executive Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, telephone (612) 623-5313. This notice and any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General if the Board proposes to amend Minnesota Rules, part 3100.2000.

Any materials submitted shall be reviewed and considered by the Board during preparation of the proposed amendment. Notice of the proposed amendment to Minnesota Rules, part 3100.2000, without a public hearing shall be published in the *State Register* and given to all interested parties who have registered with the Board pursuant to Minnesota Statutes § 14.14, subd. 1a (1984).

April 13, 1985

Dale J. Forseth
Executive Secretary
Board of Dentistry

Department of Labor and Industry Prevailing Wage Division

Correction to the Prevailing Wage Fringe Benefits Rate for Sheet Metal Workers in Benton County

Due to an error, the Fringe Benefits for Sheet Metal Workers in Benton County for commercial construction has been changed to $2.91. However, the prevailing wage rate certified remains the same.

Corrected copies, effective April 19, 1985, may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Steve Keefe, Commissioner
Department of Labor and Industry

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is May 21, 1985.

ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS has 13 vacancies open for members. Members are appointed by the Board of Education. This includes representatives of the Minnesota Sioux Tribe, the Minnesota Red Lake Tribe, the Minnesota Chippewa Tribe, the metropolitan areas of Duluth, Minneapolis and St. Paul, and a member representing Indian alternative schools. Members include representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, and persons knowledgeable in the field of American Indian language and culture education. The task force advises the Board of Education on the administration of the American Indian Language and Culture Education Act; reviews proposals and makes recommendations to the board on approval and funding of bicultural programs in Minnesota schools. Between 3 and 5 meetings per year at various sites statewide; members are reimbursed for expenses. For specific information contact the Advisory Task Force on American Indian Language and Culture Education Programs, 303 Capitol Square Bldg., St. Paul 55101; (612) 296-6458.

MINNESOTA INDIAN SCHOLARSHIP TASK FORCE has 15 vacancies open for members. Members are appointed by the Board of Education and include representatives of the Duluth area, the Minneapolis area, the Bemidji area, the Bureau of Indian Affairs Higher Education Office, the Minnesota Chippewa Tribe, the Minnesota Sioux Tribe and the Red Lake Education Division. The task force advises the Board of Education on amounts and types of scholarships granted to American Indian post-secondary students. It also advises the board on the administration of the American Indian Post-Secondary Preparation Program; reviews proposals and makes recommendations to the board on approval and funding of Post-Secondary Preparation Programs in Minnesota schools. Members are reimbursed for expenses. For specific information contact the Minnesota Indian Scholarship Task Force, 303 Capitol Square Bldg., St. Paul 55101; (612) 296-6458.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

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

NOTICE OF INTENT TO SOLICIT
INFORMATION OR OPINIONS
FROM NON-AGENCY SOURCES

Notice is hereby given, pursuant to Minn. Stat. §14.10 (1984), that the Minnesota Board of Dentistry (hereinafter "Board") is preparing to propose an amendment to Minn. Rules, pt. 3100.2000 (1983), relating to fees. Accordingly, the Board is soliciting information and opinions from sources outside the agency for the purpose of amending Minn. Rules, pt. 3100.2000.

All interested or affected persons or groups desiring to submit information and comments relating to the amendment of pt. 3100.2000 should address their comments (either written or oral) to Mr. Dale Forseth, Executive Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, telephone (612) 623-5313. This Notice and any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General in the event that the Board initiates a rulemaking process to amend Minn. Rules, pt. 3100.2000.

Any materials submitted shall be reviewed and considered by the Board during the preparation of the proposed amendment. Notice of the proposed adoption of the amendment to Minn. Rules, pt. 3100.2000, without a public hearing shall be published in the State Register and given to all interested parties who have registered with the Board pursuant to Minn. Stat. § 14.14, subd. 1a (1984).

Date: April 13, 1985

STATE OF 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
To a Dentistry Rule Relating
to Fees, Minn. Rule pt. 3100.2000

ORDER FOR NOTICE OF INTENT TO
AMEND RULES WITHOUT A
PUBLIC HEARING

IT IS ORDERED this 13 day of May, 1985, that a Notice of Intent to Amend Rules Without a Public Hearing in the above-entitled matter be given to all person who have registered their names with the Minnesota Board of Dentistry for that purpose and be published in the State Register.

STATE OF 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 to a Dentistry Rule
Relating to Fees,
Minn. Rule pt. 3100.2000

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Thomas J. McCarter, 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 April 13, 1985, 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 amendments to rules relating to fees, to sign an Order of the Board directing that Notice be given of the Board's intent to amend rules governing licensure fees without a public hearing, to sign the Notice thereof, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12 day of MAY, 1985.

Thomas J. McCarter DDS

THOMAS J. McCARTER, DDS
President

Harry R. Dorvinen DDS

Attested by: Harry R. Dorvinen, DDS
Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

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

NOTICE OF INTENT TO AMEND
RULES WITHOUT A PUBLIC
HEARING

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

Because Board fees are fixed by rule rather than by law, the procedures for adoption of noncontroversial rules will be used except that no public hearing may be held. See, Minnesota Statutes, section 16A.128, subdivision 2.a. (1984).

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 amendments, and comment is encouraged;

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

3. All comments shall be submitted to Dale J. Forseth, Executive Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. 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;

5. Under the procedure for adopting noncontroversial 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. Notice of the date of submission of the proposed

amendments 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.

6. Authority to amend Minn. Rule pt. 3100.2000 is contained in Minn. Stat. §§ 16A.128, 150A.04, subd. 5, and 214.06, subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonablness 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;

7. 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 pt. 3100.2000 is available. Anyone wishing to receive a copy of this document may contact Mr. Forseth at the above address.

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

Dated: May 31, 1985

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~~ a license or registration application a fee in the following amounts:

A. dentist application, ~~$70~~ $75;

B. dental hygienist application, ~~$25~~ $30; and

C. dental assistant application, ~~$15~~ $20.

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

A. dentist, ~~$42~~ $45;

B. dental hygienist, ~~$17~~ $20; and

C. registered dental assistant, ~~$11~~ $14.

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 or her license application a fee in the following amounts:

A. dentist, ~~$250~~ $275; and

B. dental hygienist, ~~$75~~ $80.

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~~ a request for issuance of a duplicate of his or her original license or registration or of ~~his~~ an annual renewal thereof a fee in the following amounts:

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

B. initial and renewal registration certificates and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: LSJ

license renewal certificates, ~~$5~~ $6.

Subp. 6. **Reinstatement fee.** No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his or her license or registration reinstated or a new license or registration issued until he or she has submitted to the board a fee in the following amount:

A. dentist, ~~$70~~ $75;

B. dental hygienist, ~~$25~~ $30; and

C. registered dental assistant, ~~$15~~ $20.

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~~ an 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~~ an application a fee in the amount of ~~$25~~ $75.

Subp. 9. **Affidavit of licensure.** Each licensee or registrant shall submit with a request for an affidavit of licensure a fee in the amount of $10.

Subp. 10. **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

RD768

Agency: Board of Dentistry

Division:

Agency Contact: Dale Forseth

Minnesota Rules: Part 3100.2000

Title: Proposed Rule Relating to Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: April 23, 1985

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 pt. 3100.2000

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

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

That on the 13th day of June, 1985, at the City of Minneapolis, County of Hennepin, State of Minnesota, he served the attached NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING and a copy of the proposed amendment to Minn. Rule pt. 3100.2000 by depositing in the United States mail through the mail room at the Minnesota Department of Health Building in 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 Board of Dentistry.

DALE J. FORSETH
Executive Secretary

Subscribed and sworn to before me
this 19 day of August, 1985.

Arlayne Nelson

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

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

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

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

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

Because Board fees are fixed by rule rather than by law, the procedures for adoption of noncontroversial rules will be used except that no public hearing may be held. See, Minnesota Statutes, section 16A.128, subdivision 2.a. (1984).

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 amendments, and comment is encouraged;

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

3. All comments shall be submitted to Dale J. Forseth, Executive Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. 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;

5. Under the procedure for adopting noncontroversial 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. Notice of the date of submission of the proposed

amendments 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.

6. Authority to amend Minn. Rule pt. 3100.2000 is contained in Minn. Stat. §§ 16A.128, 150A.04, subd. 5, and 214.06, subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonablness 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;

7. 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 pt. 3100.2000 is available. Anyone wishing to receive a copy of this document may contact Mr. Forseth at the above address.

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

Dated: May 31, 1985

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~~ a license or registration application a fee in the following amounts:

A. dentist application, ~~$70~~ $75;

B. dental hygienist application, ~~$25~~ $30; and

C. dental assistant application, ~~$15~~ $20.

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

A. dentist, ~~$42~~ $45;

B. dental hygienist, ~~$17~~ $20; and

C. registered dental assistant, ~~$11~~ $14.

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 or her license application a fee in the following amounts:

A. dentist, ~~$250~~ $275; and

B. dental hygienist, ~~$75~~ $80.

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~~ a request for issuance of a duplicate of his or her original license or registration or of ~~his~~ an annual renewal thereof a fee in the following amounts:

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

B. initial and renewal registration certificates and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: LSJ

license renewal certificates, ~~$5~~ $6.

Subp. 6. **Reinstatement fee.** No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his or her license or registration reinstated or a new license or registration issued until he or she has submitted to the board a fee in the following amount:

A. dentist, ~~$70~~ $75;

B. dental hygienist, ~~$25~~ $30; and

C. registered dental assistant, ~~$15~~ $20.

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~~ an 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~~ an application a fee in the amount of ~~$25~~ $75.

Subp. 9. **Affidavit of licensure.** Each licensee or registrant shall submit with a request for an affidavit of licensure a fee in the amount of $10.

Subp. 10. **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

RD768

Agency: Board of Dentistry

Division:

Agency Contact: Dale Forseth

Minnesota Rules: Part 3100.2000

Title: Proposed Rule Relating to Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: April 23, 1985

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 pt. 3100.2000

STATEMENT OF NEED FOR AND FACTS ESTABLISHING REASONABLENESS OF AMENDMENTS

Pursuant to Minn. Stat. § 14.23 (1984), the Minnesota Board of Dentistry (hereinafter "Board"), hereby affirmatively presents the need for and facts establishing the reasonableness of proposed amendments to Minnesota Rules, part 3100.2000, relating to fees.

In order to adopt the proposed amendments, the Board must demonstrate that it has complied with all the procedural and substantive requirements of rulemaking. Those requirements are as follows: 1) there is statutory authority to adopt the rule; 2) the rules are needed; 3) the rules are reasonable; 4) all necessary procedural steps have been taken; and 5) any additional requirements imposed by law have been satisfied. This statement demonstrates that the Board has met these requirements.

1. STATUTORY AUTHORITY

The statutory authority of the Board to adopt these rules is as follows:

Minnesota Statutes, section 150A.04, subdivision 5 (1984), authorizes the Board to promulgate rules necessary to carry out the provisions and purposes of the Minnesota Dental Practices Act, Minnesota Statutes, chapter 150A;

Minnesota Statutes, sections 16A.128 and 214.06 (1984), 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, including support costs and statewide indirect costs attributable to the fee function.

2. STATEMENT OF NEED

The Board has reviewed its anticipated expenditures for the 1986-1987 biennium and found that if its revenue is derived from the existing fees, the Board's expenditures would exceed revenue by more than $75,000. Thus, the Board would not be in compliance with Minnesota Statutes, section 16A.128 and 214.06 (1984). Therefore, the need for the Board to adjust its fees is so that the Board can comply with the statute.

The Board is proposing new subpart 9 to cover the Board's costs for the preparation of affidavits of licensure. An affidavit of licensure is commonly required by persons under the Board's jurisdiction who are applying for licensure or registration in another jurisdiction. Because of the costs incurred in researching the necessary information and preparing special affidavit of licensure forms, it is necessary for the Board to recover the costs through a $10 fee for the function.

3. STATEMENT OF REASONABLENESS

Before submitting its 1986-1987 biennial budget request to the Legislature, the Board carefully scrutinized all expenses anticipated over the biennium and found that it would reduce contract expenses paid in the previous biennium by $17,800. When the Legislature approved the Board's budget, it reduced it by the $17,800 and by another $3,800. The Board has since reviewed its anticipated expenditures and has found that further reductions cannot be made to meet anticipated revenue from the current fee schedule. Therefore, it is reasonable to raise the fees.

4. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minnesota Statutes, sections 14.05-14.12 and 14.22-14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures

applicable to all rules, Minnesota Statutes, sections 14.05-14.12, have been complied with by the Board as noted below. Because Board fees are fixed by rule rather than by law, the procedures for adoption of noncontroversial rules in sections 14.22 to 14.28 are being used except no public hearing may be held. See Minnesota Statutes, section 16A.128, subdivision 2.a. (1984).

Procedural Rulemaking Requirements of the Administrative Procedure Act

Minnesota Statutes section 14.10, requires an agency which seeks information or opinions in preparing to propose the adoption or amendment of rules from sources outside the agency to publish a notice in the State Register and afford all interested persons an opportunity to submit data or comments on the subject matter of the proposed changes. In the State Register issue of Monday, April 29, 1985, at page 2402, the Board published a notice entitled "Outside Opinions Sought Concerning Fees Amendment."

The adoption of these rules will not require the expenditure of public money by local public bodies, nor do the rules have any impact on agricultural land. See, Minn. Stat. § 14.11. The adoption of these rules will affect small businesses as discussed below. See Minnesota Statutes, section 14.115.

Pursuant to Minnesota Statutes, section 14.23, the Board has prepared this Statement of Need and Reasonableness which is available to the public. The Board will publish a Notice of Intent to Amend the Rules Without a Public Hearing in the State Register and mail copies of the notice and proposed amendments to persons registered with the Minnesota Board of Dentistry pursuant to Minnesota Statutes, section 14.14, subd. 1.a. The notice will include the following information: a) that the public have 30 days in which to submit comments on the proposed amendments and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held pursuant to Minn. Stat. § 16A.128, subd. 2.a. (1984); c) that the rule may be

modified if modifications are supported by data and the views submitted; and d) that notice of the date of submission of the proposed amendments to the attorney general for review will be mailed to any person requesting to receive the notice, and giving information on how to request the notice.

The Board will submit the proposed amendments and notice as published, the amendments as proposed for adoption, any written comments which have been received, and this Statement of Need and Reasonableness to the Attorney General for approval of the amendments as to legality and form.

These rules will become effective upon publication of a notice of adoption in the State Register.

5. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee adjustment is required to be fixed by rule, the Commissioner of Finance must approve the adjustment, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed amendments to part 3100.2000 is contained in the attached document entitled "Commissioner of Finance Approval."

Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small businesses set forth in Minnesota Statutes, section 14.115, subdivision 2 (1984). The Board noted that the suggested methods for reducing the impact of the rules on small business concern compliance and reporting requirements and performance standards. Since the proposed amendments merely raise fees charged by the Board for licensure and other administrative functions, reducing the impact of the amendments on small businesses would be contrary to the statutory objectives that are the basis for requiring the Board to adjust fees to meet anticipated expenditures.

Small businesses effected by the proposed amendments will have an opportunity to participate in the rulemaking procedure. A notice of the proposed rulemaking will be mailed to the following organizations which will likely represent small businesses affected by the amendments: Minnesota Dental Association, Minneapolis District Dental Society, Northeastern District Dental Society, St. Paul District Dental Society, Northwestern District Dental Society, Southeastern District Dental Society, Southern District Dental Society and West Central District Dental Society.

Dated: June 5, 1985

STATE OF 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 to a Board of Dentistry Rule Relating to Fees, Minn. Rule p. 3100.200

COMMISSIONER OF FINANCE APPROVAL

Minnesota Statutes §§ 150A.04, subd. 5; 150A.06; 150A.08, subd. 3 and 150A.09, subd. 1 authorize the Minnesota Board of Dentistry (hereinafter "board") to establish fees for licensure, annual registration and continuing education sponsor approval. 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 fees collected by each board will as closely as possible equal "anticipated expenditures."

The above-captioned rule of the board would increase the licensure fees for dentists from seventy dollars ($70.00) to seventy-five dollars ($75.00), for dental hygienists from twenty-five dollars ($25.00) to thirty dollars ($30.00) and initial registration of dental assistants from fifteen dollars ($15.00) to twenty-dollars ($20.00) and change licensure by credential fees for dentists from two-hundred fifty dollars ($250.00) to two hundred seventy-five dollars ($275.00) and for dental hygienists from seventy-five dollars ($75.00) to eighty dollars ($80.00).

The rule would also increase the annual license or registration fee for dentists from forty-two dollars ($42.00) to forty-five dollars ($45.00) for dental hygienists from seventeen dollars ($17.00) to twenty dollars ($20.00) and for registered dental assistants from eleven dollars ($11.00) to fourteen dollars ($14.00).

Further, the rules would change the continuing dental education sponsor approval application fee from twenty-five dollars ($25.00) to seventy-five dollars ($75.00); change the fee for duplicate annual registration certificates from five dollars ($5.00) to six dollars ($6.00) and create a ten dollar ($10.00) fee for the preparation of affidavits of licensure.

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 States § 214.06, the fees set forth in the proposed amendment to Minn. Rule p.3100.2000 of the Board are hereby approved.

for COMMISSIONER OF FINANCE

Dated: 5/1/85

By:

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

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. § 14.14, subd. 1.a. 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 8:00 AM this 13th day of June, 1985, have so registered with the Minnesota Board of Dentistry.

STATE OF MINNESOTA

BOARD OF DENTISTRY

DALE J. FORSETH
Executive Secretary

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Courthouse, 4th Floor
Anoka, MN 55303

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Minn. Attorney General
2nd Floor, Ford Building
117 University
St. Paul, MN 55155

Office of Admin. Heatings
400 Summit Bank Building
310 So. Fourth Avenue
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St. Paul, MN 55155

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STATE OF MINNESOTA

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HEALTH DIVISION
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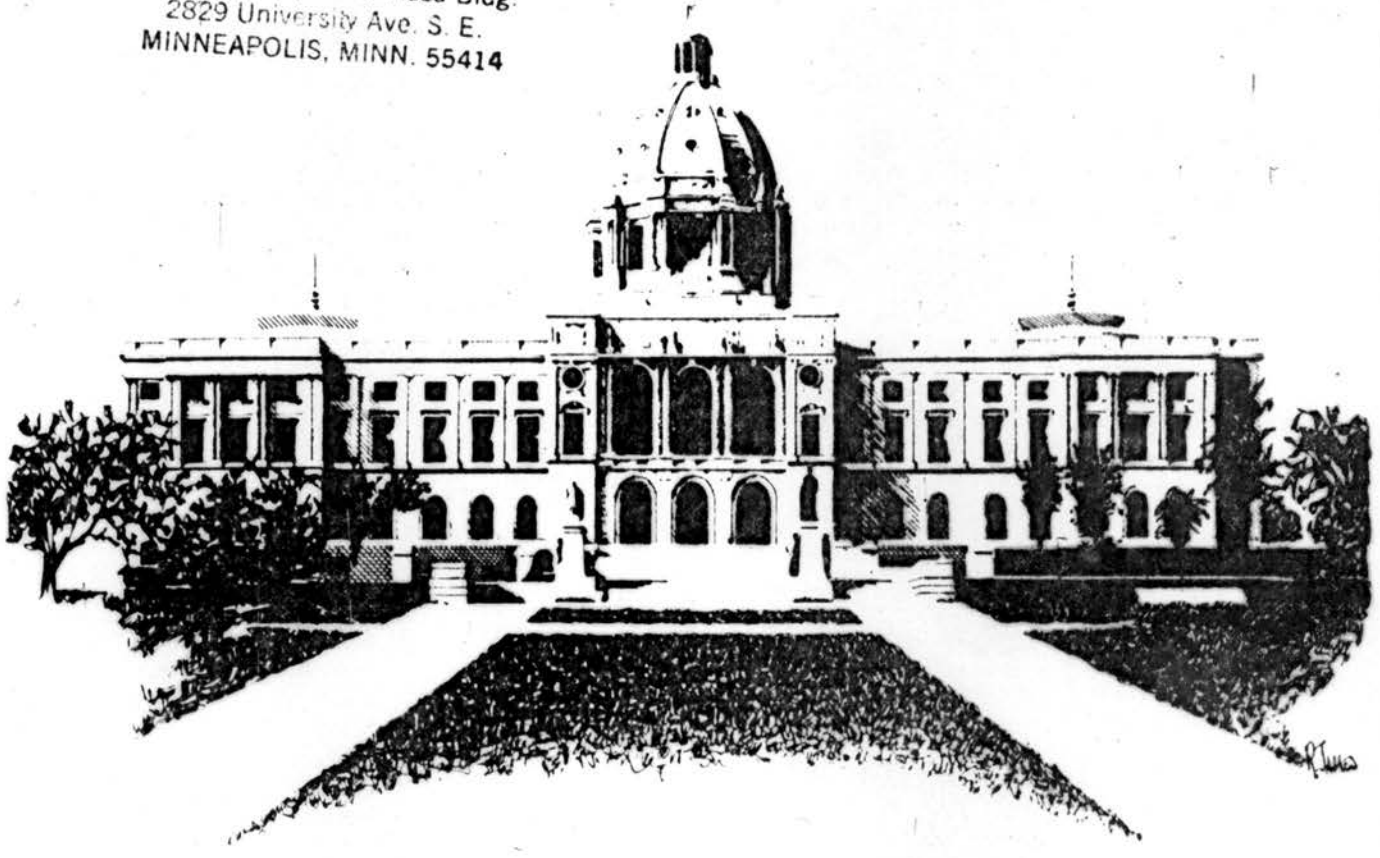

VOLUME 9, NUMBER 51

June 17, 1985

Pages 2691-2722

The proposed amendment will have a positive impact on small business as defined in Minnesota Statutes, Section 14.115. The change would mean semiannual reporting instead of quarterly reporting of seed sold. Therefore, the cost for seed fee permit holders in making reports on seed sold would be reduced by up to 50 percent.

One free copy of this notice and the proposed rule are available and may be obtained by contacting Mr. Heil.

May 29, 1985

Jim Nichols
Commissioner of Agriculture

Rule as Proposed

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. [Unchanged.]

B. All seed fee permit holders must file ~~quarterly~~ semiannual reports with the commissioner, even if no seed was sold during the reporting period. Each ~~quarterly~~ semiannual report must be submitted within 30 days of the end of each reporting period. The reporting periods are ~~January 1~~ October 1 to March 31, and April 1 to ~~June 30, July 1 to~~ September 30, ~~October 1 to December 31~~ of each year.

C. [Unchanged.]

D. If a seed fee permit holder fails to submit a ~~quarterly~~ semiannual report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each late ~~quarterly~~ semiannual report. A $10 penalty will be charged when the ~~quarterly~~ semiannual report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota seed law.

Subp. 4. and 5. [Unchanged.]

Board of Dentistry

Proposed Rule Relating to Fees

Notice of Intent to Amend Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry (hereinafter "Board") proposes to amend Minn. Rule pt. 3100.2000. A copy of the proposed amendments is attached to this notice.

Because Board fees are fixed by rule rather than by law, the procedures for adoption of noncontroversial rules will be used except that no public hearing may be held. See, *Minnesota Statutes*, section 16A.128, subdivision 2.a. (1984).

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 amendments, and comment is encouraged;

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

3. All comments shall be submitted to Dale J. Forseth, Executive Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. 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;

5. Under the procedure for adopting noncontroversial 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. Notice of the date of submission of the proposed amendments 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.

6. Authority to amend Minn. Rule pt. 3100.2000 is contained in Minn. Stat. §§ 16A.128, 150A.04, subd. 5, and 214.06, subd.

1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness 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;

7. 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 pt. 3100.2000 is available. Anyone wishing to receive a copy of this document may contact Mr. Forseth at the above address.

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

May 31, 1985

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~~ a license or registration application a fee in the following amounts:

A. dentist application, ~~$70~~ $75;

B. dental hygienist application, ~~$25~~ $30; and

C. dental assistant application, ~~$15~~ $20.

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

A. dentist, ~~$42~~ $45;

B. dental hygienist, ~~$17~~ $20; and

C. registered dental assistant, ~~$11~~ $14.

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 or her license application a fee in the following amounts:

A. dentist, ~~$250~~ $275; and

B. dental hygienist, ~~$75~~ $80.

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~~ a request for issuance of a duplicate of his or her original license or registration or of ~~his~~ an annual renewal thereof a fee in the following amounts:

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

B. initial and renewal registration certificates and license renewal certificates, ~~$5~~ $6.

Subp. 6. Reinstatement fee. No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his or her license or registration reinstated or a new license or registration issued until he or she has submitted to the board a fee in the following amount:

A. dentist, ~~$70~~ $75;

B. dental hygienist, ~~$25~~ $30; and

C. registered dental assistant, ~~$15~~ $20.

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. 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~~ an 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~~ an application a fee in the amount of ~~$25~~ $75.

Subp. 9. Affidavit of licensure. Each licensee or registrant shall submit with a request for an affidavit of licensure a fee in the amount of $10.

Subp. 10. 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.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Energy and Economic Development

Adopted Emergency Rules Relating to Waste Tire Recycling Loan Program

The rule(s) proposed and published at *State Register*, Volume 9, Number 38, pages 2052-2055, March 18, 1985 (9 S.R. 2052) are adopted with the following modifications:

Rules as Adopted, Emergency

CHAPTER 8300
DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT
WASTE TIRE RECYCLING LOAN PROGRAM

8300.3087 [Emergency] SECURITY REQUIREMENTS.

All loans for either real property or equipment must be secured in accordance with the following requirements:

A. A real property loan must be secured by a second mortgage or other adequate security, as determined by the authority under generally accepted commercial lending standards.

B. Equipment loans must be secured by (i) a second lien on the equipment or other adequate security as determined by the authority under generally accepted commercial lending standards; or (ii) the personal guarantee of principal owners, officers, sole proprietors, partners, major shareholders, corporate officers, or other related entities such as subsidiaries or parent corporations of the borrower. Principal owners are those having 20 percent or more ownership.

C. Additional forms of security may be required by the authority under generally accepted commercial lending standards.

8300.3088 [Emergency] CONTENTS OF APPLICATION FOR LOANS.

To apply for a waste tire recycling loan, an eligible borrower must submit a completed application to the commissioner on a form provided by the commissioner. The application must contain or be accompanied by:

B. financial statements, including a profit-and-loss statement, and a source and use of funds statement current to the most recent quarter; when available, audited financial statements (including footnotes) ~~should~~ must be provided for the immediate past three years; if audited statements are not available, balance sheets, profit-and-loss statements, and source and use of funds statements from a three-year period shall be provided; borrowers who are sole proprietors of the business ~~may~~ must also be required to submit complete copies of their personal tax returns for the time periods specified, in addition to the financial statements required by this part;

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 pt. 3100.2000

CERTIFICATE OF
BOARD'S RESOLUTION
ADOPTING RULES

I, Thomas J. McCarter, 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 14th day of September, 1985, 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 §§ 16A.128, 214.06, and 150A.04, that the proposed amendments to rules relating to fees are found to be needed and reasonable; that they hereby are approved and adopted as published in the State Register on June 17, 1985, at 9 S.R. 2698; and that Dale J. Forseth, the executive secretary of the Board of Dentistry, 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 14th day of September, 1985.

Thomas J. McCarter DDS

THOMAS J. McCARTER, 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 pt. 3100.2000

STATEMENT OF NEED FOR AND FACTS ESTABLISHING REASONABLENESS OF AMENDMENTS

Pursuant to Minn. Stat. § 14.23 (1984), the Minnesota Board of Dentistry (hereinafter "Board"), hereby affirmatively presents the need for and facts establishing the reasonableness of proposed amendments to Minnesota Rules, part 3100.2000, relating to fees.

In order to adopt the proposed amendments, the Board must demonstrate that it has complied with all the procedural and substantive requirements of rulemaking. Those requirements are as follows: 1) there is statutory authority to adopt the rule; 2) the rules are needed; 3) the rules are reasonable; 4) all necessary procedural steps have been taken; and 5) any additional requirements imposed by law have been satisfied. This statement demonstrates that the Board has met these requirements.

I. STATUTORY AUTHORITY

The statutory authority of the Board to adopt these rules is as follows:

Minnesota Statutes, section 150A.04, subdivision 5 (1984), authorizes the Board to promulgate rules necessary to carry out the provisions and purposes of the Minnesota Dental Practices Act, Minnesota Statutes, chapter 150A;

Minnesota Statutes, sections 16A.128 and 214.06 (1984), 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, including support costs and statewide indirect costs attributable to the fee function.

2. STATEMENT OF NEED

The Board has reviewed its anticipated expenditures for the 1986-1987 biennium and found that if its revenue is derived from the existing fees, the Board's expenditures would exceed revenue by more than $75,000. Thus, the Board would not be in compliance with Minnesota Statutes, section 16A.128 and 214.06 (1984). Therefore, the need for the Board to adjust its fees is so that the Board can comply with the statute.

The Board is proposing new subpart 9 to cover the Board's costs for the preparation of affidavits of licensure. An affidavit of licensure is commonly required by persons under the Board's jurisdiction who are applying for licensure or registration in another jurisdiction. Because of the costs incurred in researching the necessary information and preparing special affidavit of licensure forms, it is necessary for the Board to recover the costs through a $10 fee for the function.

3. STATEMENT OF REASONABLENESS

Before submitting its 1986-1987 biennial budget request to the Legislature, the Board carefully scrutinized all expenses anticipated over the biennium and found that it would reduce contract expenses paid in the previous biennium by $17,800. When the Legislature approved the Board's budget, it reduced it by the $17,800 and by another $3,800. The Board has since reviewed its anticipated expenditures and has found that further reductions cannot be made to meet anticipated revenue from the current fee schedule. Therefore, it is reasonable to raise the fees.

4. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minnesota Statutes, sections 14.05-14.12 and 14.22-14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures

applicable to all rules, Minnesota Statutes, sections 14.05-14.12, have been complied with by the Board as noted below. Because Board fees are fixed by rule rather than by law, the procedures for adoption of noncontroversial rules in sections 14.22 to 14.28 are being used except no public hearing may be held. See Minnesota Statutes, section 16A.128, subdivision 2.a. (1984).

Procedural Rulemaking Requirements of the Administrative Procedure Act

Minnesota Statutes section 14.10, requires an agency which seeks information or opinions in preparing to propose the adoption or amendment of rules from sources outside the agency to publish a notice in the State Register and afford all interested persons an opportunity to submit data or comments on the subject matter of the proposed changes. In the State Register issue of Monday, April 29, 1985, at page 2402, the Board published a notice entitled "Outside Opinions Sought Concerning Fees Amendment."

The adoption of these rules will not require the expenditure of public money by local public bodies, nor do the rules have any impact on agricultural land. See, Minn. Stat. § 14.11. The adoption of these rules will affect small businesses as discussed below. See Minnesota Statutes, section 14.115.

Pursuant to Minnesota Statutes, section 14.23, the Board has prepared this Statement of Need and Reasonableness which is available to the public. The Board will publish a Notice of Intent to Amend the Rules Without a Public Hearing in the State Register and mail copies of the notice and proposed amendments to persons registered with the Minnesota Board of Dentistry pursuant to Minnesota Statutes, section 14.14, subd. 1.a. The notice will include the following information: a) that the public have 30 days in which to submit comments on the proposed amendments and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held pursuant to Minn. Stat. § 16A.128, subd. 2.a. (1984); c) that the rule may be

modified if modifications are supported by data and the views submitted; and d) that notice of the date of submission of the proposed amendments to the attorney general for review will be mailed to any person requesting to receive the notice, and giving information on how to request the notice.

The Board will submit the proposed amendments and notice as published, the amendments as proposed for adoption, any written comments which have been received, and this Statement of Need and Reasonableness to the Attorney General for approval of the amendments as to legality and form.

These rules will become effective upon publication of a notice of adoption in the State Register.

5. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee adjustment is required to be fixed by rule, the Commissioner of Finance must approve the adjustment, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed amendments to part 3100.2000 is contained in the attached document entitled "Commissioner of Finance Approval."

Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small businesses set forth in Minnesota Statutes, section 14.115, subdivision 2 (1984). The Board noted that the suggested methods for reducing the impact of the rules on small business concern compliance and reporting requirements and performance standards. Since the proposed amendments merely raise fees charged by the Board for licensure and other administrative functions, reducing the impact of the amendments on small businesses would be contrary to the statutory objectives that are the basis for requiring the Board to adjust fees to meet anticipated expenditures.

Small businesses effected by the proposed amendments will have an opportunity to participate in the rulemaking procedure. A notice of the proposed rulemaking will be mailed to the following organizations which will likely represent small businesses affected by the amendments: Minnesota Dental Association, Minneapolis District Dental Society, Northeastern District Dental Society, St. Paul District Dental Society, Northwestern District Dental Society, Southeastern District Dental Society, Southern District Dental Society and West Central District Dental Society.

Dated: June 5, 1985

STATE OF 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 to a Board of Dentistry Rule Relating to Fees, Minn. Rule p. 3100.200

COMMISSIONER OF FINANCE APPROVAL

Minnesota Statutes §§ 150A.04, subd. 5; 150A.06; 150A.08, subd. 3 and 150A.09, subd. 1 authorize the Minnesota Board of Dentistry (hereinafter "board") to establish fees for licensure, annual registration and continuing education sponsor approval. 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 fees collected by each board will as closely as possible equal "anticipated expenditures."

The above-captioned rule of the board would increase the licensure fees for dentists from seventy dollars ($70.00) to seventy-five dollars ($75.00), for dental hygienists from twenty-five dollars ($25.00) to thirty dollars ($30.00) and initial registration of dental assistants from fifteen dollars ($15.00) to twenty-dollars ($20.00) and change licensure by credential fees for dentists from two-hundred fifty dollars ($250.00) to two hundred seventy-five dollars ($275.00) and for dental hygienists from seventy-five dollars ($75.00) to eighty dollars ($80.00).

The rule would also increase the annual license or registration fee for dentists from forty-two dollars ($42.00) to forty-five dollars ($45.00) for dental hygienists from seventeen dollars ($17.00) to twenty dollars ($20.00) and for registered dental assistants from eleven dollars ($11.00) to fourteen dollars ($14.00).

Further, the rules would change the continuing dental education sponsor approval application fee from twenty-five dollars ($25.00) to seventy-five dollars ($75.00); change the fee for duplicate annual registration certificates from five dollars ($5.00) to six dollars ($6.00) and create a ten dollar ($10.00) fee for the preparation of affidavits of licensure.

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 States § 214.06, the fees set forth in the proposed amendment to Minn. Rule p.3100.2000 of the Board are hereby approved.

for COMMISSIONER OF FINANCE

Dated: 5/1/85

By:

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

DECLARATION OF COUNSEL

I, Catherine E. Avina, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the rulemaking record, and that, based on my examination, the Administrative Procedure Act and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: September 24, 1985

Catherine E. Avina

CATHERINE E. AVINA
Special Assistant
Attorney General