

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. ~~1234~~ 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 12.26.85 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 12/18/85 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.9.85 Date combined with FF

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

✓ Order for rulemaking
_____ 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 w/ 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

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-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

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

ATTN: RICHARD A. WEXLER
Assistant Attorney General

DATE: 12-27-85

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of Proposed Amendments to Dentistry Rules Relating to Continuing Dental Education Parts 3100.4100 to 3100.4400 and 3100.4600; and Repealing Part 3100.4200, subpart 3

The above-referenced rule has been approved as to its legality by the Attorney General on December 26, 1985.

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

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

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

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

MJC:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1234

AG copy.

Board of Dentistry

Adopted Rules Relating to Continuing Dental Education

Rules as Adopted

3100.4100 CONTINUING DENTAL EDUCATION.

Subpart 1. **Evidence of attendance.** Each licensee and registrant shall provide evidence on forms supplied by the board, that the person has attended or participated in CDE as required by parts 3100.4100 to 3100.4600.

Subp. 2. **Minimum hours.** The minimum number of hours of approved CDE for each five years shall be: for dentists, 75 hours; for dental hygienists, 40 hours; and for registered dental assistants, 25 hours. Of these hours, dentists may earn no more than 15 hours, dental hygienists no more than eight hours, and registered dental assistants no more than five hours on nonclinical subjects relating to the dental profession.

Nonclinical subjects relating to the dental profession are those which cover skills related to dental services in general which are not directly related to, but are nevertheless supportive of, the provision of clinical services. Examples of nonclinical subjects relating to the dental profession are patient management, the legal and ethical responsibilities of the dental profession, and stress management.

Examples of subjects that are not considered to be related to the dental profession are estate planning, financial planning, marketing, investments, and personal health.

Subp. 3. [Unchanged.]

Subp. 4. **Exemptions.** A licensee or registrant who pays an annual license or registration renewal fee and meets any of the following conditions is exempt from complying with the CDE requirements if he or she files with the board an affidavit specifying the condition within which he or she falls:

A. resides permanently outside the state and does not practice within the state; or

B. is retired from practice and does not perform any

dental services on a volunteer or free basis; or

C. is permanently disabled and unable to practice dentistry.

Subp. 5. **Expiration of exemption.** A licensee or registrant claiming exemption under subpart 4 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed CDE requirements equivalent to what the requirements would have been without the exemption for the five years immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee or registrant has not complied with the CDE requirements, the licensee or registrant must comply with part 3100.1850, subpart 2, if the licensee or registrant had been exempt from complying with CDE requirements for less than five years and with part 3100.1850, subpart 3, if exempt more than five years. The licensee or registrant may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee or registrant will be placed into the CDE cycle that he or she would have been in if the exemption was not claimed.

3100.4200 CDE SPONSORS.

Subpart 1. [Unchanged.]

Subp. 2. **Application procedure.** Persons or organizations intending to offer courses for CDE credit shall present a completed application on a form provided by the board. The form will request the submission of information which will enable the board to determine whether the applicant meets the standards for sponsor approval as specified in subpart 5. The board may require the submission of any other information it deems necessary to determine whether the applicant meets those standards. Each application for sponsor approval submitted to the board must include the application fee established in part 3100.2000 before the application will be considered. The board may use as a consultant a committee, which may include nonboard members, to evaluate sponsor applications.

? vague

Subp. 3. [See repealer.]

Subp. 4. **Sponsor renewal.** When the board approves a sponsor, the approval will remain in effect for four years. In order to remain an approved sponsor, the sponsor must again submit an application and fee as provided for in subpart 2 and be approved before the expiration of the four-year period.

Subp. 5. **Approval standards.** The board will approve as a sponsor those applicants which meet the following standards:

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

B. The courses proposed by a sponsor must have significant intellectual or practical content which deal in the clinical and scientific aspect of dentistry and patient communication or in nonclinical subjects relating to the dental profession as specified in part 3100.4100, subpart 2.

C. [Unchanged.]

Subp. 6. **Proof of participation.** Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they submit to the sponsor a card supplied by the board within two weeks of completion of the course. The sponsor shall submit all cards to the board within three weeks after completion of the course.

Subp. 7. [Unchanged.]

3100.4300 APPROVAL OF COURSES ATTENDED.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Course approval standards.** The board shall grant CDE credit for any course which meets the following standards. The course shall have significant intellectual or practical content dealing in the clinical and scientific aspect of dentistry and patient communication, or in nonclinical subjects related to the dental profession as specified in part 3100.4100, subpart 2.

Subp. 4. to 6. [Unchanged.]

3100.4400 ESTABLISHING CREDIT HOURS FOR COURSES.

For courses presented by sponsors approved pursuant to part 3100.4200, and for courses approved pursuant to part 3100.4300, the board shall fix the number of hours of CDE credit based upon the following criteria:

A. Multiday convention-type meetings such as state or national dental conventions or their equivalent will be given three clock hours credit.

B. Scientific or educational meetings or courses or similar offerings will be credited on an hour-for-hour basis.

C. Home study with an accompanying examination will be awarded hourly credit if the examination is successfully completed based upon a determination by the board or sponsor of the reasonable amount of time necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

D. Presentation of a course made on behalf of an approved sponsor will be credited on an hour-for-hour basis.

3100.4600 TIME LIMITS FOR NOTICE OF ATTENDANCE.

Within two weeks after completing a course given by a sponsor approved pursuant to part 3100.4200, the licensee or registrant shall fill out the form supplied by the board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the board under part 3100.4200, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under part 3100.4300 within two weeks after completion of the course. If a licensee or registrant fails to comply with the time limits specified, the board may refuse to grant CDE credit for the applicable course.

existing language

REPEALER. Minnesota Rules, part 3100.4200, subpart 3, is repealed.

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
December 26 19 85
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Carsely
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

3100.4100 CONTINUING DENTAL EDUCATION.

Subpart 1. **Evidence of attendance.** Each licensee and registrant shall ~~each year~~ provide ~~the board~~ evidence, on forms ~~provided~~ supplied by ~~it~~ the board, that ~~such~~ the person has attended or participated in CDE as required by parts 3100.4100 to ~~3100.4700~~ 3100.4600.

~~At the present time the board cooperates with and is part of the registry which provides a centralized record keeping system using computer facilities. Thus, the forms provided by the board for reporting participation in CDE courses are computer cards sent to each licensee and registrant by the board through the registry. See parts 3100.4200, subpart 2 and 3100.4600 for rule provisions relating to reporting.~~

Subp. 2. **Minimum hours.** The minimum number of hours of approved CDE for each five years shall be: for dentists, 75 hours; for dental hygienists, 40 hours; and for registered dental assistants, 25 hours. Of these hours, dentists may earn no more than 15 hours, dental hygienists no more than eight hours, and registered dental assistants no more than five hours on nonclinical subjects relating to the dental profession.

Nonclinical subjects relating to the dental profession are those which cover skills related to dental services in general which are not directly related to, but are nevertheless supportive of, the provision of clinical services. Examples of nonclinical subjects relating to the dental profession are patient management, the legal and ethical responsibilities of the dental profession, and stress management.

Examples of subjects that are not considered to be related to the dental profession are estate planning, financial planning, marketing, investments, and personal health.

Subp. 3. [Unchanged.]

Subp. 4. **Exemptions.** A licensee or registrant who pays an annual license or registration renewal fee and meets any of the following conditions is exempt from complying with the CDE requirements if he or she files with the board an affidavit

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

specifying the condition within which he or she falls:

A. resides permanently outside the state and does not practice within the state; or

B. is retired from practice and does not perform any dental services on a volunteer or free basis; or

C. is permanently disabled and unable to practice dentistry.

Subp. 5. **Expiration of exemption.** A licensee or registrant claiming exemption under subpart 4 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed CDE requirements equivalent to what the requirements would have been without the exemption for the five years immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee or registrant has not complied with the CDE requirements, the licensee or registrant must comply with part 3100.1850, subpart 2, if the licensee or registrant had been exempt from complying with CDE requirements for less than five years and with part 3100.1850, subpart 3, if exempt more than five years. The licensee or registrant may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee or registrant will be placed into the CDE cycle that he or she would have been in if the exemption was not claimed.

3100.4200 CDE SPONSORS.

Subpart 1. [Unchanged.]

Subp. 2. **Application procedure.** ~~The procedure for applying for approval as a sponsor of CDE courses shall be as follows.~~ Persons or organizations intending to offer courses for CDE credit shall ~~apply to the board in advance for approval and shall supply all information specified in subpart 5 as well as any other information which the board may reasonably require consistent with the purposes of parts 3100.4100 to 3100.4700~~ present a completed application on a form provided by the board. The form will request the submission of information which will enable the board to determine whether the applicant

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meets the standards for sponsor approval as specified in subpart 5. The board may require the submission of any other information it deems necessary to determine whether the applicant meets those standards. Each application for sponsor approval submitted to the board must include the application fee established in part 3100.2000 before the application will be considered. The board may use as ~~consultants~~ a consultant a committee ~~appointed for such evaluation~~, which may include nonboard members, to evaluate sponsor applications.

Subp. 3. [See repealer.]

Subp. 4. **~~Annual report~~ Sponsor renewal.** ~~Sponsors shall submit the information required by subpart 3 annually~~ When the board approves a sponsor, the approval will remain in effect for four years. In order to remain an approved sponsor, the sponsor must again submit an application and fee as provided for in subpart 2 and be approved before the expiration of the four-year period.

Subp. 5. **Approval standards.** The board ~~shall~~ will approve as a sponsor those applicants which meet the following standards:

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

B. The ~~proposed types of~~ courses ~~to be sponsored shall~~ proposed by a sponsor must have significant intellectual or practical content which ~~deals primarily with matters directly related to the practice~~ deal in the clinical and scientific aspect of dentistry and patient communication or ~~auxiliary functions or with the professional responsibility or ethical obligations of licensees or registrants~~ in nonclinical subjects relating to the dental profession as specified in part 3100.4100, subpart 2.

C. [Unchanged.]

Subp. 6. **Proof of participation.** Each sponsor, at least once during each CDE course sponsored by it, shall announce to

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

all participants that in order to receive CDE credit that they submit to the sponsor a ~~computer~~ card supplied by the board ~~through-the-registry~~ within two weeks of completion of the course. The sponsor shall submit all ~~computer~~ cards to the ~~registry~~ board within three weeks after completion of the course.

Subp. 7. [Unchanged.]

3100.4300 APPROVAL OF COURSES ATTENDED.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Course approval standards.** The board shall grant CDE credit for any course which meets the following standards. The course shall have significant intellectual or practical content dealing ~~primarily-with-matter-directly-related-to~~ in the ~~practice~~ clinical and scientific aspect of dentistry ~~or auxiliary-functions-or-to-the-professional-responsibility-or ethical-obligations-of-the-participants~~ and patient communication, or in nonclinical subjects related to the dental profession as specified in part 3100.4100, subpart 2.

Subp. 4. to 6. [Unchanged.]

3100.4400 ESTABLISHING CREDIT HOURS FOR COURSES.

~~The-board,~~ For courses presented by sponsors approved pursuant to part ~~3100.4300~~ 3100.4200, ~~after-evaluating-the information-submitted,-and-sponsor~~ and for courses approved pursuant to part 3100.4300, the board shall fix the number of hours of CDE credit ~~for-each-course~~ based upon the following criteria:

A. Multiday convention-type meetings such as state or national dental conventions or their equivalent ~~shall~~ will be given ~~five~~ three clock hours credit ~~only~~.

B. Scientific or educational meetings or courses or similar offerings ~~shall~~ will be credited on an hour-for-hour basis.

C. Home study with ~~a-testing-mechanism-shall~~ an accompanying examination will be awarded hourly credit if the examination is successfully completed based upon a determination by the board or sponsor of the reasonable amount of time

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

D. Presentation of a course made on behalf of a an approved sponsor ~~shall~~ will be credited on an hour-for-hour basis.

3100.4600 TIME LIMITS FOR NOTICE OF ATTENDANCE.

Within two weeks after completing a course given by a sponsor approved pursuant to part 3100.4200, the licensee or registrant shall fill out the form supplied by the board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the board under part 3100.4200, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under part 3100.4300 within two weeks after completion of the course. ~~If course approval is granted, the board shall send to the registry the completed form for reporting participation in CDE courses submitted by the licensee or registrant with his application for course approval (see part 3100.4300, subpart 2). The board, for failure of~~ If a licensee or registrant fails to comply with the time limits specified ~~in this section~~, the board may refuse to grant CDE credit for the applicable course.

REPEALER. Minnesota Rules, part 3100.4200, subpart 3, is repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD781

Agency: Board of Dentistry

Division:

Agency Contact: Dale Forseth

Minnesota Rules: Parts 3100.4100 to 3100.4400; 3100.4600

Title: Proposed Rules Relating to Continuing Dental Education

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Paul M. Marinac
Assistant Deputy Revisor
Phone: 296-0948

Date: July 8, 1985

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendments to Dentistry Rules Relating to Continuing Dental Education parts 3100.4100 to 3100.4400 and 3100.4600; and Repealing part 3100.4200, subpart 3

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.

NOW, THEREFORE, IT IS HEREBY ORDERED that these rule changes identified as Minn. Rules pts. 3100.4100, 3100.4200, 3100.4300, 3100.4400, and 3100.4600 are adopted and Minn. Rules pt. 3100.4200, subp. 3 is repealed this 9th day of ~~November,~~ December, 1985, pursuant to authority vested in the Board by Minn. Stat. §§ 150A.04, subd. 5; 150A.09, subd. 6; 214.06, subd. 1; and 214.12 (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. FØRSETH
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 Continuing
Dental Education parts 3100.4100
to 3100.4400 and 3100.4600; and
Repealing part 3100.4200, subpart 3

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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 Continuing Dental Education parts 3100.4100 to 3100.4400 and 3100.4600; and Repealing part 3100.4200, subpart 3

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 and (sic) order and a notice of intent to adopt amendments to the Board's rules relating to continuing dental education, and repeal of Minn. Rules pt. 3100.4200, subp. 3, 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, provide 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 persons request a hearing; (4) to take whatever action is necessary, should the Office of Administrative Hearings of the Attorney General's Office have objections to the alternative 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 to proceed 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 Continuing Dental Education parts 3100.4100 to 3100.4400 and 3100.4600; and Repealing part 3100.4200, subpart 3

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.09, subd. 6; 214.06, subd. 1; and 214.12 (1984).

If adopted, the proposed amendments would: (1) limit CDE hours taken for nonclinical subjects and defines nonclinical subjects; (2) set forth the conditions under which a licensee or registrant may be exempt from the continuing dental education requirements and for resuming practice once a licensee or registrant has claimed an exemption; (3) clarify the application procedure and standards for initial and renewal continuing dental education sponsor approval and the standards which will be followed for course approval; (4) reduce the number of hours which may be applied toward the continuing dental education requirements for multiday convention type meetings; and (5) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.4100, 3100.4200, 3100.4300, 3100.4400, and 3100.4600; and would repeal Minn. Rules pt. 3100.4200, subp. 3. 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) limit CDE hours taken for nonclinical subjects and defines nonclinical subjects; (2) set forth the conditions under which a licensee or registrant may be exempt from the continuing dental education requirements and for resuming practice once a licensee or registrant has claimed an exemption; (3) clarify the application procedure and standards for initial and renewal continuing dental education sponsor approval and the standards which will be followed

for course approval; (4) reduce the number of hours which may be applied toward the continuing dental education requirements for multiday convention type meetings; and (5) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.4100, 3100.4200, 3100.4300, 3100.4400, and 3100.4600; and would repeal Minn. Rules pt. 3100.4200, subp. 3. 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.09, subd. 6; 214.06, subd. 1; and 214.12 (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 Continuing
Dental Education parts 3100.4100
to 3100.4400 and 3100.4600; and
Repealing part 3100.4200, subpart 3

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

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 COMM. 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 Continuing Dental Education parts 3100.4100 to 3100.4400 and 3100.4600; and Repealing part 3100.4200, subpart 3

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.09, subd. 6; 214.06, subd. 1; and 214.12 (1984).

If adopted, the proposed amendments would: (1) limit CDE hours taken for nonclinical subjects and defines nonclinical subjects; (2) set forth the conditions under which a licensee or registrant may be exempt from the continuing dental education requirements and for resuming practice once a licensee or registrant has claimed an exemption; (3) clarify the application procedure and standards for initial and renewal continuing dental education sponsor approval and the standards which will be followed for course approval; (4) reduce the number of hours which may be applied toward the continuing dental education requirements for multiday convention type meetings; and (5) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.4100, 3100.4200, 3100.4300, 3100.4400, and 3100.4600; and would repeal Minn. Rules pt. 3100.4200, subp. 3. 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) limit CDE hours taken for nonclinical subjects and defines nonclinical subjects; (2) set forth the conditions under which a licensee or registrant may be exempt from the continuing dental education requirements and for resuming practice once a licensee or registrant has claimed an exemption; (3) clarify the application procedure and standards for initial and renewal continuing dental education sponsor approval and the standards which will be followed

for course approval; (4) reduce the number of hours which may be applied toward the continuing dental education requirements for multiday convention type meetings; and (5) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.4100, 3100.4200, 3100.4300, 3100.4400, and 3100.4600; and would repeal Minn. Rules pt. 3100.4200, subp. 3. 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.09, subd. 6; 214.06, subd. 1; and 214.12 (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
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> (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

3100.4100 CONTINUING DENTAL EDUCATION.

Subpart 1. **Evidence of attendance.** Each licensee and registrant shall ~~each year~~ provide ~~the board~~ evidence, on forms ~~provided~~ supplied by ~~it~~ the board, that ~~such~~ the person has attended or participated in CDE as required by parts 3100.4100 to ~~3100.4700~~ 3100.4600.

~~At the present time the board cooperates with and is part of the registry which provides a centralized record keeping system using computer facilities. Thus, the forms provided by the board for reporting participation in CDE courses are computer cards sent to each licensee and registrant by the board through the registry. See parts 3100.4200, subpart 2 and 3100.4600 for rule provisions relating to reporting.~~

Subp. 2. **Minimum hours.** The minimum number of hours of approved CDE for each five years shall be: for dentists, 75 hours; for dental hygienists, 40 hours; and for registered dental assistants, 25 hours. Of these hours, dentists may earn no more than 15 hours, dental hygienists no more than eight hours, and registered dental assistants no more than five hours on nonclinical subjects relating to the dental profession.

Nonclinical subjects relating to the dental profession are those which cover skills related to dental services in general which are not directly related to, but are nevertheless supportive of, the provision of clinical services. Examples of nonclinical subjects relating to the dental profession are patient management, the legal and ethical responsibilities of the dental profession, and stress management.

Examples of subjects that are not considered to be related to the dental profession are estate planning, financial planning, marketing, investments, and personal health.

Subp. 3. [Unchanged.]

Subp. 4. **Exemptions.** A licensee or registrant who pays an annual license or registration renewal fee and meets any of the following conditions is exempt from complying with the CDE requirements if he or she files with the board an affidavit

REVISOR OF STATUTES

specifying the condition within which he or she falls:

A. resides permanently outside the state and does not practice within the state; or

B. is retired from practice and does not perform any dental services on a volunteer or free basis; or

C. is permanently disabled and unable to practice dentistry.

Subp. 5. **Expiration of exemption.** A licensee or registrant claiming exemption under subpart 4 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed CDE requirements equivalent to what the requirements would have been without the exemption for the five years immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee or registrant has not complied with the CDE requirements, the licensee or registrant must comply with part 3100.1850, subpart 2, if the licensee or registrant had been exempt from complying with CDE requirements for less than five years and with part 3100.1850, subpart 3, if exempt more than five years. The licensee or registrant may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee or registrant will be placed into the CDE cycle that he or she would have been in if the exemption was not claimed.

3100.4200 CDE SPONSORS.

Subpart 1. [Unchanged.]

Subp. 2. **Application procedure.** ~~The procedure for applying for approval as a sponsor of CDE courses shall be as follows:~~ Persons or organizations intending to offer courses for CDE credit shall ~~apply to the board in advance for approval and shall supply all information specified in subpart 5 as well as any other information which the board may reasonably require consistent with the purposes of parts 3100.4100 to~~ 3100.4700 present a completed application on a form provided by the board. The form will request the submission of information which will enable the board to determine whether the applicant

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meets the standards for sponsor approval as specified in subpart 5. The board may require the submission of any other information it deems necessary to determine whether the applicant meets those standards. Each application for sponsor approval submitted to the board must include the application fee established in part 3100.2000 before the application will be considered. The board may use as ~~consultants~~ a consultant a committee ~~appointed for such evaluation~~, which may include nonboard members, to evaluate sponsor applications.

Subp. 3. [See repealer.]

Subp. 4. **~~Annual report~~ Sponsor renewal.** ~~Sponsors shall submit the information required by subpart 3 annually~~ When the board approves a sponsor, the approval will remain in effect for four years. In order to remain an approved sponsor, the sponsor must again submit an application and fee as provided for in subpart 2 and be approved before the expiration of the four-year period.

Subp. 5. **Approval standards.** The board ~~shall~~ will approve as a sponsor those applicants which meet the following standards:

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

B. The ~~proposed types of~~ courses ~~to be sponsored shall~~ proposed by a sponsor must have significant intellectual or practical content which ~~deals primarily with matters directly related to the practice~~ deal in the clinical and scientific aspect of dentistry and patient communication or ~~auxiliary functions or with the professional responsibility or ethical obligations of licensees or registrants~~ in nonclinical subjects relating to the dental profession as specified in part 3100.4100, subpart 2.

C. [Unchanged.]

Subp. 6. **Proof of participation.** Each sponsor, at least once during each CDE course sponsored by it, shall announce to

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all participants that in order to receive CDE credit that they submit to the sponsor a ~~computer~~ card supplied by the board ~~through-the-registry~~ within two weeks of completion of the course. The sponsor shall submit all ~~computer~~ cards to the ~~registry~~ board within three weeks after completion of the course.

Subp. 7. [Unchanged.]

3100.4300 APPROVAL OF COURSES ATTENDED.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Course approval standards. The board shall grant CDE credit for any course which meets the following standards. The course shall have significant intellectual or practical content dealing ~~primarily-with-matter-directly-related-to~~ in the ~~practice~~ clinical and scientific aspect of dentistry ~~or auxiliary-functions-or-to-the-professional-responsibility-or ethical-obligations-of-the-participants~~ and patient communication, or in nonclinical subjects related to the dental profession as specified in part 3100.4100, subpart 2.

Subp. 4. to 6. [Unchanged.]

3100.4400 ESTABLISHING CREDIT HOURS FOR COURSES.

~~The-board,~~ For courses presented by sponsors approved pursuant to part ~~3100.4300~~ 3100.4200, ~~after-evaluating-the information-submitted,-and-sponsor~~ and for courses approved pursuant to part 3100.4300, the board shall fix the number of hours of CDE credit ~~for-each-course~~ based upon the following criteria:

A. Multiday convention-type meetings such as state or national dental conventions or their equivalent ~~shall~~ will be given ~~five~~ three clock hours credit ~~only~~.

B. Scientific or educational meetings or courses or similar offerings ~~shall~~ will be credited on an hour-for-hour basis.

C. Home study with ~~a-testing-mechanism-shall~~ an accompanying examination will be awarded hourly credit if the examination is successfully completed based upon a determination by the board or sponsor of the reasonable amount of time

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necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

D. Presentation of a course made on behalf of ~~a~~ an approved sponsor ~~shall~~ will be credited on an hour-for-hour basis.

3100.4600 TIME LIMITS FOR NOTICE OF ATTENDANCE.

Within two weeks after completing a course given by a sponsor approved pursuant to part 3100.4200, the licensee or registrant shall fill out the form supplied by the board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the board under part 3100.4200, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under part 3100.4300 within two weeks after completion of the course. ~~If course approval is granted, the board shall send to the registry the completed form for reporting participation in CDE courses submitted by the licensee or registrant with his application for course approval (see part 3100.4300, subpart 2). The board, for failure of~~ If a licensee or registrant fails to comply with the time limits specified ~~in this section~~, the board may refuse to grant CDE credit for the applicable course.

REPEALER. Minnesota Rules, part 3100.4200, subpart 3, is repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD781

Agency: Board of Dentistry

Division:

Agency Contact: Dale Forseth

Minnesota Rules: Parts 3100.4100 to 3100.4400; 3100.4600

Title: Proposed Rules Relating to Continuing Dental Education

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Paul M. Marinac
Assistant Deputy Revisor
Phone: 296-0948
Date: July 8, 1985

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

In the Matter of Proposed
Amendments to Dentistry Rules
Relating to Continuing
Dental Education parts 3100.4100
to 3100.4400 and 3100.4600; and
Repealing part 3100.4200, subpart 3

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

(1)

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
Brooklyn Park, MN 55445

MOORHEAD AREA VO-TECH INSTITU
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
Parkers Prairie, MN 56361

(2)

Personnel - Discretionary

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 MAYO 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

Interested Persons
Discretionary (3)

130 Hickory Street
Mahtomedi, MN 55115

Dr. Robert Jensen
2480 White Bear Avenue
Maplewood, MN 55109

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

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

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

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

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

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

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

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

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

Dr. Peter Cameron
1025 Evergreen Lane
Minneapolis, MN 55441

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

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

Dr. William G. Dols

Goodhue, MN 55027

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interested Persons
Discretionary

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 Continuing
Dental Education parts 3100.4100
to 3100.4400 and 3100.4600; and
Repealing part 3100.4200, subpart 3

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 11 4. 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 REPO
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 Boa
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

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.

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.09, subd. 6; 214.06, subd. 1; and 214.12 (1984).

If adopted, the proposed amendments would:

(1) limit CDE hours taken for nonclinical subjects and defines nonclinical subjects; (2) set forth the conditions under which a licensee or registrant may be exempt from the continuing dental education requirements and for resuming practice once a licensee or registrant has claimed an exemption; (3) clarify the application procedure and standards for initial and renewal continuing dental education sponsor approval and the standards which will be followed for course approval; (4) reduce the number of hours which may be applied toward the continuing dental education requirements for multiday convention type meetings; and (5) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.4100, 3100.4200, 3100.4300, 3100.4400, and 3100.4600; and would repeal Minn. Rules pt. 3100.4200, subd. 3.

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.

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.

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 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) limit CDE hours taken for nonclinical subjects and defines nonclinical subjects; (2) set forth the conditions under which a licensee or registrant may be exempt from the continuing dental education requirements and for resuming practice once a licensee or registrant has claimed an exemption; (3) clarify the application procedure and standards for initial and renewal continuing dental education sponsor approval and the standards which will be followed for course approval; (4) reduce the number of hours which may be applied toward the continuing dental education requirements for multiday convention type meetings; and (5) make certain editorial changes. The proposed changes would amend Minn. Rules pts. 3100.4100, 3100.4200, 3100.4300, 3100.4400, and 3100.4600; and would repeal Minn. Rules pt. 3100.4200, subp. 3.

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.09, subd. 6; 214.06, subd. 1; and 214.12 (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 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.

August 8, 1985

Dale J. Forseth
Executive Secretary
Board of Dentistry

Rules as Proposed

3100.4100 CONTINUING DENTAL EDUCATION.

Subpart 1. Evidence of attendance. Each licensee and registrant shall ~~each year~~ provide ~~the board~~ evidence~~;~~ on forms ~~provided~~ supplied by ~~it~~ the board, that ~~such~~ the person has attended or participated in CDE as required by parts 3100.4100 to ~~3100.4700~~ 3100.4600.

~~At the present time the board cooperates with and is part of the registry which provides a centralized record-keeping system using computer facilities. Thus, the forms provided by the board for reporting participation in CDE courses are computer cards sent to each licensee and registrant by the board through the registry. See parts 3100.4200, subpart 2 and 3100.4600 for rule provisions relating to reporting.~~

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

Subp. 2. Minimum hours. The minimum number of hours of approved CDE for each five years shall be: for dentists, 75 hours; for dental hygienists, 40 hours; and for registered dental assistants, 25 hours. Of these hours, dentists may earn no more than 15 hours, dental hygienists no more than eight hours, and registered dental assistants no more than five hours on nonclinical subjects relating to the dental profession.

Nonclinical subjects relating to the dental profession are those which cover skills related to dental services in general which are not directly related to, but are nevertheless supportive of, the provision of clinical services. Examples of nonclinical subjects relating to the dental profession are patient management, the legal and ethical responsibilities of the dental profession, and stress management.

Examples of subjects that are not considered to be related to the dental profession are estate planning, financial planning, marketing, investments, and personal health.

Subp. 3. [Unchanged.]

Subp. 4. Exemptions. A licensee or registrant who pays an annual license or registration renewal fee and meets any of the following conditions is exempt from complying with the CDE requirements if he or she files with the board an affidavit specifying the condition within which he or she falls:

A. resides permanently outside the state and does not practice within the state; or

B. is retired from practice and does not perform any dental services on a volunteer or free basis; or

C. is permanently disabled and unable to practice dentistry.

Subp. 5. Expiration of exemption. A licensee or registrant claiming exemption under subpart 4 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed CDE requirements equivalent to what the requirements would have been without the exemption for the five years immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee or registrant has not complied with the CDE requirements, the licensee or registrant must comply with part 3100.1850, subpart 2, if the licensee or registrant had been exempt from complying with CDE requirements for less than five years and with part 3100.1850, subpart 3, if exempt more than five years. The licensee or registrant may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee or registrant will be placed into the CDE cycle that he or she would have been in if the exemption was not claimed.

3100.4200 CDE SPONSORS.

Subpart 1. [Unchanged.]

Subp. 2. Application procedure. ~~The procedure for applying for approval as a sponsor of CDE courses shall be as follows:~~ Persons or organizations intending to offer courses for CDE credit shall ~~apply to the board in advance for approval and shall supply all information specified in subpart 5 as well as any other information which the board may reasonably require consistent with the purposes of parts 3100.4100 to 3100.4700~~ present a completed application on a form provided by the board. The form will request the submission of information which will enable the board to determine whether the applicant meets the standards for sponsor approval as specified in subpart 5. The board may require the submission of any other information it deems necessary to determine whether the applicant meets those standards. Each application for sponsor approval submitted to the board must include the application fee established in part 3100.2000 before the application will be considered. The board may use as ~~consultants~~ a consultant a committee ~~appointed for such evaluation~~, which may include nonboard members, to evaluate sponsor applications.

Subp. 3 [See repealer.]

Subp. 4. ~~Annual report~~ Sponsor renewal. ~~Sponsors shall submit the information required by subpart 3 annually~~ When the board approves a sponsor, the approval will remain in effect for four years. In order to remain an approved sponsor, the sponsor must again submit an application and fee as provided for in subpart 2 and be approved before the expiration of the four-year period.

Subp. 5. Approval standards. The board ~~shall~~ will approve as a sponsor those applicants which meet the following standards:

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

B. The ~~proposed types of~~ courses ~~to be sponsored shall~~ proposed by a sponsor must have significant intellectual or practical content which ~~deals primarily with matters directly related to the practice~~ deal in the clinical and scientific aspect of dentistry and patient communication or ~~auxiliary functions or with the professional responsibility or ethical obligations of licensees or registrants~~ in nonclinical subjects relating to the dental profession as specified in part 3100.4100, subpart 2.

C. [Unchanged.]

Subp. 6. Proof of participation. Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they submit to the sponsor a ~~computer~~ card supplied by the board ~~through the~~

~~registry~~ within two weeks of completion of the course. The sponsor shall submit all ~~computer~~ cards to the ~~registry~~ board within three weeks after completion of the course.

Subp. 7. [Unchanged.]

3100.4300 APPROVAL OF COURSES ATTENDED.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Course approval standards. The board shall grant CDE credit for any course which meets the following standards. The course shall have significant intellectual or practical content dealing ~~primarily with matter directly related to~~ in the ~~practice~~ clinical and scientific aspect of dentistry ~~or auxiliary functions or to the professional responsibility or ethical obligations of the participants~~ and patient communication, or in nonclinical subjects related to the dental profession as specified in part 3100.4100, subpart 2.

Subp. 4. to 6. [Unchanged.]

3100.4400 ESTABLISHING CREDIT HOURS FOR COURSES.

~~The board,~~ For courses presented by sponsors approved pursuant to part ~~3100.4300~~ 3100.4200, ~~after evaluating the information submitted, and sponsor~~ and for courses approved pursuant to part 3100.4300, the board shall fix the number of hours of CDE credit ~~for each course~~ based upon the following criteria:

A. Multiday convention-type meetings such as state or national dental conventions or their equivalent ~~shall~~ will be given ~~five~~ three clock hours credit ~~only~~.

B. Scientific or educational meetings or courses or similar offerings ~~shall~~ will be credited on an hour-for-hour basis.

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

D. Presentation of a course made on behalf of ~~a~~ an approved sponsor ~~shall~~ will be credited on an hour-for-hour basis.

3100.4600 TIME LIMITS FOR NOTICE OF ATTENDANCE.

Within two weeks after completing a course given by a sponsor approved pursuant to part 3100.4200, the licensee or registrant shall fill out the form supplied by the board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the board under part 3100.4200, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under part 3100.4300 within two weeks after completion of the course. ~~If course approval is granted, the board shall send to the registry the completed form for reporting participation in CDE courses submitted by the licensee or registrant with his application for course approval (see part 3100.4300, subpart 2). The board, for failure or~~ If a licensee or registrant fails to comply with the time limits specified ~~in this section~~, the board may refuse to grant CDE credit for the applicable course.

REPEALER. Minnesota Rules, part 3100.4200, subpart 3, is repealed.

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.

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 continuing dental education and repeal of Minn. Rules pt. 3100.4200, subp. 3 (1983) be and hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 150A.04, subd. 5; 150A.09, subd. 6; 214.06, subd. 1; and 214.12 (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
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 Continuing Dental Education Parts 3100.4100 to 3100.4400 and 3100.4600; and Repealing Part 3100.4200, Subpart 3

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 pt. 3100.0100 (1983).

In order to adopt the proposed amendments, the Board must demonstrate that it has compiled 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 authoirzes 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 continuing education, specific authority is set forth in Minn. Stat § 214.12 (1984). This section permits the Board to promulgate by rule requirements for continuing education which are designed to promote the continuing

professional competence of licensees and which are solely for the improvement of professional skills.

By inference Minn. Stat. § 214.12 (1984) also gives the Board authority over those who put on continuing dental education courses to assure that they are of an appropriate quality. That the legislature contemplated such regulation of the sponsor of the continuing education course is confirmed by Minn. Stat. § 150A.09, subd. 6 (1984). Subdivision 6 authorizes the Board to establish application and renewal fees for any person who applies to be approved as a sponsor. See also Minn. Stat. § 214.06, 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 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 cancelled if the Board does not receive a request for one from 25 or more people.

Pursuant to Minn. Stat. §§ 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's 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 will become effective five work days after publication of a notice of adoption in the State Register pursuant to Minn. Stat. §§ 14.18 and 14.27 (1984).

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

Minnesota Statute § 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 (1984), 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 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 (1985), 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 the 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 the non-dentist can have no involvement in operating a dental business. Instead, its position is that non-dentists may not interfere with or have any contact 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 under the provisions of section 14.115 pursuant to its 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 the 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 conditions 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.

With respect to the provisions of the rules relating to the requirements which licensees and registrants must meet, the methods for reducing the impact on small business are largely inapplicable. It is difficult to conceive that the methods were drafted with continuing education of a health professional in mind or that they were intended to apply to this type of situation. Clearly, performance, design, or operational standards have no relevance to continuing education. The methods which may be arguable have some applicability, the establishment of less stringent reporting or compliance requirements and the exemption of small businesses from any or all requirements of the

rules, cannot be incorporated into the proposed amendments. In the first place, the reporting or compliance requirements are minimal. In addition, by broadening the types of courses for which continuing dental education credit may be received should make compliance easier. But most importantly, to try to apply these methods to the Board's continuing dental education rules would be contrary to the statutory objectives that are the basis of the proposed rulemaking.

To the extent that the rules relating to sponsors may apply to small business, again it is fair to assert that to lower any of the standards with respect to them would also be contrary to the statutory objectives that are the basis fo the proposed rulemaking. Continuing education would be weakened should appropriately high standards not apply to those who put on the courses. However, it should be noted that the process for remaining as an approved sponsor has been simplified by changing the annual renewal process into a requirement for approval every four years.

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 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, and Minn. Stat. § 214.12 (1984), and as the following rule by rule justification will demonstrate, are both needed and reasonable.

B. Rule by Rule Justification

1. Part 3100.4100 Continuing Dental Education (formerly 7 MCAR § 3.051)

a. Subpart 1. The existing rule refers to the recordkeeping services of the Continuing Education Registry of the American Dental Association. The Board

annually paid the Registry for this service $3 for each licensee and registrant on record. The cost of this service for fiscal year 1984 was nearly $31,000. The Board learned, however, that beginning January 1, 1985, the cost of the recordkeeping service would increase to within a range of $9 to $11 for each licensee and registrant. This increase would have cost the Board over $100,000 annually. The Board did not believe that this significant increase in the cost of the recordkeeping services could be justified. Thus, beginning July 1, 1984, the Board began its own continuing education recordkeeping. Therefore, the second paragraph of subpart 1 which references the Continuing Education Registry of the American Dental Association is being proposed for deletion.

The remaining amendments to subpart 1 are editorial only with no substantive effect.

b. Subpart 2. This subpart specifies the minimum number of hours which a licensee or registrant must accumulate in each five-year cycle. The hours remain unchanged. The amendment proposed relates to the content of the courses which will count for continuing dental education credit. Until now, in order to be approved for credit, a course had to address clinical and scientific and professional skills. The Board is of the opinion, however, that there are nonclinical courses which nevertheless will aid in the improvement of professional skills which should also be approved for credit. Nevertheless, the Board believes that a majority of the courses a person takes for continuing dental education credit must be courses which directly benefit a person's technical skills in providing actual dental services to a patient. To recognize both objectives, the rule amendment specifies the maximum number of hours in nonclinical subjects which can qualify toward the five-year minimum.

The limitation for credit of nonclinical, dentally related courses is reasonable. On the one hand, the policy expressed by this amendment recognizes that the provision of dental services goes beyond pure technical skills. For example, knowing how to manage a

patient who is apprehensive will lead to better results. A dentist will be able to perform the technical services in a better way if the patient is cooperative. On the other hand, the bottom line in dentistry is the actual performance of clinical services. A patient who is well managed so as to be cooperative will not benefit if the dentist is not technically skilled. Manintaining those technical skills and keeping abreast with developments and advances in clinical dentistry is absolutely crucial. It lies at the heart of licensing. Accordingly, it is necessary to spell out that a majority of the continuing education courses that a licensee or registrant takes must be clinically related. At the same time, the proposed amendment recognizes that courses supportive of the provision of clinical services are also of value and therefore allows for a reasonable number of hours of such courses. See also the discussion relating to part 3100.4200, subpart 5B, in paragraph 2c(2), infra at 16.

The remainder of the amendments to subpart 2 contain a definition of "nonclinical subjects relating to the dental profession" by providing a general statement followed by examples of courses which would either conform or not conform to the definition. The definition reflects the policy noted in the preceeding paragraph and is necessary to give guidance to continuing dental education sponsors in developing courses as well as to the Board when it must make a specific determination with respect to a course.

c. Subpart 4. The proposed amendments to part 3100.4100, subpart 4, permit exemptions from the Board's continuing education requirments for those dentists, dental hygienists, and registered dental assistants who are not practicing in the state but, for some reason, wish to continue their license or registration in Minnesota. Only 68 percent of the professionals licensed and registered by the Board practice in Minnesota. Of the remaining 32 percent, eight percent reside in the state and 24 percent reside out-

of-state. See "Minnesota Board of Dentistry Record of Licensees and Registrants as of April 1, 1984," dated April 6, 1984, attached hereto as Exhibit 1 and made a part hereof.

There are a number of reasons why licensees and registrants continue licensure even though they are not practicing: to maintain licensure for "old time's sake"; pride in their Minnesota connection; in the case of dentists, the maintenance of health, accident, and life insurance through the American Dental Association, which is dependent on the dentist's licensure in a least one state; to symbolize professional status, competency and achievement; and to retain the option of returning to practice in the state.

Although the Board believes that its continuing education requirements are not unduly restrictive, it also feels that the requirements are not absolutely necessary for licensees and registrants who are not actively practicing in the state. In other words, while it is reasonable to require such persons to comply with continuing education requirements, there is also reason not to apply the requirement. Thus, the Board has decided to change its rules in this respect so as to exempt certain classes of licensees from the continuing dental education requirements. It is reasonable that the proposed rule be adopted for the following reasons:

(1) The citizens of Minnesota are not served when licensees and registrants not practicing in the state are required to maintain the continuing education standards specified by the Board.

(2) Licensees and registrants practicing in other states often have to meet the continuing education standards of the states in which they are practicing; therefore, licensees and registrants are burdened with dual reporting requirements.

(3) Licensees and registrants in other states have considerable difficulty in locating local sponsors approved by the Board. Thus, they most often attend local continuing education activities that are sponsored by organizations that have not

applied for and been approved as sponsors by the Board. When this occurs, the licensees and registrants must adhere to and be burdened by additional reporting requirements (part 3100.4300) and the Board must expend its funds to review each of the courses.

(4) This exemption would substantially decrease the Board's cost of maintaining continuing education records and preparing and distributing semi-annual continuing education activity reports to licensees and registrants.

(5) Minnesota Statute § 214.12 (1984) states that continuing education requirements are designed to promote and improve professional competencies and skills. When licensees and registrants are not practicing in Minnesota, the requirement for them to participate in continuing dental education courses to improve their professional skills does not directly act to serve the public interest.

(6) For licensees and registrants who are disabled, the continuing dental education requirement could result in the expenditure in funds which the person could ill afford. Furthermore, depending upon the disability, the person might not even be able to attend courses. It is recognized that a disability which adversely affects a licensee or registrant's ability to practice is grounds for disciplinary action. Minn. Stat. § 150A.08, subd. 1(8) (1984). However, virtually every licensee or registrant who is disabled will voluntarily withdraw from practice. There is no need to "discipline" them. The proposed rule will let them still maintain their license in good standing although they cannot actually practice. The disciplinary action is thus more appropriately reserved for the licensee or registrant who fails to voluntarily step out of practice and must be forced out in order to protect the public.

(7) Finally Licensees and registrants who are exempt under part 3100.4100, subpart 4, and who desire to return to practice in Minnesota, would be required to adhere to the expiration of exemption requirements specified in subpart 5 which is explained below.

d. Subpart 5. To comply with the intent of Minn. Stat § 214.12 (1984), it is reasonable to expect that exempt professionals returning to practice in the state should be at the same level of competency as professionals who had no exemption. For this reason, the Board proposes part 3100.4100, subpart 5, to govern the expiration of exemption. This rule requires exempt persons to file with the Board a written notice before resuming practice in Minnesota and to provide the Board with evidence of having complied with the requirements of continuing dental education for the five years immediately preceding application to resume practice. Since the purpose of continuing education is to enhance a professional's knowledge of dentistry, thereby promoting competency and improving dental skills, then the Board and the public should have some reasonable assurance that a person returning to practice has maintained competency and skills through continuing education. Additionally, to require a person who is returning to practice after having been exempted to provide evidence of participation in continuing education would give the Board some assurance that the licensee or registrant's exemption was indeed legitimate and not merely a means of escaping continuing dental education requirements.

Some licensees and registrants who desire to return to active practice in Minnesota may not be able to evidence compliance with continuing dental education requirements. In those cases, the persons return to practice will be dependent on passing the examination requirements of part 3100.1850, subparts 2 and 3. Part 3100.1850 is a new rule being proposed by the Board in a separate rulemaking proceeding captioned:

> 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 Pay Renewal Fee or Meet Continuing Education
> Requirements, part 3100.1700, subparts 3 to 5;
> Reinstatement of License or Registration,
> parts 3100.1850; Clarification of Existing Rules,
> parts 3100.3400; and Repealing parts 3100.1800,
> 3100.1900, and 3100.4700

This rulemaking proceeding is being initiated concurrently with the instant proceeding on the continuing dental education set of rules.

Part 3100.1850, subparts 2 and 3, specify the requirements persons must meet for reinstatement when their license or registrtion was either voluntarily terminated or in an expired status. It is the Board's position that there is no substantive differences between those former licensees or registrants who have terminated or been in expired status and those who are in an exempt status for continuing dental education. The Board has a duty to test those who want to return to an active status to be sure, for the sake of the public, that their clinical skills and knowledge are at an acceptable level. Therefore, the same standards should apply for being able to return to practice for those in the latter situation as in the former. It is for this reason that the Board has made reinstatement provisions of part 3100.1850 equally applicable to the expiration of exemption provisions of part 3100.4100.

Finally, The proposed rule would require that licensees and registrants returning from an exemption be placed into the continuing education cycle that he or she would have been in had the exemption not occurred. The provision is necessary to fit in with subpart 3 which specifies the commencement dates for five-year continuing education cycles.

The exemptions proposed under part 3100.4100, subpart 4, and the expiration of exemption rule proposed in subpart 5, are not unique to the Board of Dentistry. For example, what the Board proposes is not unlike the requirements for nurses licensed by the Minnesota Board of Nursing. A nurse who moves out-of-state or retires, or for some other reason does not renew his or her license, is placed in an inactive status. The nurse may be removed from inactive status upon providing evidence of participation in continuing nursing education of the type approved by the Board of Nursing during the period in which the license was inactive. Minn. Rules pt. 6310.3100 (1984), formerly 7

MCAR § 5.1033. A similar system has been established by the Minnesota Supreme Court to govern lawyers. Rule 3 of the Rules of the Supreme Court for Continuing Legal Education provides for a restricted status for attorneys who no longer wish to comply with the continuing education requirements and who will not practice law in Minnesota. There is also control provided for such a lawyer returning to active practice.

2. Part 3100.4200 CDE Sponsors (formerly 7 MCAR § 3.052)

a. Subparts 2 and 3. There are several reasons for amending part 3100.4200 First, the need to specifically state that an application, as authorized by Minn. Stat. § 150A.09, subd. 6 (1984), arisies from the Board finding that the existing rule may be confusing to some applicants in that subpart 2 refers to the need to apply without reference to an application form. Some applicants have interpreted the rule to mean that all that was necessary to apply for sponsor approval was to submit the information specified in subpart 3, while the Board also required other information based on subpart 2. Furthermore, some applicants have interpreted subpart 2 to mean that they should apply for approval of individual courses they intend to offer rather than for approval as a sponsor. Being approved as a sponsor results in automatic approval to any course offered by the sponsor subject to rejection by the Board if the course does not meet the standards specified in subpart 5B.

While the foregoing establishes the need to clarify the existing rule so that applicants understand that they must submit an application and what that application is for, the Board also believes that it is unworkable to specify in a rule the detailed contents of an application because the need for information changes from time-to-time. The contents of other applications, such as licensure applications, are not spelled out in Board rules. What is proposed is instead a standard to govern what the Board can ask for in an application. Therefore, the proposed amendments to subpart 2 are reasonable because (1) they will eliminate past confusion by making it clear that an application must be made

on a form provided by the Board, and (2) they will allow the Board to obtain consistent information from all applicants. Given the changes to subpart 2 about the application, it follows that subpart 3, which lists types of information that a sponsor applicant should submit to the Board, should be repealed.

The authority to indicate that an initial application fee must be paid is contained in Minn. Stat. § 150A.09, subd. 6 (1984). The actual fee is listed in the fees section of the Board's rules part 3100.2000, subpart 8.

Finally, existing subpart 2 states that "the Board may use as consultants a committee for such evaluation," i.e., for evaluation of sponsor applications. The Board has used for the evaluation a committee of non-Board members consisting of three dentists, one dental hygienist, and one registered dental assistant. Given this practice, the language in the rule needs to be changed to reflect actual practice and to make clear that the committee may consist of persons who are not on the Board. Non-Board members may perform this function because they make recommendations, not final decisions.

b. Subpart 4. The Board is proposing an amendment to part 3100.4200, subpart 4, because it believes that this rule is unduly restrictive and that it places an unnecessary burden on both the sponsor and the Board. Most approved sponsors will offer an average of less than four continuing dental education courses annually. To require a sponsor to make a re-application for sponsor approval each year, after offering only four courses, is not necessary. Therefore, the Board proposes that the rule be amended to change the sponsor approval application requirement from annually to every four years. The renewal application fee is based upon Minn. Stat § 150A.09, subd. 6 (1984). The actual fee is listed in the fees section of the Board's rules, part 3100.2000, subpart 8.

c. Subpart 5.

(1) Subpart 5A. The proposed amendment to part 3100.4200, subpart 5A, adds the phrase "accredited educational institution" to the rule. In the past, the Board has approved accredited educational institutions that have applied for continuing education sponsor approval under the rule, and rightfully so, for obvious reasons. However, the reference to an accredited educational institution as a type of organization that the Board will approve as a sponsor was not in the rule probably because of an oversight that was made when the rule was first adopted. Therefore, for clarity reasons, the Board proposes that supbpart 5A be amended to specifically state that accredited educational institutions will be approved as sponsors.

(2) Subpart 5B. The proposed amendment to part 3100.4200, subpart 5B, clarifies the types of continuing education courses that a Board approved sponsor must offer. The Board has interpreted Minn. Stat. § 214.12 (1984) and existing subpart 5B to mean that only courses that deal with the clinical or scientific aspect of dentistry, including patient communication, may be accepted for continuing education credit. The Board believes that licensees and registrants should be directly aware of the Board's interpretation. Thus, the Board proposes that the rule be amended so that it is clear that courses must deal with the clinical or scientific aspect of dentistry and patient communication.

The Board has approved patient communication subjects under the existing rule because they are considered clinical and scientific. Proper communication with a patient is essential to explain treatment, ease fears and anxieties, and to educate patients on preventive dentistry, nutrition, and on other dental matters. Many licensees and registrants are not aware that the Board considers patient communication courses as clinical and scientific, and the proposed language will make it clear that these courses are approved.

The Board also believes that there are non-clinical types of courses which are designed to promote, as required by Minn. Stat. § 214.12 (1984), continuing professional competence and skills of licensees and registrants and are thus scientific by nature. Specifically, these types of programs are patient management courses, courses dealing in the legal and ethical responsibilities of the professionals, and stress management courses. See the discussion regarding part 3100.4100, subpart 2, in paragraph 1b, supra at 8, for a detailed justification of adding "nonclinical subjects relating to the dental profession" to the permissible types of courses which a sponsor may offer for continuing dental education credit.

d. Subpart 6. This subpart is amended to remove reference to the Registry as explained in paragraph 1a, supra at 7, relating to the amendments to part 3100.4100, subpart 1. In addition, the Registry required the submission of "computer" cards on which individuals would record their attendance at courses. The Board will not use "computer" cards, thus the word "computer" is being deleted.

3. Part 3100.4300 Approval of Courses Attended (formerly 7 MCAR § 3.053)

Subpart 3. The amendments to subpart 3 are proposed for the same reasons that the amendments to part 3100.4200, subpart 5B, are proposed. See the justification in paragraph 2c(2), supra at 16.

4. Part 3100.4400 Establishing Credit Hours for Courses (formerly 7 MCAR § 3.055C)

With one exception, the proposed amendments to this rule are nonsubstantive and editorial in nature. The exception occurs in part 3100.4400A where the Board proposes the the number of continuing dental education credits offered for attendance at multi-day meetings be reduced from five (5) to three (3) credits. Minnesota Statutes § 214.12 (1984) permits the Board to promulgate continuing education rules designed to promote competency and to improve professional skills. The Board realizes that

attendance at these multi-day convention-type meetings will provide some clinical and scientific education. However, when comparing this type of continuing education acitivity, which is viewing table clinics at random and without required or monitored attendance, or viewing commercial exhibits and limited professional exhibits, again without monitored attendance, the Board believes that awarding five credits for merely walking in the door is excessive and may not entirely carry out the intent of the law. During each five-year cycle, dentists must earn 75 continuing dental education credits, hygienists 40 credits, and registered dental assistants 25 credits. If a dentist were to annually attend the Minnesota Dental Association's Annual Scientific Session, he or she would earn 25 credits out of the required 75, dental hygienists 25 of 40, and registered dental assistants would fulfill their entire requirement. The Board, therefore, believes that there is a need to reduce the number of credits permitted for attendance at multi-day convention-type meetings to assure that in fulfilling the continuing dental education requirement that a licensee or registrant will attend a broader spectrum of courses.

5. Part 3100.4600 Time Limits for Notice of Attendance (formerly 7 MCAR § 3.055D)

The amendments to this part are made to remove reference to the Registry as explained in paragraph 1a, supra at 7, relating to the amendments to part 3100.4100, subpart 1. In addition, nonsubstantive, editorial changes are proposed for this part.

Dated: August 6, 1985

STATE OF MINNESOTA

BOARD OF DENTISTRY

By: _____

DALE J. FORSETH
Executive Secretary

EXHIBIT 8

MINNESOTA BOARD OF DENTISTRY

RECORD OF LICENSEES AND REGISTRANTS

AS OF

APRIL 1, 1984

	DENTISTS	DENTAL HYGIENISTS	REGISTERED DENTAL ASSISTANTS	PROFESSIONAL CORPORATIONS	TOTAL NUMBER LICENSED OR REGISTERED
Numbers licensed or registered	3,352	2,478	3,171	685	10,186
Licensees & registrants practicing in-state	2,767	1,646	2,557	N/A	6,970
Licensees & registrants residing in-state, but not in practice	120	301	392	N/A	813
Licensees & registrants practicing out-of-state	310	413	166	N/A	1,489
Licensees & registrants residing out-of-state, but not in practice	55	118	56	N/A	229
Percent of total licensees & registrants practicing	95	83	86	N/A	89
Percent of licensees & registrants residing in-state and practicing	96	85	87	N/A	90
Ratio of dentists practicing in-state to dental hygienists & registered dental assistants practicing in-state	N/A	1:68:1	1:08:1	N/A	1:1.52
Growth in numbers of licensees & registrants since March, 1983	1.4%	3.7%	6.6%	4.7%	3.8%
Average annual growth in numbers of licensees & registrants	1.3%	5.4%	8.3%	3.6%	4.8%

April 6, 1984

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed
Amendments to Dentistry Rules
Relating to Continuing
Dental Education Parts 3100.4100
to 3100.4400 and 3100.4600; and
Repealing Part 3100.4200, subpart 3

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

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

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 Proposed Amendments to Dentistry Rules relating to Continuing Dental Education, parts 3100.4100-4400 and 3100.4600; and repealing part 3100.4200, subpart 3

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 stripped copies from the Revisor's office as there were no changes made by the Board between the proposed amendments and those adopted).

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. 510, 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 if 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