

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

II. STATUTORY AUTHORITY

The basic authority to adopt the above subject amendments is contained in Minn. Stat. § 150A.04, subd. 5 (1984), which authorizes the Board to "promulgate rules as are necessary to carry out and make effective the provisions and purposes of sections 150A.01 to 150A.12." In addition, with respect to 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 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. Maintaining 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 preceding 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 requirements 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 registration 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), arises 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 subpart 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

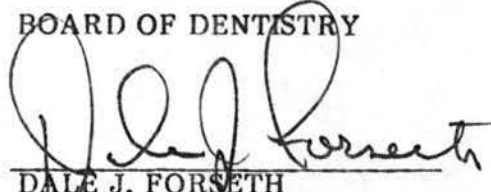
attendance at these multi-day convention-type meetings will provide some clinical and scientific education. However, when comparing this type of continuing education activity, which is viewing table clinics at random and without required or monitored attendance, or viewing commercial exhibits and limited 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

MINNESOTA BOARD OF DENTISTRY
 RECORD OF LICENSEES AND REGISTRANTS
 AS OF
 APRIL 1, 1984

	<u>DENTISTS</u>	<u>DENTAL HYGIENISTS</u>	<u>REGISTERED DENTAL ASSISTANTS</u>	<u>PROFESSIONAL CORPORATIONS</u>	<u>TOTAL NUMBER LICENSED OR REGISTERED</u>
Numbers licensed or registered	3,352	2,478	3,171	685	10,186
Licenses & registrants practicing in-state	2,767	1,646	2,557	N/A	6,970
Licenses & registrants residing in-state, but not in practice	120	301	392	N/A	813
Licenses & registrants practicing out-of-state	910	413	156	N/A	1,489
Licenses & registrants residing out-of-state, but not in practice	55	118	56	N/A	229
Percent of total licenses & registrants practicing	95	83	36	N/A	39
Percent of licenses & 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 licenses & registrants since March, 1983	1.4%	3.7%	6.6%	4.7%	3.8%
Average annual growth in numbers of licenses & registrants	1.3%	5.4%	8.3%	3.6%	4.8%