

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 1005 05.0009.0479

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-16-85
DATE FOR REVIEW 12-26-85
DATE DUE 12-30-85

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

Approved 12/30/85 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 12-18
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.9.85 Date combined w/ FF

✓ Notice of Intent to Solicit Outside Opinion SR. 2.1.82 + comments

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Affidavit of Discretionary Mailing

✓ Mailing list Certificate

✓ Publication in State Register
8.26.85 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

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

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: DICK WEXLER
Assistant Attorney General

DATE: 1/28/86

FROM: JUDITH V. WEHRWEIN JVW
Legal Assistant

PHONE: 297-3471

SUBJECT: Board of Dentistry Rules, return of originals

In accordance with your January 17 request, please find enclosed the originals of documents relating to five sets of Board of Dentistry rules. The copies sent January 17 have been placed in our files.

Please note, we cannot return our file copy of the rules as adopted as submitted on December 16, 1985; we must retain this copy because it is stamped approved by the Attorney General and filed by the Secretary of State.

Only our file on dental auxiliary rules contained copies of comments received by the Board. These are also enclosed. I am told that all other comments were returned to Dale Forseth.

Please call if you have any questions about this.

JVW:pmf

SF-00006-04

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

DATE : January 17, 1986

TO : Judith Wehrwein
204 Administration Building
50 Sherburne Avenue

FROM : Richard A. Wexler
Assistant Attorney General

SUBJECT : Board of Dentistry Rules

STATE OF MINNESOTA
Office Memorandum

Attached pursuant to our telephone conversation of January 16, 1986, are copies of all the documents relating to the five sets of Board of Dentistry rules which your office recently approved. Please return the originals of these documents to me.

Also, I did not receive from your office with the memoranda of approval the comments received by the Board, in response to the notice of intent to solicit outside information or during the 30 day comment period for the continuing dental education rules and the dental auxiliary rules. Please return them to me.

Thanks for your help.

RAW:dsc

Enclosure

RECEIVED
JAN 24 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO : DALE J. FORSETH, Executive Director
Board of Dentistry

DATE: 12/31/85

ATTN: Richard A. Wexler
Assistant Attorney General

FROM : J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of Proposed Amendments to Dentistry Rules Relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100 to 3100.1400 and 3100.1700 subparts 1 and 2; Termination for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, 3100.4700

The above-referenced rule has been approved as to its legality by the Attorney General on December 30, 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.

JMM:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1233

DEC 1985 RECEIVED DENTISTRY BOARD

AG copy

Board of Dentistry

Adopted Rules Governing License Applications and Examinations of the Board of Dentistry

Rules as Adopted

3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.

Subpart 1. [Unchanged.]

Subp. 2. **Clinical skills examination.** The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

Subp. 3. to 5. [Unchanged.]

3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.

Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the act and shall conform to the following rules of the board:

A. and B. [Unchanged.]

C. The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

D. to F. [Unchanged.]

3100.1300 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT.

Any person desiring to be registered as a dental assistant shall submit to the board an application and credentials as prescribed by the act and shall conform to the following rules:

A. An application on a form furnished by the board shall be completely filled out.

B. [Unchanged.]

C. Submission of evidence of satisfactorily passing a board-approved registration examination designed to determine the applicant's knowledge of the clinical duties specified in part 3100.8500, subpart 1.

D. and E. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:
DSN

3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.

Any person who is already a licensed dentist or dental hygienist in another state or Canadian province desiring to be licensed to practice dentistry or dental hygiene in Minnesota shall present to the board an application and credentials as prescribed by the act. The applicant shall conform to the following rules of the board:

A. The applicant shall complete an application on forms furnished by the board.

B. [Unchanged.]

C. An applicant for licensure as a dentist must have been in active practice in another state or Canadian province for at least three of the four years prior to the receipt of a completed application by the board (United States governmental service may be included) and must submit at least three references from other practicing dentists.

D. An applicant for licensure as a dental hygienist must have been in active practice in another state or Canadian province for at least one of the two years prior to receipt of a completed application by the board and must submit at least two character references from dentists and two references from practicing dental hygienists.

E. An applicant must provide evidence of having passed a clinical examination for licensure in another state or Canadian province, where the licensure requirements are substantially equivalent to that of Minnesota.

F. An applicant shall include a physician's statement attesting to the applicant's physical and mental condition and a statement from a licensed ophthalmologist or optometrist attesting to the applicant's visual acuity.

E. to H. [Reletter as G. to J.]

3100.1700 TERMS AND RENEWAL OF LICENSE AND REGISTRATION.

Subpart 1. **Terms.** Each initial license or registration issued by the board is valid from the date issued until renewed or terminated in accordance with the procedures specified in

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

this part. Each annually renewed license or registration issued by the board is valid from January 1 of the year for which it was issued until renewed or terminated in accordance with the procedures specified in this part.

Subp. 2. **Renewal applications.** Each dentist, dental hygienist and registered dental assistant, shall submit an application for renewal of his license or registration together with the necessary fee no later than December 31 of the year preceding that for which the license or registration renewal is requested. Applications for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office via United States first class mail on the first workday after December 31. The application form must provide a place for the renewal applicant's signature and must solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether the licensee or registrant has been engaged during the year preceding the year for which renewal is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

For those licensees or registrants whose five-year CDE cycle expired the previous June 30 and who have not submitted evidence of compliance with the five-year CDE requirement set forth in part 3100.4100, the board will include in its written notice relating to annual renewal, that the licensee or registrant shall submit verified evidence of having taken the requisite number of CDE credit hours or of having passed the applicable examinations listed in part 3100.1850, subpart 4, in order to have his or her license or registration renewed.

Subp. 3. **Failure to submit renewal application.** The following procedure will be followed by the board for all licensees and registrants who have failed to submit the annual

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

renewal application in accordance with subpart 2 including, if applicable, required information about CDE, and applicable fees, except as provided in subpart 5.

A. Any time after January 1, the board will send, to the last address on file with the board, a notice to all licensees or registrants who have not made application for the renewal of their license or registration. The notice will state that licensee or registrant has failed to make application for renewal; the amount of the renewal and late fees and/or the information required about CDE as specified in subpart 2 which must be submitted in order for the license or registration to be renewed; that licensee or registrant may voluntarily terminate the license or registration by notifying the board; and that failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, and/or the information required about CDE, or by notifying the board that licensee or registrant has voluntarily terminated his or her license or registration will result in the expiration of the license or registration and termination of the right to practice.

B. If the application for renewal, including required information about CDE and the applicable annual and late fees or notice of voluntary termination is not received by the board by the date specified in the notice, the license or registration will expire and the licensee's or registrant's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee or registrant.

C. Notwithstanding items A and B, the expiration date shall be extended six months when a licensee or registrant failed to meet the CDE requirements and requests permission to take the applicable examination specified in part 3100.1850, subpart 2, item A. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of having

FF

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

passed the examination. In those cases where a licensee or registrant was physically incapable, at the end of that person's five-year reporting cycle, of taking CDE courses, the expiration date shall also be extended six months for the purpose of giving the person an opportunity to take the necessary number of CDE course hours. The licensee or registrant must submit clear and convincing evidence of physical incapability. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of taking the number of CDE course hours necessary to comply with part 3100.4100, subpart 2. Any CDE hours accumulated during the six-month extension shall not count toward meeting the requirement of the new CDE cycle.

In either instance referenced above, a licensee or registrant may submit a request for an extension of the six-month period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of license shall not meet these standards. The burden rests on the licensee or registrant to prove that an extension should be granted, which in no case shall exceed an additional six months.

Subp. 4. **Reinstatement.** A license or registration which has expired pursuant to this part may be reinstated pursuant to part 3100.1850.

Subp. 5. **Contested case proceedings.** The board, in lieu of the process set out in subpart 3, may initiate a contested case hearing to revoke or suspend a license or registration for failure to submit the fees and CDE information requested on the renewal application, at the same time that it initiates disciplinary proceedings against the licensee or registrant for other grounds specified in Minnesota Statutes, section 150A.08, subdivision 1, and parts 3100.6100 to 3100.7200 and 3100.8100.

3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.

Subpart 1. **Requirements.** Upon complying with the requirements specified in this part, the applicant's license or registration shall be reinstated. Any person desiring the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

reinstatement of a license or registration shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in part 3100.2000, subpart 6;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the applicable provisions of subparts 2 to 5. Upon reinstatement, the person shall be assigned to the CDE cycle to which the licensee or registrant was assigned prior to termination of the license or registration.

Subp. 2. **Expiration or voluntary termination of less than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration less than five years previous to the application for reinstatement must:

A. Submit evidence of having completed the CDE requirements that would have applied to them had their licenses or registration not expired. If the license or registration had expired because of failure to meet CDE requirements or if the applicant's CDE cycle concluded during the time that the license or registration was in expired status and the requirements had not been complied with, the applicant must first successfully complete part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the examination for initial registration for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of licensure or registration and filing a reinstatement application.

Subp. 3. **Expiration or voluntary termination of more than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration more than

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

five years previous to the application for reinstatement must:

A. Submit evidence of having successfully completed part II of the national board examination and the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination and the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the registration examination specified in part 3100.1300, item C, for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the five years immediately preceding application for reinstatement.

Subp. 4. **Revoked or suspended licenses.** No license or registration which has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license or registration was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action were based in part on failure to meet CDE requirements, the license or registration may not be reinstated until the applicant has successfully completed the applicable examination specified in part 3100.1850, subparts 2 and 3.

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

3100.3300 EXAMINATION OF DENTISTS.

Subpart 1. [Unchanged.]

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

but not subject to our review - existing language

Subp. 3. to 5. [Unchanged.]

3100.3400 EXAMINATION OF DENTAL HYGIENISTS.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subpart 1. [Unchanged.]

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

Subp. 3. and 4. [Unchanged.]

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

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

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 31 1985
Joan Anderson Growe
Secretary of State

10:15 AM

APPROVED AS TO FORM AND LEGALITY

12/20 1985

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Rules as Proposed

3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.

Subpart 1. [Unchanged.]

Subp. 2. Clinical skills examination. ~~The board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota~~ The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

Subp. 3. to 5. [Unchanged.]

3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.

Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the act and shall conform to the following rules of the board:

A. and B. [Unchanged.]

C. ~~The board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota~~ The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

D. to F. [Unchanged.]

3100.1300 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT.

Any person desiring to be registered as a dental assistant shall submit to the board an application and credentials as prescribed by the act and shall conform to the following rules:

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

B. [Unchanged.]

C. Submission of evidence of satisfactorily passing ~~the Minnesota~~ a board approved registration examination ~~approved by the board~~ designed to determine the applicant's knowledge of the clinical duties specified in part 3100.8500, subpart 1.

D. and E. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.

Any person who is already a licensed dentist or dental hygienist in another state or Canadian province desiring to be licensed to practice dentistry or dental hygiene in Minnesota ~~must~~ shall present to the board an application and credentials as prescribed by the act. The applicant shall conform to the following rules of the board:

A. The applicant shall complete an application ~~and credential-verification-questionnaire~~ on forms furnished by the board.

B. [Unchanged.]

C. An applicant for licensure as a dentist must have been in active practice in another state or Canadian province for at least three of the four years ~~immediately-preceding~~ prior to the receipt of a completed application by the board (United States governmental service may be included) and must submit at least three references from other practicing dentists. ~~The application-must-include-a-physician's-statement-attesting-to the-applicant's-physical-and-mental-condition.~~

D. An applicant for licensure as a dental hygienist must have been in active practice in another state or Canadian province for at least one ~~year-immediately-preceding~~ of the two years prior to receipt of a completed application by the board and must submit at least two character references from dentists and two references from practicing dental hygienists.

E. An applicant must provide evidence of having passed a clinical examination for licensure in another state or Canadian province, where the licensure requirements are substantially equivalent to that of Minnesota.

F. An applicant shall include a physician's statement attesting to the applicant's physical and mental condition and a statement from a licensed ophthalmologist or optometrist attesting to the applicant's visual acuity.

E. to H. [Releter as G. to J.]

3100.1700 TERMS AND RENEWAL OF LICENSE AND REGISTRATION.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subpart 1. Terms. Each initial license or registration issued by the board is valid from the date issued until renewed or terminated in accordance with the procedures specified in this part. Each annually renewed license or registration issued by the board is valid from January 1 of the year for which it was issued until renewed or terminated in accordance with the procedures specified in this part.

Subp. 2. Renewal applications ~~including information regarding CDE and fees~~. Each dentist, ~~and~~ dental hygienist and ~~each~~ registered dental assistant, shall submit an application for renewal of his license or registration together with the necessary fee no later than December 31 of the year preceding that for which the license or registration renewal is requested. Applications for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office via United States first class mail on the first workday after December 31. The application form ~~shall~~ must provide a place for the renewal applicant's signature and ~~shall~~ must solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether ~~such~~ the licensee or registrant has been engaged during the year preceding the year for which renewal is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

For those licensees or registrants whose five-year CDE cycle expired the previous June 30 and who have not submitted evidence of compliance with the five-year CDE requirement set forth in part 3100.4100, the board will include in its written notice relating to annual renewal, that the licensee or registrant shall submit verified evidence of having taken the requisite number of CDE credit hours or of having passed the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

applicable examinations listed in part 3100.1850, subpart 4, in order to have his or her license or registration renewed.

Subp. 3. **Failure to submit renewal application.** The following procedure will be followed by the board for all licensees and registrants who have failed to submit the annual renewal application in accordance with subpart 2 including, if applicable, required information about CDE, and applicable fees, except as provided in subpart 5.

A. Any time after January 1, the board will send, to the last address on file with the board, a notice to all licensees or registrants who have not made application for the renewal of their license or registration. The notice will state that licensee or registrant has failed to make application for renewal; the amount of the renewal and late fees and/or the information required about CDE as specified in subpart 2 which must be submitted in order for the license or registration to be renewed; that licensee or registrant may voluntarily terminate the license or registration by notifying the board; and that failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, and/or the information required about CDE, or by notifying the board that licensee or registrant has voluntarily terminated his or her license or registration will result in the expiration of the license or registration and termination of the right to practice.

B. If the application for renewal, including required information about CDE and the applicable annual and late fees or notice of voluntary termination is not received by the board by the date specified in the notice, the license or registration will expire and the licensee's or registrant's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee or registrant.

Subp. 4. **Reinstatement.** A license or registration which has expired pursuant to this part may be reinstated pursuant to

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

part 3100.1850.

Subp. 5. **Contested case proceedings.** The board, in lieu of the process set out in subpart 3, may initiate a contested case hearing to revoke or suspend a license or registration for failure to submit the fees and CDE information requested on the renewal application, at the same time that it initiates disciplinary proceedings against the licensee or registrant for other grounds specified in Minnesota Statutes, section 150A.08, subdivision 1, and parts 3100.6100 to 3100.7200 and 3100.8100.

3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.

Subpart 1. **Requirements.** Upon complying with the requirements specified in this part, the applicant's license or registration shall be reinstated. Any person desiring the reinstatement of a license or registration shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in part 3100.2000, subpart 6;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the applicable provisions of subparts 2 to 5. Upon reinstatement, the person shall be assigned to the CDE cycle to which the licensee or registrant was assigned prior to termination of the license or registration.

Subp. 2. **Expiration or voluntary termination of less than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration less than five years previous to the application for reinstatement must:

A. Submit evidence of having completed the CDE requirements that would have applied to them had their licenses or registration not expired. If the license or registration had expired because of failure to meet CDE requirements or if the applicant's CDE cycle concluded during the time that the license or registration was in expired status and the requirements had not been complied with, the applicant must first successfully

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

complete part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the examination for initial registration for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of licensure or registration and filing a reinstatement application.

Subp. 3. **Expiration or voluntary termination of more than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration more than five years previous to the application for reinstatement must:

A. Submit evidence of having successfully completed part II of the national board examination and the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination and the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the registration examination specified in part 3100.1300, item C, for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the five years immediately preceding application for reinstatement.

Subp. 4. **Revoked or suspended licenses.** No license or registration which has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license or registration was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action were based in part on failure to meet CDE requirements, the license or registration may not be reinstated until the applicant has successfully completed the applicable examination specified in part 3100.1850, subparts 2 and 3.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

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

3100.3300 EXAMINATION OF DENTISTS.

Subpart 1. [Unchanged.]

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

Subp. 3. to 5. [Unchanged.]

3100.3400 EXAMINATION OF DENTAL HYGIENISTS.

Subpart 1. [Unchanged.]

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

Subp. 3. and 4. [Unchanged.]

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

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

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD782

Agency: Board of Dentistry

Division:

Agency Contact: Dale Forseth

Minnesota Rules: Parts 3100.1100 to 3100.1400; 3100.1700; 3100.1850; 3100.3300; and 3100.3400

Title: Proposed Rules Governing License Applications and Examinations of the Board of Dentistry

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948

Date: July 17, 1985

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100 to 3100.1400 and 3100.1700, subparts 1 and 2; Termination for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, 3100.4700

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

Notice of the Board's intent to adopt the above-entitled rule changes without a public hearing was published in the State Register on August 26, 1985, and was sent by United States mail on August 21, 1985, to all persons on the list maintained by the agency pursuant to Minn. Stat. §§ 14.14, subd. 1a, and 14.22 (1984), and to others whom the Board believed might have an interest in the proposed amendments.

All persons were given the opportunity to submit comment on the rule for at least 30 days after notice of proposed rulemaking without a public hearing was published and mailed. The Board did not receive any requests for a public hearing.

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

Based on the comments and evidence in the record, the Board finds the following:

The above-captioned rule amendments are needed and reasonable as documented in the Statement of Need and Reasonableness.

However, the Board notes that there is a provision which was inadvertently omitted from the amendments. Minn. Rules pt. 3100.1700, subp. 3, establishes a system whereby licenses and registrations will expire for failure to pay the annual renewal fee or meet continuing dental education requirements. Subpart 3 replaces the current process of revoking licenses when the fee and education requirements are not met. The new expiration process, however, does not provide for any exceptions.

The rule is needed, as set forth in the Statement of Need and Reasonableness. It is also reasonable, even without an exception provision. No license or registration would expire until after the holder of it received at least two notices. In addition, with respect to expiration for failure to meet continuing dental education requirements, the license or registration could expire no sooner than eight months after the five-year continuing education cycle had expired and, more realistically, it would be nine to ten months. Thus, the licensee or registrant would have plenty of time to rectify the problem and avoid having his/her license or registration expire. Even if it did expire, Board rules set forth a specific and fair way, and one that, in essence, has been followed by the Board for years, to have the license and registration reinstated.

Notwithstanding the foregoing, when the Board considered the amendments for adoption, it decided to add to the rules an exception provision which mirrors what it has done under the old process of revoking licenses. The exception is contained in Minn. Rules pt. 3100.1700, subp. 3C. The process allows a licensee or registrant who has not complied with the continuing dental education requirements to extend the expiration date six months in order to take and pass the specified examination. If it is passed, expiration will not occur.

The provision is eminently fair. The alternative to granting an extension would be to let the license or registration expire until s/he qualified for reinstatement. For the dentist who had an active practice or the dental hygienist or registered dental assistant who was working as such for a dentist, this could create an obvious hardship. The hardship would not be unreasonable, given that the licensee or registrant would already have had five years plus an additional eight plus months to comply with the continuing dental education requirements, but it is a hardship which the Board finds should be addressed in the rules by providing a way to avoid it. The method chosen to avoid the problem is the extension provison specified in subpart 3C.

Subpart 3C also provides for a six-month extension for those licensees or registrants who were physically unable to take continuing dental education courses at the end of the person's five-year cycle. In this situation, the person will be given six additional months (on top of the eight or so between the end of the five-year cycle and the receipt of the notice of expiration) to take the number of hours of continuing dental education courses necessary to comply with the basic five-year requirement. The reasoning behind this provision is that a person who through no fault of his/her own is prevented from accumulating the required number of hours should be given that opportunity without having either to take the examination or have his/her license or registration expire. The extension provision applies, however, only if the period of incapacity comes at the end of the five-year cycle. If the incapacity occurred earlier in the cycle, the person should then take the responsibility to complete the continuing dental education requirement on time. The Board is well aware that there are many qualifying courses being offered at any time of the year which would enable a person to take even the entire five-year hour requirement within a very short period of time. For those licensees or registrants who are incapacitated during the five-year cycle, but not at the end, and who do not complete the continuing dental education hour

requirements on time, they would nevertheless qualify for the six-month extension to take the applicable examination.

Finally, through subpart 3C the Board will extend the deadline to comply with the continuing dental education requirement beyond the first six month extension another six months where the licensee or registrant can demonstrate that the extension is justified due to extreme hardship or other compelling reasons. A second six-month extension will be granted in only the most unusual circumstances which will not include the financial hardship a person will experience because of the license or registration expiring. The "extreme hardship or other compelling reason" standard is justified, reasonable, and fair given the total amount of time a licensee or registrant has to comply with the continuing dental education requirement.

Subpart 3C is not a substantive change. It does not introduce a significantly new subject. It does not change the basic approach specified in subpart 3 to the process leading to the expiration of licenses and registrations. All it does is provide for a slight extension of the time period before the expiration will take place and give licensees and registrants one last opportunity to avoid expiration. The provision is not a surprise in that it parallels the Board's past practice to give licensees and registrants an opportunity to avoid revocation for failure to meet the continuing dental education requirement.

NOW, THEREFORE, IT IS HEREBY ORDERED that these rule changes identified as Minn. Rules pts. 3100.1100, 3100.1200, 3100.1300, 3100.1400, 3100.1700, 3100.1850, 3100.3300, and 3100.3400 are adopted and Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700 are repealed this 9th day of ~~November~~ December, 1985, pursuant to authority vested in the Board by Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984).

This Order is executed pursuant to the Board's Resolution Adopting Rules approved by the Board on November 16, 1985.

STATE OF MINNESOTA

BOARD OF DENTISTRY

DALE J. FORSETH
Executive Director

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 Dentistry Rules Relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100 to 3100.1400 and 3100.1700, subparts 1 and 2; Termination for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, 3100.4700

ORDER FOR NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

IT IS HEREBY ORDERED with respect to the above captioned matter that a Notice of Intent to Amend Rules Without a Public Hearing, Notice of Intent to Amend Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing be given to all persons who have registered their names with the Minnesota Board of Dentistry for that purpose pursuant to Minn. Stat. § 14.14, subd. 1.a (1984) and that said Notice be published in the State Register.

IT IS FURTHER ORDERED that if less than 25 persons request a hearing pursuant to the Notice referenced in the preceding paragraph, the hearing shall be cancelled and all remaining procedures for the amending of rules without a public hearing shall be followed.

IT IS FURTHER ORDERED that if 25 or more persons request a public hearing, the hearing shall be held in Room 118B, Minnesota Department of Health

Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, on October 8, 1985, commencing at 9:30 AM, and continuing until all interested or affected persons have had an opportunity to participate.

Dated: August 8, 1985

STATE OF MINNESOTA

BOARD OF DENTISTRY

DALE J. FORSETH
Executive Secretary

CERTIFICATE OF BOARD OF DENTISTRY

AUTHORIZING RESOLUTION

I, Dale J. Forseth, do hereby certify that I am the Executive Secretary of the Minnesota Board of Dentistry, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 22nd day of June, 1985, that a quorum was present at the meeting, that a majority of those present voted for the resolution and that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified:

> Resolved, that Dale J. Forseth, Executive Secretary of the Minnesota Board of Dentistry, be and hereby is granted the authority and directed: (1) to sign the statement of need and reasonableness and to sign and publish an order and a notice of intent to adopt amendments to the Board's rules relating to applications for initial, renewal and reinstatement of licenses and registrations, license and registration expiration, clarification and reorganization of existing rules and repeal of Minn. Rules pts. 3100.1800, 3100.1900 and 3100.4700, such notice to be in the alternative specifying the Board's intent to adopt the amendments without a public hearing and, if the statutorily required number of persons request a hearing, providing notice of the hearing; (2) to proceed with a hearing if the statutorily required number of persons request a hearing in response to the notice; (3) to cancel the hearing and proceed by noncontroversial rulemaking if less than the statutorily required number of person request a hearing; (4) to take whatever action is necessary, should the office of Administrative Hearings or the Attorney General's Office have objections to the laternative notice specified above, to satisfy the objections and to proceed either without a public hearing or with a hearing as the situation dictates and as necessary toproceed as quickly as possible; and (5) to perform any and all acts incidental to the foregoing, including requesting the appointment of an administrative law judge, and complying with all applicable provisions of the Minnesota Administrative Procedure Act and the Rules of the Office of Administrative Hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of August, 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 Dentistry Rules Relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100 to 3100.1400 and 3100.1700, subparts 1 and 2; Termination for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, 3100.4700

ALTERNATIVE NOTICES

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

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

II.

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

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

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

In addition to submitting comments, interested persons may request in writing during the 30-comment period that a hearing be held on the proposed rule amendments. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any changes they want made to the proposed amendments. If a person desires that a hearing be held on only a portion of the proposed amendments, it is requested that the Board be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments or a portion thereof by

September 25, 1985. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1984) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

Dale J. Forseth
Executive Secretary
Minnesota Board of Dentistry
717 Delaware Street Southeast
Minneapolis, Minnesota 55414
Telephone: (612) 623-5313

The statutory authority of the Board of Dentistry to make the proposed rule changes is contained in Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984).

If adopted, the proposed amendments would (1) require dentist, dental hygienist, and registered dental assistant applicants to submit evidence of satisfactorily passing a board approved examination designed to determine their level of clinical skills; (2) with respect to dentist and dental hygienist applicants for licensure by credentials, (a) clarify the amount of time they would have to have been in an active practice prior to submitting an application to the board; (b) provide that the references be from practicing dentists; (c) require applicants to submit evidence of having passed a clinical examination for licensure in another state or Canadian province whose licensure requirements are substantially equivalent to Minnesota's; and (d) provide that statements be submitted from a physician attesting to the applicant's physical and mental condition and from a licensed ophthalmologist or optometrist attesting to visual acuity; (3) clarify the terms of the renewed license or registration; (4) define what the Board considers a timely application; (5) set forth procedures for the expiration of the license or registration of anyone who has failed to submit the annual renewal application and/or evidence of compliance with continuing dental education requirements; (6) set forth the

procedure for reinstatement of the license or registration of anyone whose license or registration has expired, was voluntarily terminated, or was suspended or revoked; and (7) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.1100, 3100.1200, 3100.1300, 3100.1400, 3100.1700, 3100.3300, and 3100.3400; would add Minn. Rules pt. 3100.1850; and would repeal Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700. The proposed rule amendments will be published in the State Register issue of August 26, 1985, and a free copy of them may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed changes and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above.

Promulgation of the proposed rule changes will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore no further information need be provided under Minn. Stat. § 14.11 (1984).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1984) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1984), for reducing the impact of the proposed amendments, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

Upon adoption of the proposed amendments without a public hearing, the amendments as proposed, this Notice, the Statement of Need and Reasonableness, all written comments received, the amendments as adopted, and a statement explaining any

differences between the amendments as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the amendments as adopted, should submit a written request to Dale J. Forseth at the address listed above.

III.

NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE CAPTIONED RULE AMENDMENTS WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON OCTOBER 8, 1985, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above captioned matter will be held pursuant to Minn. Stat. §§ 14.131 to 14.20 (1984), in Room 118B of the Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, on October 8, 1985, commencing at 9:30 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7606. Unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period

will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1984) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1984), as amended in 9 S.R. 2276 (April 8, 1985), promulgated by the Office of Administrative Hearings. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed amendments would (1) require dentist, dental hygienist, and registered dental assistant applicants to submit evidence of satisfactorily passing a board approved examination designed to determine their level of clinical skills; (2) with respect to dentist and dental hygienist applicants for licensure by credentials, (a) clarify the amount of time they would have to have been in an active practice prior to submitting an application to the board; (b) provide that the references be from practicing dentists; (c) require applicants to submit evidence of having passed a clinical examination for licensure in another state or Canadian province whose licensure requirements are substantially equivalent to Minnesota's; and (d) provide that statements be submitted from a physician attesting to the applicant's physical and mental condition and from a licensed ophthalmologist or optometrist attesting to visual acuity; (3) clarify the terms of the renewed license or registration; (4) define what the Board considers a timely application; (5) set forth procedures for the expiration of the license or registration of anyone who has failed to submit the annual renewal application and/or evidence of compliance with continuing dental education requirements; (6) set forth the procedure for reinstatement of the license or registration of anyone whose license or registration has expired, was voluntarily terminated, or was suspended or revoked; and (7) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.1100, 3100.1200, 3100.1300, 3100.1400, 3100.1700, 3100.3300, and 3100.3400;

would add Minn. Rules pt. 3100.1850; and would repeal Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700. The proposed rule amendments will be published in the State Register issue of August 26, 1985, and a free copy of them may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above in Part II of this Notice.

The statutory authority of the Board of Dentistry to make the proposed rule changes is contained in Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984).

The proposed rule changes may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed changes are therefore advised to participate in the process.

Please be aware that the Board of Dentistry is giving simultaneous notice of its intent to adopt five separate sets of amendments to its rules, the above captioned amendments being one of them. The hearing on each set has been scheduled for the same date, time, and place. Consequently, it is possible that rule amendments other than those covered by this Notice will also be heard at the same time. It is suggested that any one interested in the rule amendments covered by this Notice should not only ask the Board about whether the hearing on these amendments will be held but, if it will be held, also ask whether any other rules will be heard at the same time. If 25 or more people request a hearing on more than one of the sets of rule amendments being proposed by the Board, an order in which they will be heard will be established and interested persons informed upon request.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provices certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board's offices and at the Office of Administrative Hearings. This Statement of Need and Reasonableness contains the verbatim evidence and argument which the Board will present at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Board's offices or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rule amendments for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that

the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendments with the Secretary of State.

Promulgation of these proposed rule changes will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under Minn. Stat. § 14.11 (1984).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1984) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1984), for reducing the impact of the proposed amendments, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before September 26, 1985, and leave your name, address and telephone number. You will be notified after September 26, 1985, if the hearing has been cancelled. You may also call the Board after September 26, 1985, for oral confirmation regarding the scheduled hearing.

Dated: August 8, 1985

DALE J. FORSETH
Executive Secretary
Board of Dentistry

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

In the Matter of Proposed
Amendments to Dentistry Rules
Relating to Applications and
Renewal of Licenses and
Registrations, parts 3100.1100 to
3100.1400 and 3100.1700, subparts 1 and 2;
Termination for Failure to Submit the
Annual Renewal Application,
Pay Renewal Fee, or Meet Continuing
Education Requirements, parts 3100.1700,
subparts 3 to 5; Reinstatement of
License or Registration, parts 3100.1850;
Clarification of Existing Rules,
parts 3100.3300 and 3100.3400; and
Repealing parts 3100.1800, 3100.1900,
3100.4700

AFFIDAVIT OF MAILING

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

That on the 21st day of August, 1985, at the City of Minneapolis, County of Hennepin, State of Minnesota he served the attached rulemaking notices by depositing in the State of Minnesota Central Mail System for United States mailing at the Minnesota Department of Health Building in the said City of Minneapolis one copy each thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Minnesota Board of Dentistry pursuant to Minn. Stat. §§ 14.14, subd. 16 and 14.22 (1984), for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Board of Dentistry.

DALE J. FORSETH
Executive Secretary

Subscribed and sworn to before me
this 21st day of August, 1985.

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 Rules Relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100 to 3100.1400 and 3100.1700, subparts 1 and 2; Termination for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, 3100.4700

ALTERNATIVE NOTICES

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

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

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100 to 3100.1400 and 3100.1700, subparts 1 and 2; Termination for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, 3100.4700

ALTERNATIVE NOTICES

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

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

September 25, 1985. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1984) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

Dale J. Forseth
Executive Secretary
Minnesota Board of Dentistry
717 Delaware Street Southeast
Minneapolis, Minnesota 55414
Telephone: (612) 623-5313

The statutory authority of the Board of Dentistry to make the proposed rule changes is contained in Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984).

If adopted, the proposed amendments would (1) require dentist, dental hygienist, and registered dental assistant applicants to submit evidence of satisfactorily passing a board approved examination designed to determine their level of clinical skills; (2) with respect to dentist and dental hygienist applicants for licensure by credentials, (a) clarify the amount of time they would have to have been in an active practice prior to submitting an application to the board; (b) provide that the references be from practicing dentists; (c) require applicants to submit evidence of having passed a clinical examination for licensure in another state or Canadian province whose licensure requirements are substantially equivalent to Minnesota's; and (d) provide that statements be submitted from a physician attesting to the applicant's physical and mental condition and from a licensed ophthalmologist or optometrist attesting to visual acuity; (3) clarify the terms of the renewed license or registration; (4) define what the Board considers a timely application; (5) set forth procedures for the expiration of the license or registration of anyone who has failed to submit the annual renewal application and/or evidence of compliance with continuing dental education requirements; (6) set forth the

procedure for reinstatement of the license or registration of anyone whose license or registration has expired, was voluntarily terminated, or was suspended or revoked; and (7) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.1100, 3100.1200, 3100.1300, 3100.1400, 3100.1700, 3100.3300, and 3100.3400; would add Minn. Rules pt. 3100.1850; and would repeal Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700. The proposed rule amendments will be published in the State Register issue of August 26, 1985, and a free copy of them may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed changes and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above.

Promulgation of the proposed rule changes will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore no further information need be provided under Minn. Stat. § 14.11 (1984).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1984) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1984), for reducing the impact of the proposed amendments, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

Upon adoption of the proposed amendments without a public hearing, the amendments as proposed, this Notice, the Statement of Need and Reasonableness, all written comments received, the amendments as adopted, and a statement explaining any

differences between the amendments as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the amendments as adopted, should submit a written request to Dale J. Forseth at the address listed above.

III.

NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE CAPTIONED RULE AMENDMENTS WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON OCTOBER 8, 1985, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above captioned matter will be held pursuant to Minn. Stat. §§ 14.131 to 14.20 (1984), in Room 118B of the Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, on October 8, 1985, commencing at 9:30 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7606. Unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period

will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1984) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1984), as amended in 9 S.R. 2276 (April 8, 1985), promulgated by the Office of Administrative Hearings. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed amendments would (1) require dentist, dental hygienist, and registered dental assistant applicants to submit evidence of satisfactorily passing a board approved examination designed to determine their level of clinical skills; (2) with respect to dentist and dental hygienist applicants for licensure by credentials, (a) clarify the amount of time they would have to have been in an active practice prior to submitting an application to the board; (b) provide that the references be from practicing dentists; (c) require applicants to submit evidence of having passed a clinical examination for licensure in another state or Canadian province whose licensure requirements are substantially equivalent to Minnesota's; and (d) provide that statements be submitted from a physician attesting to the applicant's physical and mental condition and from a licensed ophthalmologist or optometrist attesting to visual acuity; (3) clarify the terms of the renewed license or registration; (4) define what the Board considers a timely application; (5) set forth procedures for the expiration of the license or registration of anyone who has failed to submit the annual renewal application and/or evidence of compliance with continuing dental education requirements; (6) set forth the procedure for reinstatement of the license or registration of anyone whose license or registration has expired, was voluntarily terminated, or was suspended or revoked; and (7) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.1100, 3100.1200, 3100.1300, 3100.1400, 3100.1700, 3100.3300, and 3100.3400;

would add Minn. Rules pt. 3100.1850; and would repeal Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700. The proposed rule amendments will be published in the State Register issue of August 26, 1985, and a free copy of them may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above in Part II of this Notice.

The statutory authority of the Board of Dentistry to make the proposed rule changes is contained in Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984).

The proposed rule changes may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed changes are therefore advised to participate in the process.

Please be aware that the Board of Dentistry is giving simultaneous notice of its intent to adopt five separate sets of amendments to its rules, the above captioned amendments being one of them. The hearing on each set has been scheduled for the same date, time, and place. Consequently, it is possible that rule amendments other than those covered by this Notice will also be heard at the same time. It is suggested that any one interested in the rule amendments covered by this Notice should not only ask the Board about whether the hearing on these amendments will be held but, if it will be held, also ask whether any other rules will be heard at the same time. If 25 or more people request a hearing on more than one of the sets of rule amendments being proposed by the Board, an order in which they will be heard will be established and interested persons informed upon request.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provices certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board's offices and at the Office of Administrative Hearings. This Statement of Need and Reasonableness contains the verbatim evidence and argument which the Board will present at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Board's offices or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rule amendments for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that

the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendments with the Secretary of State.

Promulgation of these proposed rule changes will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under Minn. Stat. § 14.11 (1984).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1984) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1984), for reducing the impact of the proposed amendments, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before September 26, 1985, and leave your name, address and telephone number. You will be notified after September 26, 1985, if the hearing has been cancelled. You may also call the Board after September 26, 1985, for oral confirmation regarding the scheduled hearing.

Dated: August 8, 1985

DALE J. FORSETH
Executive Secretary
Board of Dentistry

Rules as Proposed

3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.

Subpart 1. [Unchanged.]

Subp. 2. **Clinical skills examination.** ~~The board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota~~ The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

Subp. 3. to 5. [Unchanged.]

3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.

Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the act and shall conform to the following rules of the board:

A. and B. [Unchanged.]

C. ~~The board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota~~ The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

D. to F. [Unchanged.]

3100.1300 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT.

Any person desiring to be registered as a dental assistant shall submit to the board an application and credentials as prescribed by the act and shall conform to the following rules:

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

B. [Unchanged.]

C. Submission of evidence of satisfactorily passing ~~the Minnesota~~ a board approved registration examination ~~approved by the board~~ designed to determine the applicant's knowledge of the clinical duties specified in part 3100.8500, subpart 1.

D. and E. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.

Any person who is already a licensed dentist or dental hygienist in another state or Canadian province desiring to be licensed to practice dentistry or dental hygiene in Minnesota ~~must~~ shall present to the board an application and credentials as prescribed by the act. The applicant shall conform to the following rules of the board:

A. The applicant shall complete an application ~~and credential verification questionnaire~~ on forms furnished by the board.

B. [Unchanged.]

C. An applicant for licensure as a dentist must have been in active practice in another state or Canadian province for at least three of the four years ~~immediately preceding~~ prior to the receipt of a completed application by the board (United States governmental service may be included) and must submit at least three references from other practicing dentists. ~~The application must include a physician's statement attesting to the applicant's physical and mental condition.~~

D. An applicant for licensure as a dental hygienist must have been in active practice in another state or Canadian province for at least one ~~year immediately preceding~~ of the two years prior to receipt of a completed application by the board and must submit at least two character references from dentists and two references from practicing dental hygienists.

E. An applicant must provide evidence of having passed a clinical examination for licensure in another state or Canadian province, where the licensure requirements are substantially equivalent to that of Minnesota.

F. An applicant shall include a physician's statement attesting to the applicant's physical and mental condition and a statement from a licensed ophthalmologist or optometrist attesting to the applicant's visual acuity.

E. to H. [Reletter as G. to J.]

3100.1700 TERMS AND RENEWAL OF LICENSE AND REGISTRATION.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subpart 1. Terms. Each initial license or registration issued by the board is valid from the date issued until renewed or terminated in accordance with the procedures specified in this part. Each annually renewed license or registration issued by the board is valid from January 1 of the year for which it was issued until renewed or terminated in accordance with the procedures specified in this part.

Subp. 2. Renewal applications ~~including information regarding CDE and fees~~. Each dentist, and dental hygienist and ~~each~~ registered dental assistant, shall submit an application for renewal of his license or registration together with the necessary fee no later than December 31 of the year preceding that for which the license or registration renewal is requested. Applications for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office via United States first class mail on the first workday after December 31. The application form ~~shall~~ must provide a place for the renewal applicant's signature and ~~shall~~ must solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether ~~such~~ the licensee or registrant has been engaged during the year preceding the year for which renewal is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

For those licensees or registrants whose five-year CDE cycle expired the previous June 30 and who have not submitted evidence of compliance with the five-year CDE requirement set forth in part 3100.4100, the board will include in its written notice relating to annual renewal, that the licensee or registrant shall submit verified evidence of having taken the requisite number of CDE credit hours or of having passed the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

applicable examinations listed in part 3100.1850, subpart 4, in order to have his or her license or registration renewed.

Subp. 3. **Failure to submit renewal application.** The following procedure will be followed by the board for all licensees and registrants who have failed to submit the annual renewal application in accordance with subpart 2 including, if applicable, required information about CDE, and applicable fees, except as provided in subpart 5.

A. Any time after January 1, the board will send, to the last address on file with the board, a notice to all licensees or registrants who have not made application for the renewal of their license or registration. The notice will state that licensee or registrant has failed to make application for renewal; the amount of the renewal and late fees and/or the information required about CDE as specified in subpart 2 which must be submitted in order for the license or registration to be renewed; that licensee or registrant may voluntarily terminate the license or registration by notifying the board; and that failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, and/or the information required about CDE, or by notifying the board that licensee or registrant has voluntarily terminated his or her license or registration will result in the expiration of the license or registration and termination of the right to practice.

B. If the application for renewal, including required information about CDE and the applicable annual and late fees or notice of voluntary termination is not received by the board by the date specified in the notice, the license or registration will expire and the licensee's or registrant's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee or registrant.

Subp. 4. **Reinstatement.** A license or registration which has expired pursuant to this part may be reinstated pursuant to

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

part 3100.1850.

Subp. 5. **Contested case proceedings.** The board, in lieu of the process set out in subpart 3, may initiate a contested case hearing to revoke or suspend a license or registration for failure to submit the fees and CDE information requested on the renewal application, at the same time that it initiates disciplinary proceedings against the licensee or registrant for other grounds specified in Minnesota Statutes, section 150A.08, subdivision 1, and parts 3100.6100 to 3100.7200 and 3100.8100.

3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.

Subpart 1. **Requirements.** Upon complying with the requirements specified in this part, the applicant's license or registration shall be reinstated. Any person desiring the reinstatement of a license or registration shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in part 3100.2000, subpart 6;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the applicable provisions of subparts 2 to 5. Upon reinstatement, the person shall be assigned to the CDE cycle to which the licensee or registrant was assigned prior to termination of the license or registration.

Subp. 2. **Expiration or voluntary termination of less than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration less than five years previous to the application for reinstatement must:

A. Submit evidence of having completed the CDE requirements that would have applied to them had their licenses or registration not expired. If the license or registration had expired because of failure to meet CDE requirements or if the applicant's CDE cycle concluded during the time that the license or registration was in expired status and the requirements had not been complied with, the applicant must first successfully

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

complete part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the examination for initial registration for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of licensure or registration and filing a reinstatement application.

Subp. 3. **Expiration or voluntary termination of more than five years.** Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration more than five years previous to the application for reinstatement must:

A. Submit evidence of having successfully completed part II of the national board examination and the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination and the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the registration examination specified in part 3100.1300, item C, for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the five years immediately preceding application for reinstatement.

Subp. 4. **Revoked or suspended licenses.** No license or registration which has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license or registration was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action were based in part on failure to meet CDE requirements, the license or registration may not be reinstated until the applicant has successfully completed the applicable examination specified in part 3100.1850, subparts 2 and 3.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

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

3100.3300 EXAMINATION OF DENTISTS.

Subpart 1. [Unchanged.]

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

Subp. 3. to 5. [Unchanged.]

3100.3400 EXAMINATION OF DENTAL HYGIENISTS.

Subpart 1. [Unchanged.]

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

Subp. 3. and 4. [Unchanged.]

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

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

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD782

Agency: Board of Dentistry

Division:

Agency Contact: Dale Forseth

Minnesota Rules: Parts 3100.1100 to 3100.1400; 3100.1700; 3100.1850; 3100.3300; and 3100.3400

Title: Proposed Rules Governing License Applications and Examinations of the Board of Dentistry

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948
Date: July 17, 1985

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

In the Matter of Proposed Amendments to Dentistry Rules Relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100 to 3100.1400 and 3100.1700, subparts 1 and 2; Termination for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, 3100.4700

AFFIDAVIT OF DISCRETIONARY MAILING

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

That on the 21st day of August, 1985, at the City of Minneapolis, County of Hennepin, State of Minnesota he served the attached rulemaking notices by depositing in the State of Minnesota Central Mail System for United States mailing at the Minnesota Department of Health Building in the said City of Minneapolis one copy each thereof, properly enveloped, with postage prepaid, to all persons and associations whose name and addresses appear on the attached list. These persons and associations have not requested that their names be placed on file with the Minnesota Board of Dentistry pursuant to Minn. Stat. §§ 14.14, subd. 16 and 14.22 (1984), for the purpose of receiving notice of the proposed adoption of rules by the Board. The Board, however, is sending them the attached notices because they may have an interest in the proposed amendments.

Dale J. Forseth

DALE J. FORSETH
Executive Secretary

Subscribed and sworn to before me this 21st day of August, 1985.

Arlayne J. Nelson

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

Dental Assisting Schools
Discretionary

Judith R. Damp, Director
BEMIDJI AREA VO-TECH INST.
Dental Assisting Programs
Roosevelt Rd. & Grant Ave.
Bemidji, MN 56601

LeAnn Lundberg, Director
BRAINERD AREA VO-TECH INST.
Dental Assisting Program
300 Quince
Brainerd, MN 56401

Dr. Roger Ostroot, Director
SOUTHWEST VO-TECH INSTITUTE
CANBY CAMPUS
1011 - 1st Street W.
Canby, MN 56220

Ethel Meyer, Director
HIBBING AREA VO-TECH INST.
Dental Assisting Program
1900 Beltline
Hibbing, MN 55746

Rita Anderson, Director
LAKELAND ACADEMY OF MEDICAL &
DENTAL ASSISTING
1402 W. Lake Street
Minneapolis, MN 55408

Karron Metz, Instructor
MANKATO STATE UNIVERSITY
Dental Assisting Program
P.O. Box 81
Mankato, MN 56001

Diane Maculus, Director
MEDICAL INSTITUTE OF MINNESOTA
2309 Nicollet Avenue
Minneapolis, MN 55404

Kathy Lapham, Director
MINNEAPOLIS TECHNICAL INST.
Dental Assisting Program
1415 Hennepin Avenue
Minneapolis, MN 55403

Shirly Hild, Director D.A.
MINNESOTA INSTITUTE OF MED.
AND DENTAL CAREERS, INC.
2915 Wayzata Blvd.
Minneapolis, MN 55405

Cher Lundeen, Director
HENNEPIN TECHNICAL CENTER
Dental Assisting Program
9000 No. 77th Avenue

MOORHEAD AREA VO-TECH INSTITUTE
Dental Assisting Program
1900 - 28th Avenue So.
Moorhead, MN 56560

Doreen Bruns, Director
916 AREA VO-TECH INSITUTE
Dental Assisting Program
3300 Century Avenue
White Bear Lake, MN 55110

Ruth Martinson, Coordinator
NORMANDALE COMMUNITY COLLEGE
Dental Assisting Program
9700 France Avenue So.
Bloomington, MN 55431

LaVonne Aadland, RDA
Dental Assisting Supervisor
Dental Auxiliaries
NO DAKOTA STATE SCHOOL SCIENCE
Wahpeton, ND 58075

Nancy Post, Director
ROCHESTER AREA VO-TECH INST.
Dental Assisting Program
1926 Second Street S.E.
Rochester, MN 55901

Kathy Brown, Director
ST. CLOUD AREA VO-TECH INST.
Dental Assisting Department
1540 Northway Drive
St. Cloud, MN 56301

Helen Tuchner, RDA
UNIVERSITY OF MINNESOTA
School of Dentistry
Moos Tower, Room 5-164
Minneapolis, MN 55455

Harold Roelike, D.D.S.
704 Third Avenue S.E.
Minneapolis, MN 55414

Rodney J. Casad, D.D.S.
Director, Dental Auxiliaries
NO DAKOTA STATE SCHOOL SCIENCE
Wahpeton, ND 58075

Dr. Robert Fonda, Director
MANKATO STATE UNIVERSITY
Dental Assisting Program
P.O. Box 81
Mankato, MN 56001

Dr. Eugene Ley
Dental Hygiene Program
UNIVERSITY OF MINN.-DULUTH
Duluth, MN 55812

Dental Auxiliaries
UNIVERSITY OF MINN.-DULUTH
Room 73 - MWAH
Duluth, MN 55812

Dr. James McCrane
NORMANDALE COMMUNITY COLLEGE
Dental Department
9700 France Avenue So.
Bloomington, MN 55431

MINNESOTA DENTAL ASSOCIATION
Discretionary

Dr. George Winn, President
MINNESOTA DENTAL ASSOCIATION
301 E. Main Street
P.O. Box 187
New Prague, MN 56071

Dr. Wesley J. Streed
Consultant to the Board
MINNESOTA DENTAL ASSOCIATION
1011 - 2nd Street No.
St. Cloud, MN 56301

District Dental Societies
Discretionary

MINNEAPOLIS DISTRICT DENTAL
SOCIETY
220 So. 2nd Street #300
Minneapolis, MN 55401

ST. PAUL DISTRICT DENTAL SOCIET
649 Lowry Medical Building
St. Paul, MN 55102

Dale I. Erickson, D.D.S.
Secretary-Treasurer
MPLS DISTRICT DENTAL SOCIETY
5601 Nicollet Avenue So.
Minneapolis, MN 55419

Scot A. Kron, D.D.S.
Secretary-Treasurer
ST. PAUL DISTRICT DENTAL SOCIET
4706 Banning Avenue
White Bear Lake, MN 55110

Rolf I. Lindquist, D.D.S.
Secretary-Treasurer
West Central District Den. Soc.
Box 107

Eugene T. Altiere, D.D.S.
Secretary-Treasurer
NE District Dental Society
712 Medical Arts Building
Duluth, MN 55802

David J. Fihn, D.D.S.
Secretary-Treasurer
NW District Dental Society
1131 Jackson Avenue
Detroit Lakes, MN 56501

Spencer W. Burrington, D.D.S.
Secretary-Treasurer
SE District Dental Society
823 - 4th Street S.W.
Rochester, MN 55901

Ronald L. Albright, D.D.S.
Secretary-Treasurer
So. District Dental Society
Box 426
New Ulm, MN 56073

Dental Hygiene Officers
Discretionary

Merry Jo Thoele, D.H.
President, MINNESOTA DENTAL
HYGIENISTS' ASSOCIATION
16540 Quartz Street NW
Anoka, MN 55303

Leslee Schmidt, D.H.
Past-President, MINNESOTA
DENTAL HYGIENISTS' ASSOCIATION
4419 Drew Avenue No.
Minneapolis, MN 55422

Carrie Meixner, D.H.
Consultant to Board, MINNESOTA
DENTAL HYGIENISTS' ASSOCIATION
1825 Case
St. Paul, MN 55119

MN DENTAL ASSISTANTS' ASSOC.
Discretionary

Phyllis Gilbert, RDA
President, MINNESOTA DENTAL
ASSISTANTS' ASSOCIATION
3309 W. 55th Street
Edina, MN 55410

Mr. Mike Johnson
UNIVERSITY OF MINNESOTA
Dept. of Health Ecology
Moos Tower 8-536 - Hygiene
Minneapolis, MN 55455

Dean Richard Oliver
UNIVERSITY OF MINNESOTA
School of Dentistry
Moos Tower - Room 15-208
Minneapolis, MN 55455

Dr. James R. Jensen
UNIVERSITY OF MINNESOTA
School of Dentistry
Moos Tower, Room 15-234
Minneapolis, MN 55455

Dr. Robert Bender
BRAINERD VO-TECH INSTITUTE
Dental Assisting Program
300 Quince
Brainerd, MN 56401

Kathy Newall, D.H., Acting
Director, D.H. Department
U of M School of Dentistry
Moos Tower, Room 5-164
Minneapolis, MN 55455

Ms. Joan Farkas
NORMANDLAE COMMUNITY COLLEGE
Dental Hygiene Department
9700 France Avenue So.
Bloomington, MN 55431

Associations
Discretionary

Dr. Daniel Iverson
Academy of General Dentistry
130 - 6th Street
Two Harbors, MN 55616

Dr. Gary Erickson, AMERICAN
ASS'N ORAL/MAXIOLLOFACIAL SURG.
18150 No. Diamond Lake Road
Anoka, MN 55303

AMERICAN DENTAL SOCIETY OF
ANESTHESIA
11441 Osage Street N.W.
Coon Rapids, MN 55433

c/o [illegible] CLINIC
200 First Street S.W.
Rochester, MN 55901

MINN ASS'N OF PERIODONTISTS
508 Southdale Medical Bldg.
Minneapolis, MN 55435

MINN ASS'N OF PROSTHODONTICS
1312 - 2nd Street N.E.
Minneapolis, MN 55413
c/o Dr. W. S. Warpeha

MINN D.H. EDUCATION ASS'N
U OF M School of Dentistry
Moos Tower, Room 5-164
Minneapolis, MN 55455

MINN SOCIETY OF ORTHODONTISTS
3359 W. Broadway
Minneapolis, MN 55422

Dr. Walter Parsons
MINN ORTHODONTIC SOCIETY
2233 Hamline Avenue No. #411
Roseville, MN 55113

Dr. Richard Blevins
250 No. Central Avenue #6
Wayzata, MN 55391

Dr. William K. Berger
Professional Building
Onamia, MN 56349

Dr. Frank Blanchard
121 - 7th Avenue E.
Alexandria, MN 56308

Drs. R. D. Baumgartner &
F. C. Eichmiller
Lincoln Arcade Building
Olivia, MN 56277

Dr. L. C. Boehland
3480 Bunker Lake Blvd. N.W.
Anoka, MN 55303

Discretionary (3)

Dr. James F. Bussen
7104 Chicago Avenue So.
Minneapolis, MN 55408

Dr. Dennis Brandstetter
1919 Excelsior Avenue W.
Hopkins, MN 55343

Denise Brown, RDA
7225 Valley Place #3
Crystal, MN 55427

Dr. Peter Cameron
1025 Evergreen Lane
Minneapolis, MN 55441

Dr. William G. Dols

Goodhue, MN 55027

Dr. & Mrs. Clark Eid
P.O. Box 596
Fertile, MN 56540

Conrad M. Fredin, Attorney at Law, Johnson, Et. Al.
811 First National Bank Bldg.
Duluth, MN 55802

Barbara Fossum, D.H.
4230 Juneau Lane
Plymouth, MN 55446

Dr. D. Lawrence Harris
3021 Lyndale Avenue So.
Minneapolis, MN 55408

A. J. Hill, D.D.S.
May Clinic
Rochester, MN 55901

130 Hickory Street
Mahtomedi, MN 55115

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

Brad Hoffman
City of Brooklyn Park
6301 Shingle Creek Parkway
Brooklyn Center, MN 55432

Ms. Millie Jackson
MCH - Dept. of Health
Dental Health
Minneapolis, MN 55440

Dr. Dennis A. Johnson
621 Winnetka Avenue No.
Golden Valley, MN 55422

Dr. Ronald L. King
1201 Lagoon Avenue
Minneapolis, MN 55408

William Laney, D.D.S., Chair.
Department of Dentistry
MAYO CLINIC
Rochester, MN 55901

Dr. Clark F. LaChapelle &
Robert E. Derr
201 W. Burnsville Parkway #138
Burnsville, MN 55437

Ellen Lyons, D.H.
10020 Windsor Lake Lane
Minnetonka, MN 55343

Long Prairie Dental Clinic
917 - 1st Avenue S.E.
Long Prairie, MN 56347

Susan J. Ladwig
Chestnut & Brooks, P.A.
Midland Bank Building #900
Minneapolis, MN 55401

2480 White Bear Avenue
Maplewood, MN 55109

Randolph W. Morris
Messerli, Roe, Balogh & Kramer
6550 York Avenue So. #300
Minneapolis, MN 55435

Dr. Daryl J. Marcus
525 W. 3rd Street
Willmar, MN 56201

Dr. & Mrs. Anthony Michelich
3802 - 3rd Place N.W.
Rochester, MN 55901

Dr. Gregory C. Pappenfus
No. Port Professional Center
1520 Northway Drive #116
St. Cloud, MN 56301

Harriet Pexsa, RDA
P.O. Box 374
Alexandria, MN 56308

Dr. R. E. Nordby
3943 W. Broadway
Minneapolis, MN 55422

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

Thomas M. Polt
Attorney at Law
McCarthy Building
Eyota, MN 55934

Bruce T. Rowe, Administrator
~~Community Health Services Boar~~
325 Lake Avenue So. #604
Duluth, MN 55802

Beverley J. Rohda, RDA
1694 E. Cottage Avenue
St. Paul, MN 55106

Interested Persons
Discretionary (4)

BEMIDJI PROFESSIONAL BUILDING
2600 Bemidji Avenue
Bemidji, MN 56601

Holly Rossman
604 Hassan Street
Hutchinson, MN 55350

Dr. Thomas J. Zehren
200 Tini Square Building
Virginia, MN 55792

Dr. Gregory Sheehan
1215 Rice Street
St. Paul, MN 55117

Dr. Kenneth Zimmerman
Box 37
Byron, MN 55920

Karlene Strelow, RDA
c/o Dr. C. M. Ingham
130 Hickory Street
Mahtomedi, MN 55115

Dr. Eugene T. Altiere
712 Medical Arts Building
Duluth, MN 55802

Dr. Robert W. Tjossem
111 No. Broadway
Crookston, MN 56716

Dr. John D. Sawyer
104 W. 7th Street
Blue Earth, MN 56013

Dr. G. R. Williams
9420 Lyndale Avenue So.
Bloomington, MN 55420

Drs. Blair D. Woolsey,
James F. Meyer & Ron Fletcher
4100 Bellaire Avenue
White Bear Lake, MN 55110

Jean Werner, D.H.
c/o Dr. C. M. Ingham
130 Hickory Street
Mahtomedi, MN 55115

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments to Dentistry Rules
Relating to Applications and
Renewal of Licenses and
Registrations, parts 3100.1100 to
3100.1400 and 3100.1700, subparts 1 and 2;
Termination for Failure to Submit the
Annual Renewal Application,
Pay Renewal Fee, or Meet Continuing
Education Requirements, parts 3100.1700,
subparts 3 to 5; Reinstatement of
License or Registration, parts 3100.1850;
Clarification of Existing Rules,
parts 3100.3300 and 3100.3400; and
Repealing parts 3100.1800, 3100.1900,
3100.4700

CERTIFICATE OF
AGENCY'S MAILING LIST

I, Arlayne Nelson 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 rulemaking, pursuant to Minn. Stat. §§ 14.14, subd. lb, and 14.22 (1984), 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 11A M this 15th day of August, 1985, have so registered with the Minnesota Board of Dentistry.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Arlayne Nelson

ARLAYNE NELSON

REGISTERED

MINNESOTA GOVERNMENT REPORT
B-12, Press Room, CAPITOL
St. Paul, MN 55155

Zumbro Valley Dental Society
17 Frontage Road N.W.
Box 367
Byron, MN 55920

Dr. Robert A. Harder
MINNESOTA DENTAL ASSOCIATION
2236 Marshall Avenue
St. Paul, MN 55104

Patrick E. Flahaven
SECRETARY OF THE SENATE
231 Capitol Building
St. Paul, MN 55155

Bruce T. Rowe, Administrator
Community Health Services Board
325 Lake Avenue So. #604
Duluth, MN 55801

Mr. Arthur Gillen
402 Drover's Bank Building
633 So. Concord Street
So. St. Paul, MN 55075

MINN BOARD OF PEACE OFFICE
STANDARDS AND TRAINING
500 Metro Square Building
St. Paul, MN 55101

Mr. Don J. Ryan, President
JONATHAN HEALTH SERVICES
Shelard Plaza No. #560
300 So. County Road 18
Minneapolis, MN 55421

Mr. Paul Brakke
MINNESOTA DENTAL ASSOCIATION
2236 Marshall Avenue
St. Paul, MN 55104

Edward A. Burdick, Chief Clerk
House of Representatives
211 Capitol Building
St. Paul, MN 55155

Judith G. Schotzko
Frundt, Frundt & Johnson
117 W. 5th Street
Blue Earth, MN 56013

Eugene T. Altiere, D.D.S.
712 Medical Arts Building
Duluth, MN 55802

MINN BOARD OF CHIROPRACTIC
EXAMINERS
717 S.E. Delaware Street
Minneapolis, MN 55414

MINN DENTAL LAB ASSOCIATION
P.O. Box 151
Lakeland, MN 55043

MINN. BOARD OF NURSING
717 S.E. Delaware Street
Minneapolis, MN 55414

MINN. MEDICAL ASSOCIATION
American National Bank Bldg.
101 E. 5th Street
St. Paul, MN 55101

MINN BOARD OF OPTOMETRY
717 S.E. Delaware Street
Minneapolis, MN 55414

County of Anoka, Community
Health & Social Services
Department
Courthouse, 4th Floor
Anoka, MN 55303

MINN BOARD OF PHARMACY
717 S.E. Delaware Street
Minneapolis, MN 55440

MINN ATTORNEY GENERAL
Anti-Trust Division
2nd Floor, Ford Bldg.
117 University
St. Paul, MN 55155

MINN BOARD OF PSYCHOLOGY
717 S.E. Delaware Street
Minneapolis, MN 55440

Sam Ruhle
OFFICE OF ADMIN. HEARINGS
400 Summit Bank Bldg.
310 So. 4th Avenue
Minneapolis, MN 55415

M.S. Schumacher
MPLS STAR & TRIBUNE
425 Portland Avenue
Minneapolis, MN 55488

LEGISLATIVE REFERENCE LIBRARY
111 Capitol Building
St. Paul, MN 55155

Mr. Robert Proebstle
Accelerated Practice Concepts
7 Robb Farm Road
No. Oaks, MN 55110

Board of Dentistry

Proposed Rules Governing License Applications and Examinations of the Board of Dentistry

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

I.

EXPLANATION OF ALTERNATIVE NOTICES

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

II.

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

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

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

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule amendments. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any changes they want made to the proposed amendments.

If a person desires that a hearing be held on only a portion of the proposed amendments, it is requested that the Board be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments or a portion thereof by September 25, 1985. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1984) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

Dale J. Forseth
Executive Secretary
Minnesota Board of Dentistry
717 Delaware Street Southeast
Minneapolis, Minnesota 55414
Telephone: (612) 623-5313

The statutory authority of the Board of Dentistry to make the proposed rule changes is contained in Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984).

If adopted, the proposed amendments would:

(1) require dentist, dental hygienist, and registered dental assistant applicants to submit evidence of satisfactorily passing a board approved examination designed to determine their level of clinical skills; (2) with respect to dentist and dental hygienist

applicants for licensure by credentials, (a) clarify the amount of time they would have to have been in an active practice prior to submitting an application to the board; (b) provide that the references be from practicing dentists; (c) require applicants to submit evidence of having passed a clinical examination for licensure in another state or Canadian province whose licensure requirements are substantially equivalent to Minnesota's; and (d) provide that statements be submitted from a physician attesting to the applicant's physical and mental condition and from a licensed ophthalmologist or optometrist attesting to visual acuity;

(3) clarify the terms of the renewed license or registration; (4) define what the Board considers a timely application; (5) set forth procedures for the expiration of the license or registration of anyone who has failed to submit the annual renewal application and/or evidence of compliance with continuing dental education requirements;

(6) set forth the procedure for reinstatement of the license or registration of anyone whose license or registration has expired, was voluntarily terminated, or was suspended or revoked; and (7) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.1100, 3100.1200, 3100.1300, 3100.1400, 3100.1700, 3100.3300, and 3100.3400; would add Minn. Rules pt. 3100.1850; and would repeal Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700.

The proposed rule amendments will be published in the *State Register* issue of August 26, 1985, and a free copy of them may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed changes and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above.

Promulgation of the proposed rule changes will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore no further information need be provided under Minn. Stat. § 14.11 (1984).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1984) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1984), for reducing the impact of the proposed amendments, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

Upon adoption of the proposed amendments without a public hearing, the amendments as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the amendments as adopted, and a statement explaining any differences between the amendments as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the amendments as adopted, should submit a written request to Dale J. Forseth at the address listed above.

III.

NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE CAPTIONED RULE AMENDMENTS WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON OCTOBER 8, 1985, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above captioned matter will be held pursuant to Minn. Stat. §§ 14.131 to 14.20 (1984), in Room 118B of the Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, on October 8, 1985, commencing at 9:30 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7606.

Unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received

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.

during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1984) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1984), as amended in 9 S.R. 2276 (April 8, 1985), promulgated by the Office of Administrative Hearings. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed amendments would:

(1) require dentist, dental hygienist, and registered dental assistant applicants to submit evidence of satisfactorily passing a board approved examination designed to determine their level of clinical skills; (2) with respect to dentist and dental hygienist applicants for licensure by credentials, (a) clarify the amount of time they would have to have been in an active practice prior to submitting an application to the board; (b) provide that the references be from practicing dentists; (c) require applicants to submit evidence of having passed a clinical examination for licensure in another state or Canadian province whose licensure requirements are substantially equivalent to Minnesota's; and (d) provide that statements be submitted from a physician attesting to the applicant's physical and mental condition and from a licensed ophthalmologist or optometrist attesting to visual acuity;

(3) clarify the terms of the renewed license or registration; (4) define what the Board considers a timely application; (5) set forth procedures for the expiration of the license or registration of anyone who has failed to submit the annual renewal application and/or evidence of compliance with continuing dental education requirements;

(6) set forth the procedure for reinstatement of the license or registration of anyone whose license or registration has expired, was voluntarily terminated, or was suspended or revoked; and (7) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.1100, 3100.1200, 3100.1300, 3100.1400, 3100.1700, 3100.3300, and 3100.3400; would add Minn. Rules pt. 3100.1850; and would repeal Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700.

The proposed rule amendments will be published in the *State Register* issue of August 26, 1985, and a free copy of them may be obtained from the Board by writing or telephoning Dale Forseth at the address or telephone number listed above in Part II of this notice.

The statutory authority of the Board of Dentistry to make the proposed rule changes is contained in Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984).

The proposed rule changes may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed changes are therefore advised to participate in the process.

Please be aware that the Board of Dentistry is giving simultaneous notice of its intent to adopt five separate sets of amendments to its rules, the above captioned amendments being one of them. The hearing on each set has been scheduled for the same date, time, and place. Consequently, it is possible that rule amendments other than those covered by this notice will also be heard at the same time. It is suggested that any one interested in the rule amendments, covered by this notice should not only ask the Board about whether the hearing on these amendments will be held but, if it will be held, also ask whether any other rules will be heard at the same time. If 25 or more people request a hearing on more than one of the sets of rule amendments being proposed by the Board, an order in which they will be heard will be established and interested persons informed upon request.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

Notice is hereby given that a Statement of Need and Reasaonableness is now available for review at the Board's offices and at the Office of Administrative Hearings. This Statement of Need and Reasonableness contains the verbatim evidence and argument which the Board will present at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Board's offices or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be avail-

able, after which date the Board may not take any final action on the rule amendments for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendments with the Secretary of State.

Promulgation of these proposed rule changes will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under Minn. Stat. § 14.11 (1984).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1984) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1984), for reducing the impact of the proposed amendments, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before September 26, 1985, and leave your name, address and telephone number. You will be notified after September 26, 1985, if the hearing has been cancelled. You may also call the Board after September 26, 1985, for oral confirmation regarding the scheduled hearing.

August 8, 1985

Dale J. Forseth
Executive Secretary
Board of Dentistry

Rules as Proposed

3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.

Subpart 1. [Unchanged.]

Subp. 2. Clinical skills examination. ~~The board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota~~ The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

Subp. 3. to 5. [Unchanged.]

3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.

Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the act and shall conform to the following rules of the board:

A. and B. [Unchanged.]

C. ~~The board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota~~ The applicant shall submit evidence of satisfactorily passing a board approved examination designed to determine the applicant's level of clinical skills.

D. to F. [Unchanged.]

3100.1300 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT.

Any person desiring to be registered as a dental assistant shall submit to the board an application and credentials as prescribed by the act and shall conform to the following rules:

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

B. [Unchanged.]

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.

C. Submission of evidence of satisfactorily passing ~~the Minnesota~~ a board-approved registration examination ~~approved by the board~~ designed to determine the applicant's knowledge of the clinical duties specified in part 3100.8500, subpart 1.

D. and E. [Unchanged.]

3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.

Any person who is already a licensed dentist or dental hygienist in another state or Canadian province desiring to be licensed to practice dentistry or dental hygiene in Minnesota ~~must~~ shall present to the board an application and credentials as prescribed by the act. The applicant shall conform to the following rules of the board:

A. The applicant shall complete an application ~~and credential verification questionnaire~~ on forms furnished by the board.

B. [Unchanged.]

C. An applicant for licensure as a dentist must have been in active practice in another state or Canadian province for at least three of the four years ~~immediately preceding~~ prior to the receipt of a completed application by the board (United States governmental service may be included) and must submit at least three references from other practicing dentists. ~~The application must include a physician's statement attesting to the applicant's physical and mental condition.~~

D. An applicant for licensure as a dental hygienist must have been in active practice in another state or Canadian province for at least one ~~year immediately preceding~~ of the two years prior to receipt of a completed application by the board and must submit at least two character references from dentists and two references from practicing dental hygienists.

E. An applicant must provide evidence of having passed a clinical examination for licensure in another state or Canadian province, where the licensure requirements are substantially equivalent to that of Minnesota.

F. An applicant shall include a physician's statement attesting to the applicant's physical and mental condition and a statement from a licensed ophthalmologist or optometrist attesting to the applicant's visual acuity.

E. to H. [Reletter as G. to J.]

3100.1700 TERMS AND RENEWAL OF LICENSE AND REGISTRATION.

Subpart 1. Terms. Each initial license or registration issued by the board is valid from the date issued until renewed or terminated in accordance with the procedures specified in this part. Each annually renewed license or registration issued by the board is valid from January 1 of the year for which it was issued until renewed or terminated in accordance with the procedures specified in this part.

Subp. 2. Renewal applications including information regarding CDE and fees. Each dentist, ~~and~~ dental hygienist and ~~each~~ registered dental assistant, shall submit an application for renewal of his license or registration together with the necessary fee no later than December 31 of the year preceding that for which the license or registration renewal is requested. Applications for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office via United States first class mail on the first workday after December 31. The application form ~~shall~~ must provide a place for the renewal applicant's signature and ~~shall~~ must solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether ~~such~~ the licensee or registrant has been engaged during the year preceding the year for which renewal is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

For those licensees or registrants whose five-year CDE cycle expired the previous June 30 and who have not submitted evidence of compliance with the five-year CDE requirement set forth in part 3100.4100, the board will include in its written notice relating to annual renewal, that the licensee or registrant shall submit verified evidence of having taken the requisite number of CDE credit hours or of having passed the applicable examinations listed in part 3100.1850, subpart 4, in order to have his or her license or registration renewed.

Subp. 3. Failure to submit renewal application. The following procedure will be followed by the board for all licensees and registrants who have failed to submit the annual renewal application in accordance with subpart 2 including, if applicable, required information about CDE, and applicable fees, except as provided in subpart 5.

A. Any time after January 1, the board will send, to the last address on file with the board, a notice to all licensees or registrants who have not made application for the renewal of their license or registration. The notice will state that licensee or registrant has failed to make application for renewal; the amount of the renewal and late fees and/or the information required about CDE as specified in subpart 2 which must be submitted in order for the license or registration to be renewed; that licensee or registrant may voluntarily terminate the license or registration by notifying the board; and that failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, and/or the information required about CDE, or by notifying the board that licensee or registrant has

voluntarily terminated his or her license or registration will result in the expiration of the license or registration and termination of the right to practice.

B. If the application for renewal, including required information about CDE and the applicable annual and late fees or notice of voluntary termination is not received by the board by the date specified in the notice, the license or registration will expire and the licensee's or registrant's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee or registrant.

Subp. 4. Reinstatement. A license or registration which has expired pursuant to this part may be reinstated pursuant to part 3100.1850.

Subp. 5. Contested case proceedings. The board, in lieu of the process set out in subpart 3, may initiate a contested case hearing to revoke or suspend a license or registration for failure to submit the fees and CDE information requested on the renewal application, at the same time that it initiates disciplinary proceedings against the licensee or registrant for other grounds specified in Minnesota Statutes, section 150A.08, subdivision 1, and parts 3100.6100 to 3100.7200 and 3100.8100.

3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.

Subpart 1. Requirements. Upon complying with the requirements specified in this part, the applicant's license or registration shall be reinstated. Any person desiring the reinstatement of a license or registration shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in part 3100.2000 subpart 6;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the applicable provisions of subparts 2 to 5. Upon reinstatement, the person shall be assigned to the CDE cycle to which the licensee or registrant was assigned prior to termination of the license or registration.

Subp. 2. Expiration or voluntary termination of less than five years. Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration less than five years previous to the application for reinstatement must:

A. Submit evidence of having completed the CDE requirements that would have applied to them had their licenses or registration not expired. If the license or registration had expired because of failure to meet CDE requirements or if the applicant's CDE cycle concluded during the time that the license or registration was in expired status and the requirements had not been complied with, the applicant must first successfully complete part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the examination for initial registration for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of licensure or registration and filing a reinstatement application.

Subp. 3. Expiration or voluntary termination of more than five years. Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration more than five years previous to the application for reinstatement must:

A. Submit evidence of having successfully completed part II of the national board examination and the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination and the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the registration examination specified in part 3100.1300, item C, for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the five years immediately preceding application for reinstatement.

Subp. 4. Revoked or suspended licenses. No license or registration which has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license or registration was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action were based in part on failure to meet CDE require-

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.

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

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

3100.3300 EXAMINATION OF DENTISTS.

Subpart 1. [Unchanged.]

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

Subp. 3. to 5. [Unchanged.]

3100.3400 EXAMINATION OF DENTAL HYGIENISTS.

Subpart 1. [Unchanged.]

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

Subp. 3 and 4. [Unchanged.]

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

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

Board of Dentistry

Proposed Rules Relating to Continuing Dental Education

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

I.

EXPLANATION OF ALTERNATIVE NOTICES

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

II.

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

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

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

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Dale J. Forseth, do hereby certify that I am the Executive Director of the Minnesota Board of Dentistry, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Dentistry, duly and properly called and held on the 16th day of November, 1985, that a quorum was present at the meeting, that a majority of those present voted for the resolution, and that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified:

> RESOLVED, that the rule changes relating to applications for issuance of an initial license and registration and for the renewal thereof; license and registration expiration; reinstatement of an expired, voluntarily terminated, revoked, or suspended license or registration; clarification and reorganization of existing rules; and repeal of Minn. Rules pts. 3100.1800, 3100.1900, and 3100.4700 (1983) be and hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 150A.04, subd. 5; 150A.08, subd. 3; 150A.09, subd. 1; and 214.06, subd. 2 (1984); and that Dale J. Forseth, Executive Director of the Board of Dentistry, be and hereby is authorized to sign an order adopting these rule changes and any other required documents and is further authorized to perform the necessary acts to provide that these rule changes shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of ~~November~~ December, 1985.

STATE OF MINNESOTA

BOARD OF DENTISTRY

Dale J. Forseth

DALE J. FORSETH
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments to Dentistry Rules
Relating to Applications and
Renewal of Licenses and
Registrations, Parts 3100.1100 to
3100.1400 and 3100.1700, subparts 1 and 2;
Terminations for Failure to Submit the
Annual Renewal Application,
Pay Renewal Fee, or Meet Continuing
Education Requirements, Parts 3100.1700,
subparts 3 to 5; Reinstatement of
License or Registration, parts 3100.1850;
Clarification of Existing Rules,
parts 3100.3300 and 3100.3400; and Repealing
parts 3100.1800, 3100.1900, and
3100.4700

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The Minnesota Board of Dentistry (hereinafter "Board"), pursuant to the rulemaking provisions of the Administrative Procedure Act, Minn. Stat. ch. 14 (1984), hereby affirmatively presents the need for and facts establishing the reasonableness of the above-captioned proposed amendments to the Board's rules. Terms used in this Statement have the meanings given them in Minn. Rules part 3100.0100 (1983).

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 that: 1) there is statutory authority to adopt the rule; 2) all necessary procedural steps have been taken; 3) any additional requirements imposed by law have been satisfied; 4) the rules are needed; and 5) the rules are reasonable. This statement demonstrates that the Board has met these requirements.

II. STATUTORY AUTHORITY

The basic authority to adopt the above subject amendments is contained in Minn. Stat. § 150A.04, subd. 5 (1984), which authorizes the Board to "promulgate rules as are necessary to carry out and make effective the provisions and purposes of sections 150A.01 to 150A.12." In addition, with respect to how long a license or registration is in effect, the renewal thereof, and related matters, Minn. Stat. § 214.06, subd. 2 (1984) provides specific rulemaking authority. See, also, Minn. Stat. §§ 150A.08, subd. 3, and 150A.09, subd. 1 (1984).

III. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

A. Requirements in General

The Board has determined that the above captioned amendments are noncontroversial, and has elected to follow the procedures set forth in Minn. Stat. §§ 14.05 to 14.12 and 14.22 to 14.28 (1984), which provide for the adoption of noncontroversial rules without the holding of a public hearing. However, if during the 30-day comment period 25 or more people request a hearing, one must be held. In order to expedite the hearing, should the requisite number of people request one, the hearing is being noticed at the same time, and as part of the same Notice by which the Board is announcing its intent to adopt the rules via the noncontroversial process. Therefore, the procedures for adopting rules after a hearing as specified in Minn. Stat. §§ 14.131 to 14.20 (1984) and in Minn. Rules pts. 1400.0200 to 1400.1200 (1983), as amended in 9 S.R. 2279 (April 8, 1985), will also be met. The hearing, of course, will be canceled if the Board does not receive a request for one from 25 or more people.

Pursuant to Minnesota Statutes, sections 14.131 and 14.23 (1984) and Minn. Rules pt. 1400.0500, the Board has prepared this statement of need and reasonableness, which is available to the public. It contains the verbatim affirmative presentation in support of the above captioned rule amendments pursuant to Minn. Rules pt. 1400.0500,

subp. 3 (1983) as amended in 9 S.R. 2279 (April 8, 1985). If a hearing is held, this Statement of Need and Reasonableness will be introduced into the record as an exhibit and copies will be available for review at the hearing. Because the Statement of Need and Reasonableness contains the Board's complete presentation, the Board will not call any witnesses to testify on its behalf. Dr. Robert Hoover and Kathleen Lapham, RDA, the current and former chairpersons of the Board's rules committee, and Dale Forseth, the Board Executive Secretary, will be present at the hearing to summarize all or portions of this Statement of Need and Reasonableness, if requested by the Administrative Law Judge, to answer questions, and to respond to concerns that may be raised.

The Board will publish in the State Register the proposed amendments and notice of its intention to amend the rules without a public hearing in combination with its notice of intent to amend its rules with a public hearing if 25 or more persons request a hearing. The Board will also mail copies of the combined notices to persons registered with the Board pursuant to Minn. Stat. § 14.14, subd. 1a (1984), as well as to others whom the Board believes will have an interest in the amendments.

These rules, with the exception of part 3100.1700, will become effective five work days after publication of a notice of adoption in the State Register, pursuant to Minn. Stat. §§ 14.12 and 14.27 (1984). Part 3100.1700 will be effective on January 1, 1986.

B. Notice of Intent to Solicit Information from Non-Agency Sources

Minn. Stat. § 14.10 (1984) requires an agency which seeks information or opinions from sources outside the agency, in preparing to propose the amendment of rules, to publish a notice of its action in the State Register and afford all interested persons an opportunity to submit data or comments on the subject of concern in writing or orally. In the State Register issue of Monday, February 1, 1982, at page 1386, the Board published a

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

The Notice stated that the Board was reviewing its rules to determine if there was a need to amend them, and was therefore soliciting information and opinions from sources outside the Board. After a series of meetings of the Board's Rules Committee, it identified a number of subject areas for potential rule amendment. The Board then held a "Forum" on September 9, 1983, notice of which was sent to everyone on file with the Board who wanted to be informed of Board rulemaking activities, pursuant to Minn. Stat. § 14.14, subd. 1a (1980), including the various dental associations, as well as to others who may have had an interest in the rules, but who had not filed with the Board. The purpose of the Forum was to give interested persons an opportunity to comment on various proposals, including proposals covered by the above subject amendments.

As a result of the comments received at the Forum, the Board's Rules Committee continued to meet. Many of its meetings were attended by representatives of the various dental associations and other interested parties. Written comments were also received during the entire process. Those comments will be placed into the rulemaking record. Drafts of amendments were submitted to the entire Board on several occasions, at which times interested persons were permitted to comment. Finally, on June 22, 1985, the Board directed that the formal rulemaking proceeding be started with respect to the above captioned rules.

IV. COMPLIANCE WITH OTHER RULEMAKING REQUIREMENTS

A. Miscellaneous Requirements

These rules do not incorporate by reference text from any other law, rule, or available text or book. Minn. Stat. § 14.07, subd. 4 (1984). These rules minimize the duplication of statutory language. Minn. Stat. § 14.07, subd. 3(1) (1984). The adoption of these rules will not require the expenditure of public money by local public bodies of

greater than $100,000 in either of the two years following promulgation, nor do the rules have any impact on agricultural land. Minn. Stat. § 14.11 (1984). Finally, a fiscal note referenced in Minn. Laws 1985, Ex. Sess., ch. 10, §§ 34 to 36 and 38, is not required because these rules do not mandate that a local agency or school district take an action which would force them to incur costs.

B. Small Business Considerations

It is the position of the Board that Minn. Stat. § 14.115 (1984), relating to small business considerations in rulemaking, does not apply to the rules it promulgates. Minn. Stat. § 14.115, subd. 7(b) (1984), states that section 14.115 does not apply to "agency rules that do not affect small businesses directly." The Board's authority relates only to dentists and not to the dental businesses they operate. While someone cannot operate a dental business without being licensed as a dentist by the Board, the license runs primarily to the technical ability to provide dental services and not to the business aspects. This is graphically illustrated in recent dealings with non-dentists who are involved with dental franchise offices. The Board has not taken the position that non-dentists can have no involvement in operating a dental business. Instead, its position is that non-dentists may not interfere with or have any control over the dentist when it comes to any aspect of the practice which could affect the providing of professional services to a patient. Thus, the Board regulates the provision of dental services and not the dental business per se. As such, it is exempt under Minn. Stat. § 14.115, subd. 7(b) (1984).

The Board is also exempt from the provisions of section 14.115, pursuant to subdivision 7(c), which states that section 14.115 does not apply to "service businesses regulated by government bodies, for standards and costs, such as . . . providers of medical care." Dentists provide medical care, and are regulated for standards and costs. The

Board regulates dentists for standards and the Minnesota Department of Human Services for costs.

The question might be raised as to whether the same government body has to regulate the service business for standards and costs in order for the exemption to apply. The Board's position is that the question should be answered in the negative. First, the provision specifically refers to regulation by "government bodies." Second, and most significantly, some of the examples of service businesses given in the subdivision where the rules governing them would be exempt from the considerations of section 14.115 actually would not qualify for the exemption if the same government body had to regulate for standards and costs. For example, nursing homes and hospitals are regulated by different government bodies for standards and costs. The Minnesota Department of Health regulates them for standards and the Minnesota Department of Human Services for costs. If the legislature had intended to exempt from the scope of section 14.115 only those rules which address service businesses regulated by one government body for standards and costs, then it could not have included nursing homes and hospitals in its list of examples.

Based on the foregoing, it is clear that section 14.115 is not intended to apply to rules promulgated by the Board. However, because there is no determination addressing the issue from a court, the Attorney General's office, or Office of Administrative Hearings, the Board will briefly address the five methods listed in Minn. Stat. § 14.115, subd. 2 (1984), for reducing the impact of rules on small business.

The suggested methods are largely inapplicable to the proposed rules, which do not contain compliance schedules or deadlines or design or operational standards. The methods which may be arguably applicable, the establishment of less stringent reporting or compliance requirements and the exemption of small business from any or all requirements of the rules, cannot be incorporated into the proposed amendments. To do

so would be contrary to the statutory objectives that are the basis of the proposed rulemaking.

V. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENTS

A. General Need for Reasonableness of the Proposed Amendments

The above captioned amendments are primarily a result of a Board review of its rules, which began in 1982. The purpose of the review was to determine which rules needed to be updated and otherwise improved. That is the main reason behind the proposed amendments.

The proposed amendments are in keeping with the provisions of Minn. Stat. ch. 150A (1984), and as the following rule by rule justification will demonstrate, are both needed and reasonable.

B. Rule by Rule Justification

1. Part 3100.1100 Applications for License to Practice Dentistry (formerly 7 MCAR § 3.011)

Subpart 2. Minn. Stat. § 150A.03, subd. 1 (1984), permits the Board to participate with regional and national testing agencies for the purpose of conducting examinations for licensure and registration. Based on this statute, the Board previously adopted Minn. Rules pts. 3100.1100, subp. 2, and 3100.1200C (1983) to specify the Central Regional Dental Testing Services, Inc. (CRDTS), as the testing agency relating to applicants for licenses as dentists and dental hygienists. The Board now finds that specifying a specific testing agency in its rules could be detrimental to the Board's responsibility to provide an examination which is sufficient enough to test an applicant's fitness to practice in this state as required by Minn. Stat. § 150A.06, subds. 1 and 2 (1984). If the examination offered by CRDTS deteriorated, the Board could not carry out its statutory responsibility until after the rule was changed. Also, if CRDTS should go out of business, the Board would be without a testing agency until a new rule was adopted to

permit the Board to affiliate with another testing agency. Thus, the Board's proposed amendments to parts 3100.1100, subp. 2 and 3100.1200C would eliminate reference to a specific testing agency. This change would allow the Board to quickly identify and approve a different testing agency or examination for licensure purposes with its discretion controlled by the standard specified in the rule, to wit, that the examination be designed "to determine the applicant's level of clinical skills."

2. Part 3100.1200 Application for License to Practice Dental Hygiene (formerly 7 MCAR § 3.012)

Part 3100.1200C. The amendment to part 3100.1200C is proposed for the same reasons given in paragraph 1, supra at 7, in support of the proposed amendment to part 3100.1100, subpart 2.

3. Part 3100.1300 Application for Registration as a Registered Dental Assistant (formerly 7 MCAR § 3.013)

a. Part 3100.1300A. The proposed amendment to part 3100.1300A is editorial only, intended to eliminate unnecessary words. The meaning of the rule is unchanged.

b. Part 3100.1300C. Minn. Stat. § 150A.03, subd. 1 (1984), permits the Board to affiliate with regional and national testing agencies for the purpose of examining applications for registration as dental assistants. Currently part 3100.1300C states that assistants applying for registration must complete a specific Minnesota registration examination. In fact, while the examination is developed by a consulting agency employed by the Board and administered periodically throughout the state, it is not called "the Minnesota registration examination." In addition, it is entirely possible that in the future the Board may approve an examination which could be administered as a regional or national examination that may not be referred to as "the Minnesota registration examination." Thus, deleting the reference to "Minnesota" is more of an editorial change so that the rule would accurately reflect the actual practice and assure

that in the future the Board could exercise the authority given it by Minn. Stat. § 150A.03, subd. 1 (1984).

4. Part 3100.1400 Application for Licensure by Credentials (formerly 7 MCAR § 3.014)

a. Part 3100.1400A. This part is being amended because the credential verification questionnaire is not necessary. The information previously required from the questionnaire is now incorporated into the Board's regular application for licensure.

b. Part 3100.1400C. Three changes are being proposed to this part. First, the rule presently reads that an applicant must have been in practice for at least three years "immediately preceding" application. Over the years the Board has been faced with the question of the meaning of the word "immediately." By using the word immediately, the Board wanted to convey to potential applicants that licensure by credentials was available only to those whose clinical skills were being maintained by actual practice for a reasonable period of time prior to applying for a Minnesota license. The Board had trouble in applying that principle because of the word "immediate." For example, the Board was faced with questions of whether it could license people otherwise qualified when the applicants had been out of practice for a period of time prior to applying for licensure in Minnesota. In most instances, the time out of practice was caused by such events as a move from another state to Minnesota, or by a pregnancy and subsequent time at home caring for a newborn child. The Board did not want to "penalize" people solely because of natural events of life that could keep them away from a dental practice for a period of time which was not long enough to cause their clinical skills to deteriorate. Consequently, the Board is proposing an amendment to the rule to remove the strict sense of the word "immediately" and to replace it with a standard that reflects the "reasonable period of time" policy underlying the original purpose of the rule.

The second change addresses the requirement that licensure by credentials applicants submit references from dentists. The amendment would require that the references come from dentists who are in practice. Dentists who are not practicing may not have kept abreast of the knowledge and responsibilities required of dentists in practice and thus would not be in a valid position to comment upon the applicant.

The third change deletes the last sentence of the rule. However, the substance of the rule is being restated in part 3100.1400F.

c. Part 3100.1400D. The amendment to this rule does the same thing and for the same reasons as the amendment to the first sentence of part 3100.1400C. The justification for that change is incorporated here by reference (see paragraph 4b, supra at 9 in support of the proposed amendment to part 3100.1400D.

d. Part 3100.1400E. Minn. Stat. § 150A.06, subd. 4 (1984), provides a means for dentists and dental hygienists who are licensed by other states or Canadian provinces to be licensed in Minnesota when the Board determines that the standards of examination and laws regulating the practice are substantially equivalent to Minnesota's standards and laws. In order for the Board to determine whether the standards or examinations are substantially equivalent, it is necessary to require applicants for licensure by credentials to submit evidence of having passed a clinical examination for licensure in another state or Canadian province because a clinical examination is a critical aspect of the licensing process for those seeking their initial dentist or dental hygienist license in Minnesota.

e. Part 3100.1400F. The provision in part 3100.1400F relating to the submission of a physician's statement is transferred from part 3100.1400C. Added to the provision is the requirement that the applicant also submit a statement concerning his/her visual acuity. It is recognized that a person's physical condition includes the person's

ability to see. Thus, in a sense, the rule is not being changed. However, by including "visual acuity" the Board is stating that vision must be specifically addressed.

It is reasonable for the Board to require statements on the applicant's physical and mental condition and visual acuity to assist the Board in determining the applicant's fitness to practice in the state. An example of the need for these requirements is evidenced by a recent incident involving a dentist applicant who was working in a federal institution where a state license was not required. The facility's quality assurance committee was seeking to discharge the dentist based on the person's incompetency over a period of time. However, the dentist's excuse for this poor quality dental service was a continued vision problem which, of course, even if the problem existed, is no excuse at all. In other words, a dentist cannot be permitted to practice below acceptable standards even if the reason for the poor performance is a physical problem.

These requirements will thus aid the Board in determining whether the applicants' physical, mental and visual health prevent them from practicing dentistry at an acceptable level. The amendments are in keeping with 1983 legislative enactments which increase the Board's authority to deny a license for physical, mental, or emotional reasons. Minn. Stat. § 150A.08, subds. 1(8), 5, and 6 (1984).

5. Part 3100.1700 Renewal of License and Registration (formerly 7 MCAR § 3.016)

a. Background. The statutory authority to promulgate these rules is contained in Minn. Stat. § 214.06, subd. 2 (1984), which directs the Board to "promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1." (Emphasis added.)

The current rule requires licensees and registrants to submit an application for renewal along with a renewal fee. However, the rules do not directly address the issue of

how long the license or registration is valid. As a result, the Board has treated the license or registration as valid until it has been revoked after a contested case proceeding. The Board has found this process to be expensive, time consuming, and inefficient. This conclusion is highlighted by the fact that well over 100 licenses and registrations are revoked each year for failure to renew and in each instance, except once, the revocation has been the result of a default proceeding in which the individual has not appeared at the hearing or responded to the notice of hearing. In the one instance where the person appeared for the hearing, she did not contest the allegation that she had failed to comply with the requirements in question. Instead, she objected to the requirement. In other words, she admitted noncompliance and justified it on the basis that she did not like the requirement. Her license was revoked.

To illustrate the need for a new procedure, it will be helpful to review the procedure that the Board followed when it revoked a number of licenses and registrations for failure to pay the 1980 renewal fee or to meet the continuing dental education requirements for a five-year period ending June 30, 1979. The 1980 story is typical, since the Board goes through this process each year.

The account began in the spring of 1979, when the Board mailed all licensees and registrants whose five-year continuing dental education cycle was going to expire that June 30 and who had not yet submitted informtion evidencing compliance with the requirement notices reminding them of the need to submit the necessary documentation. In the fall of 1979, each person whose five year continuing dental education cycle had expired and who had not filed with the Board evidence of compliance with the continuing dental education requirement was sent another notice. This notice informed the non-complying licensees and registrants that their license or registration would be revoked or suspended if they did not either submit evidence of having attended the

requisite number of continuing dental education course hours, take certain specified examinations, or voluntarily terminate their license or registration.

In addition to the notices regarding continuing dental education, in the fall of 1979, every licensee and registrant was mailed a 1980 renewal application and told that it, along with the renewal fee, had to be submitted by December 31, 1979. In early 1980, yet another renewal application was mailed to all licensees and registrants who had yet to renew for the year 1980. The application informed them that they could pay the fee, voluntarily terminate, or do nothing and face revocation. In May of 1980, the Board authorized the initiation of the hearing process regarding all the licensees and registrants who still were not in compliance. There were seven separate categories of cases, each requiring development of a separate Notice of and Order for Hearing. (Separate notices were drafted for dentists, dental hygienists, and registered dental assistants who had not paid the renewal fee, had not met the continuing education requirement, and/or had not complied with either requirement.) While a standard notice was developed for each category, a separate, individualized notice was mailed to each of the 380 plus licensees or registrants who had not complied with the renewal requirements. Only one person went through a hearing. Supra, at 12. The remaining hearings were all default proceedings. Nevertheless, the evidence had to be formalized and presented. The hearing examiner issued his report which was mailed to approximately 200 people. The 180 others who had received the Notice of Hearing submitted evidence of having met the requirements or had voluntarily terminated their licenses or registrations. After the Board voted to revoke the licenses and registrations, the Board's Order had to be sent to each person affected.

The foregoing process cost the Board just under $1,800 for legal services for 70 hours of work. There were additional costs for the Hearing Examiner, and approximately $100 for postage. In addition, there was a significant commitment of secretarial time to individualize each Notice of Hearing, Hearing Examiner Report, and final Board

Order; to stuff the envelopes; and to mail them. Because only one person out of 380 who received hearing notices appeared and went through the hearing, and this is the only person who has ever actually appeared for a hearing in all the years the Board has followed this process, one can safely call the process an expensive, time consuming, paperwork exercise. See, supra, at 12 for an explanation about the one person who went through a hearing. Given that the Board had many other disciplinary matters pending before it which were of much greater import, alternative procedures are an absolute necessity.

The approach which is incorporated in the proposed rule is to treat the failure to renew a license as a licensure issue rather than a disciplinary action requiring a contested case proceeding. Minn. Stat. § 214.06, subd. 2 (1984) also treats licensure renewal as licensure question since it authorizes the Board to specify the period of time for which a license is valid.

The issue of whether a renewal is a licensure requirement or a disciplinary action requiring a hearing was addressed in Pease v. Clayton, 566 F. Supp. 699 (N.D. Ill. 1983). In that case, the plaintiff alleged that the medical board's placing of his license in a non-renewed status because of failure to comply with continuing education requirements without granting him a hearing violated his constitutional rights to equal protection and due process. The court held that the notice and hearing requirements of the statute applied only to disciplinary proceedings and not to renewal of a license. The court noted that notice and hearing requirements are necessary in a disciplinary action to afford a licensee an opportunity to clear himself of unfounded allegations. In contrast, licensure requirements are known in advance, and thus, notice and hearing are not necessary. The proposed dental rule and the Minnesota Statute on which it is based follow this approach.

It is in the context of this background information that the specific justification of each subpart should be read.

b) Subpart 1. Proposed subpart 1 would eliminate the need to initiate a contested case hearing in every case by defining the period of time for which the license or registration is valid. The rule defines the license or registration as valid until renewed or terminated through the procedures specified in the remaining subparts of part 3100.1700.

Subpart 1 sets forth the basic framework for the licensure system. Underlying the licensure system is the basic concept that failure to comply with the steps required for license or registration annual renewal wil not lead to a disciplinary hearing but merely to an expiration of the active term of the license or registration. In keeping with the expiration concept, a simple reinstatement process is set forth in part 3100.1850 for the licensee or registrant who, for whatever reason, does not renew. (For further discussion of the reinstatement provision, see paragraph 7, infra at 19, relating to part 3100.1850.)

c. Subpart 2. There are two substantive changes proposed for subpart 2. The first answers the question of when is a renewal application timely received by the Board. This issue is important in determining whether a late fee should be assessed pursuant to part 3100.2000, subpart 4. The renewal application and fee are to be submitted no later than December 31. Each year the Board receives several renewal applications and the accompanying fee several days past the deadline with the applicant blaming the mail for the late delivery. The proposed amendment sets forth a clear, easy to follow rule to govern the situation. The rule provides that the Board must have either received the renewal application by December 31 or it must be postmarked by then. If the postmark is illegible, the application must be received the first workday after December 31, which could be as early as January 2 or as late as January 4. This is a reasonable amount of time because the Christmas mail rush is past, meaning that letters

mailed by December 31 should be delivered by January 2. Furthermore, given that licensees and registrants are obligated to have the application submitted by December 31 and they will have had over 30 days advanced notice from the Board, a longer grace period is not dictated by fairness.

The second change to subpart 2 adds to the list of information which the rule states the Board will seek from licensees and registrants on the renewal applications as authorized by Minn. Stat. § 150A.09, subd. 1 (1984). The requested new information pertains only to those licensees and registrants whose five-year continuing dental education cycle expired the previous June 30 and who had not yet submitted evidence of compliance with the continuing education requirements. These individuals will be asked to submit the information evidencing compliance and will be told that renewal is dependent on receipt of the information.

By placing the continuing education information on the renewal application, it makes compliance with the continuing dental education requirements a licensure or registration matter. It also sets the stage for expiration of the license or registration as contemplated by Minn. Stat. §§ 150A.09, subd. 1, and 214.06, subd. 2 (1984).

d. Subpart 3. In 1976 following the amendments to Minn. Stat. § 150A.09, subd. 1, and the enactment of Minn. Stat. § 214.06, subd. 2 (see Minn. Laws 1976, ch. 222, §§ 70 and 3, respectively), the Board proposed a rule change which called for an automatic expiration of any license or registration on January 1 if a renewal application and fee had not been received the previous December 31. Because of testimony objecting to the harshness of the rule and examples of how people could inadvertently forget to mail in the renewal application and fee, the Board decided not to adopt the rule. Instead, it continued with the process of holding contested case hearings to revoke the licenses or registrations of those who had not applied for renewal or met the continuing dental education requirement. However, as pointed out above, supra at 11

to 14, the existing process is just too cumbersome and costly. Accordingly, the Board has decided that it has to once again propose an automatic expiration process but this time with some modifications to meet the concerns of those who objected in 1976.

Under Minn. Stat. § 150A.09, subd. 1 (1984), the Board must send the renewal applications and notice of the fees to every licensee and registrant at least 30 days before the expiration date of December 31. However, to address the objections raised in 1976, the Board is adding a grace period after December 31 and a second notice requirement. Thus, after January 1, the Board will send a notice to all licensees and registrants who have failed to renew informing them of what they must do to renew and the date by which it must be accomplished. Failure to comply with the renewal requirements by the specified date, which must be at least 33 days after the notice is mailed, will result in license or registration expiration.

The benefits from this system are at least threefold. First, a licensee or registrant who neglected, for whatever reason, to file an application, pay renewal fees, or submit continuing dental education credit information will be protected from having his/her license or registration expire on December 31, and will be given another chance to comply. Second, the new procedure will avoid the costly and unnecessry expense to the Board and ultimately to all licensees and registrants of initiating a contested case proceeding in every case. And third, those who let their license or registration expire will no longer have a disciplinary mark on their record of a revocation. Instead, the expiration will merely be an administrative action noted in the Board's files. This is particularly appropriate because the vast majority who have faced revocation in the past did so for reasons such as moving from Minnesota, retirement, or leaving the profession. The license or registration expiration is a much more fitting way of handling these types of situations.

e. Subpart 4. In keeping with the administrative expiration concept, this subpart merely indicates that the reinstatement procedures of part 3100.1850 apply to persons whose license or registration expired. Those procedures lack the disciplinary overtones applicable to reinstatement of those who have experienced revocation or suspension.

f. Subpart 5. The proposed addition of part 3100.1700, subp. 5 allows the Board to initiate a contested case proceeding for failure to pay fees or submit required continuing dental education or renewal information instead of following the procedure in 3100.1700, subpart 3. This alternative procedure could be used in instances where the Board is also bringing disciplinary action against a licensee or registrant for some other reason. Since disciplinary action is already being brought, the consolidation of these two matters is an efficient method of handling this.

This is also a necessary corollary to proposed part 3100.6325. The Board is proposing adoption of this rule in a separate rulemaking proceeding captioned "In the Matter of Proposed Amendments to Dentistry Rules Relating to Definitions, parts 3100.0100, 3100.3100, and 3100.3200, and Professional Corporations, parts 3100.9100 to 3100.9300 and 3100.9500; Adding New Rules Relating to Voluntary Termination of License or Registration, part 3100.6325, and Cooperation by Those Under Investigation, parts 3100.6200 and 3100.6350; and Repealing part 3100.0100, subparts 12 and 19." This separate proceeding was initiated concurrently with the proceeding on the rules here under consideration. Part 3100.6325 authorizes the Board to refuse to accept a voluntary termination of a license if disciplinary action is a possibility. Subpart 5 would likewise prevent a licensee or registrant from escaping disciplinary action by merely failing to pay the renewal fee or to meet the continuing education requirements. See the Statement of Need and Reasonableness for part 3100.6325, which applies by analogy and is incorporated herein, for further justification of subpart 5.

g. Effective Date. Once part 3100.1700 is in effect, the Board will have to significantly modify the renewal notices it sends out each year. It is estimated that this rule could go into effect in the fall of 1985, yet late enough so as not to give sufficient time to change the renewal notices and make other necessary administrative modifications. Thus, this rule is being made effective January 1, 1986, which means that it will not apply to the 1986 renewal process. The notice and related changes will be made during 1986 so that they will apply for the first time to the 1987 renewal process.

6. Part 3100.1800 Display of Name and Certificates (formerly 7 MCAR § 3.046A)

See Repealer Section, paragraph 10 a, infra at 25.

7. Part 3100.1850 Reinstatement of Licensure or Registration (new rule)

Proposed part 3100.1850 is needed to provide a means for the reinstatement of a license or registration while at the same time ensuring that the public will not be harmed if the license or registration is reinstated. This part applies not only to those whose license or registration expired pursuant to proposed part 3100.1700 but also to those who voluntarily terminated or were revoked or suspended.

a. Subpart 1. Part 3100.1850 is organized with subpart 1 setting forth general requirements applying to all former licensees and registrants who want their license or registration reinstated. The remaining subparts identify various classes of applicants for reinstatement and specify the requirements one must meet, depending upon the class in which they fall. Subpart 1 makes clear that the license or registration will be reinstated upon complying with all applicable requirements of the entire part.

Part 3100.1850, subpart 1A, requires an applicant for reinstatement to submit an application. This is essential so that the Board is aware of the applicant's current status in terms of name, address, whether or not the applicant had disciplinary action

taken against him or her by another state, or by a court, and whether or not there are other matters that would affect an applicant's ability to practice in the state.

Proposed part 3100.1850, subpart 1B, merely informs an applicant of the requirement for paying the reinstatement fee specified in existing part 3100.2000, subpart 6.

In proposed part 3100.1850, subpart 1C, the Board is requesting that an applicant submit a letter stating the reasons for applying for reinstatement. This requirement is necessary to assure the Board that the reason for reinstatement is not because of a health or disciplinary problem which would prevent the person from practicing in another state.

Part 3100.1850, subpart 1D, reiterates that all reinstatement applicants must comply with the requirements of the remaining subparts which are applicable to them. It also specifies in which continuing education cycle they will be placed upon reinstatement. The cycle will be the same as the one they would have been in if they had not been without a license. While this means that some people being reinstated will have much less than the normal five years, this is not viewed as a problem. The number of continuing dental education hours a licensee or registrant has to take over a five-year period really is minimal and, with the availability of continuing dental education courses, could easily be completed within a very short period of time. Furthermore, if a person has been out of practice for awhile, as will be the case with anyone seeking reinstatement and who had not been licensed and practicing in a different state, having to take all their continuing dental education courses in less than five years will be beneficial to them and their patients. For those who had been practicing in another state, and are seeking a return of their Minnesota license, presumably they will have taken continuing dental education courses elsewhere. The Board's continuing dental education rules specifically provide for approval of individual continuing dental education courses. Minn. Rules part 3100.4300

(1983). Thus, those courses could apply toward the Minnesota requirements, which would be helpful, especially if the cycle in which they are placed would soon expire. On the other hand, if such a person had not attended any continuing dental education courses, there would be a definite need to do so, and if that had to be done in a short period of time, so much the better, at least for the patients, which is the real reason continuing dental education is required.

b. Subpart 2. Proposed part 3100.1850, subpart 2, provides requirements for reinstatement of dental personnel whose licenses or registrations have been in a lapsed state for less than five years either because of expiration under part 3100.1700 or voluntary termination. The rule is needed to spell out necessary reinstatement requirements that are not contained elsewhere in the rules.

The first sentence of subpart 4A recognizes that a person's license or registration could have expired only because of failure to pay the renewal fee. At the time of reinstatement application, the person may still be within their five-year continuing dental education cycle and thus need only to pay the required fees. On the other hand, the person's license or registration may have expired because of failure to comply with the continuing dental education requirement, or the person's continuing dental education cycle may have expired during the period of expiration or voluntary termination. The rule will require for reinstatement that the person has met the continuing dental education requirements as if the license or registration had remained in effect. Otherwise, a person could avoid the continuing education requirements entirely simply by not paying the renewal fee or voluntarily terminating and then applying for reinstatement. In order to avoid that situation, continuing education must still be maintained during a time of license or registration expiration in order to be reinstated. This is in keeping with the Board policy, as expressed by the establishment of the continuing dental education requirement, that continuing dental education is important.

In fact, it is probably even more important for the person who discontinues practice for awhile and then wants to return.

For the person whose license or registration is expired or terminated and who is out of compliance with the continuing dental education requirements, reinstatement is dependent upon taking an examination which tests the applicant's knowledge of clinical skills. These are the skills which a licensee or registrant must possess to safely and competently treat a patient. As such, they are appropriate for reinstatement purposes.

The dentist and dental hygienist applicant must choose between two examinations, one of which is written and the other clinical. However, both of them are designed to test clinical knowledge. (It should be noted that for registered dental assistants there is only a written examination that they must pass.) The written examinations (part II of the national board examination for dentists and the national board examination for dental hygienists) are also the ones currently required by the Board for reinstatement. See Minn. Rules part 3100.4700, subpart 2 (1983). The written examination addresses clinical issues (as opposed to scientific aspects of dentistry such as anatomy).

Besides the written examinations currently required and being continued as an optional requirement for reinstatement, the Board is adding an alternative examination, the clinical examination. The clinical examination involves the actual performance of certain dental services for patients.

The Board has decided that for those persons who have been without a license for less than five years, taking either examination would provide a sufficient check of current clinical knowledge so as to constitute a safeguard against the return to practice of an individual whose skills had deteriorated below an acceptable level.

The assessment of back fees at the time of reinstatement is necessary to cover the administrative costs of reconstructing past records, especially records relating

to the recording of continuing education credits, and to discourage persons from terminating licensure or registration to avoid paying annual fees or meeting continuing education requirements. The Board's cost of maintaining a file on a terminated or expired license or registration and for reinstating a license or registration is no less than the cost of annually renewing a license.

c. Subpart 3. Proposed part 3100.1850, subpart 3, provides requirements for reinstatement of dental personnel whose licenses or registrations have been in a lapsed state for more than five years either because of expiration under part 3100.1700 or voluntary termination. The rule is needed to spell out necessary reinstatement requirements that are not contained elsewhere in the rules. In general, the requirements are more stringent than for those whose licenses or registrations have lapsed for less than five years. The different handling of lapsed licenses or registrations based upon length of the expiration or termination recognizes that more skills are lost as time passes.

Much of what supports promulgation of subpart 2 applies with equal force to subpart 3. However, subpart 3 goes further, in that it requires for reinstatement that the dentist and dental hygienist applicant pass both the written and clinical examinations. (As previously noted only a written examination exists for the registered dental assistant applicant.) Given that people's skills and knowledge deteriorate with lack of use and deterioration increases with time, it is only logical to require the applicant who has been longer away from practice to demonstrate to a greater degree that his/her skills and knowledge are at an acceptable level. The examinations thus provide the Board with some reasonable assurance that the applicant is fit to practice as required for licensure by Minn. Stat. § 150A.06, subd. 1, 2, and 2a (1984).

The fees to be paid are justified on the same basis as the fees for those applying for reinstatement with terminated or expired licenses or registrations of less than five years. See paragraph 7b, supra at 21. However, cutting off the fee

accumulation at five years is to keep the amount from being prohibitive and therefore unreasonable. Furthermore, the reason for requiring payment of the fees for the five years immediately preceding application for reinstatement rather than for some other five-year period is that the longer the period of termination or expiration the more difficult it might be to identify what the fees were for years preceding the most recent ones.

d. Subpart 4. Proposed part 3100.1850, subpart 4, applies to applicants for reinstatement who had their license or registration suspended or revoked. It would require them to provide evidence of being rehabilitated from the offense which formed the basis for the disciplinary action. This rule is necessary to prove fitness to practice, which is a requirement of licensure or registration spelled out in Minn. Stat. § 150A.06, subds. 1, 2, and 2a (1984), which will ensure that the public welfare is protected. Subpart 2 also makes it clear to applicants for reinstatement that if the license or registration was revoked or suspended for failure to comply with continuing education requirements, they must fulfill the requirements of part 3100.1850, subparts 2 and 3, which applies the same standard as is applied to those whose licenses or registrations expired.

e. Subpart 5. Part 3100.1850, subpart 5, would give a dentist and dental hygienist who was formerly licensed in Minnesota and who is currently licensed in another state, and in active practice in that state, an alternative method for relicensure. The Board has always recognized this alternative option but thought it would be helpful to specifically state it in its rules.

8. Part 3100.1900 Address Change Notification (formerly 7 MCAR § 3.046B)

See Repealer Section, paragraph 10a, infra, at 25.

9. Part 3100.3300 Examination of Dentists; and Part 3100.3400 Examination of Dental Hygienists (formerly 7 MCAR §§ 3.024 and 3.025)

Subpart 2 of each of these rules is being amended by deleting the word "the" and inserting instead the word "a" before the phrase "national board examination." The change is editorial so as to conform to the amendments proposed for parts 3100.1100, subpart 2, and 3100.1200C, respectively. See, paragraphs 1 and 2, supra, at 7 and 8, respectively.

10. Repealer Section

a. Part 3100.1800 Display of Name and Certificates; and Part 3100.1900 Address Change Notification (formerly 7 MCAR § 3.046A and B, respectively)

Minn Stat. § 14.07, subd. 3(1) (1984) requires that duplication of statutory language be minimized in rules. The Board finds that the language in 3100.1800 and 3100.1900 is a duplication of the language in Minn. Stat. §§ 150A.06, subd. 6, and 150A.09, subd. 3 (1984). For this reason, the Board proposes that parts 3100.1800 and 3100.1900 be repealed.

b. Part 3100.4700 Noncompliance (formerly 7 MCAR § 3.054)

This part was under a portion of the Board's rules dealing with continuing dental education. It addressed the effect of a licensee's or registrant's failure to comply with the continuing dental education requirements and, if disciplined, how to have the license or registration reinstated. The substance of this rule is being transferred to proposed parts 3100.1700 and 3100.1850. The proposed rules explain in detail the effect of failure to comply with the continuing dental education requirements and how to be reinstated. Accordingly, part 3100.4700 is no longer needed.

Dated: August 6, 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 Dentistry Rules Relating to Applications and Renewal of Licenses and Registrations, Parts 3100.1100 to 3100.1400 and 3100.1700, subparts 1 and 2; Terminations for Failure to Submit the Annual Renewal Application, Pay Renewal Fee, or Meet Continuing Education Requirements, Parts 3100.1700, subparts 3 to 5; Reinstatement of License or Registration, parts 3100.1850; Clarification of Existing Rules, parts 3100.3300 and 3100.3400; and Repealing parts 3100.1800, 3100.1900, and 3100.4700

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Assistant Attorney General Richard A. Wexler, 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, and the rules of the Attorney General have been followed without exception.

RICHARD A. WEXLER
Assistant Attorney General

Dated: Dec 13, 1985

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

STATE OF MINNESOTA

Office Memorandum

DATE : December 16, 1985

TO : Mike Miles
Assistant Attorney General
204 Administration Building

FROM : Richard A. Wexler
Assistant Attorney General

SUBJECT : In the Matter of the Proposed Amendments to Dentistry Rules relating to Applications and Renewal of Licenses and Registrations, parts 3100.1100-1400 and 3100.1700, subparts 1 and 2; Termination for failure to submit the annual Renewal Application, pay Renewal Fee, or meet Continuing Education Requirements, parts 3100.1700, subparts 3-5; Reinstatement of License or Registration, parts 3100.1850; clarification of Existing Rules, parts 3100.3300 and 3100.3400; and repealing parts 3100.1800, 3100.1900, and 3100.4700

The Minnesota Board of Dentistry has adopted the above subject rule amendments following the noncontroversial rule procedures of Minn. Stat. §§ 14.22-28. Pursuant to Minn. Rules pt. 2000.0400 (1985) I am submitting with this memorandum the following rulemaking documents. Based upon information received from your office, only one copy of each of the documents is enclosed except for the Rules as Adopted, in which case four copies are submitted.

1. Rule Amendments as Adopted (four copies with the Revisor of Statutes' stamp of approval).

2. Findings of Fact, Conclusions, and Order Adopting Rule Amendments Without a Public Hearing.

3. Certificate of Board's Resolution Adopting Rules.

4. Notice of Intent to Solicit Information or Opinions from Non-Agency Sources on Rule Revisions (copy from the State Register, 6 S.R. 1386, February 1, 1982).

5. Data received by the Board as a result of the Notice referenced in item 4 above.

6. Order for Notice of Intent to Amend Rules Without a Public Hearing, Notice of Intent to Amend Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing.

7. Certificate of Board of Dentistry Authorizing Resolution.

8. Notice of Intent to Amend Rules Without a Public Hearing, Notice of Intent to Amend Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing.

9. Affidavit of Mailing (of notice referenced in item 8 above).

10. Certificate of Agency's Mailing List.

11. Affidavit of Discretionary Mailing (of notice referenced in item 8 above to those whom the Board believes might have an interest in the proposed rule amendments).

12. Rules as proposed and Notice referenced in item 8 above (copy from the State Register, 10 S.R. 504, August 26, 1985).

13. Rule Amendments as Proposed (copy from the Revisor's office with approval as to form).

14. Statement of Need and Reasonableness.

15. Certificate of Compliance With Rulemaking Procedures.

Please be aware that no comments were received during the 30 day comment period nor were there any requests for a hearing. In addition, no one requested to be notified of the date that the Board submitted the rules to the Attorney General's office. Accordingly, a Notice of Submission to the Attorney General and an accompanying affidavit of mailing are not included in the documents submitted to you because they are not necessary.

In addition, because the enclosed documents are the Board's original copies, I would appreciate it if you would return them to me after you have reviewed and acted upon the rules.

I trust that you will find everything in order. If you have any questions, please feel free to contact me.

RAW:dsc

Enclosures

cc: Dale Forseth