

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF DENTISTRY

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

STATEMENT OF NEED FOR
AND FACTS ESTABLISHING
REASONABLENESS OF
AMENDMENTS

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

Minn. Rule p. 3100.2000, subpart 1

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

Minn. Rule p. 3100.2000, subpart 2

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

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

Minn. Rule p. 3100.2000, subpart 3

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

Minn. Rule p.3100.2000, subpart 4

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

Minn.Rule p. 3100.2000, subpart 5

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

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

Minn. Rule p. 3100.2000, subpart 7

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

Minn. Rule p. 3100.2000, subpart 8.

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

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

Minn. Rule p. 3100.2000, subparts 6 and 9

The amendments to subparts 6 and 9 are merely housekeeping.