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November 16, 2021

Governor Tim Walz (pete.engler@state.mn.us)

Legislative Reference Library, Acquisitions Dept., 645 State Office Building, 100 Rev. Dr.
Martin Luther King Jr. Blvd., St. Paul, MN 55155-1050 (reports@lrl.mn.gov) (Send 2 printed
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Representative Jennifer Schultz, Chair (rep.jennifer.schultz@house.mn)
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Senator Michelle Benson, Chair (sen.michelle.benson@senate.mn)
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Senator Jim Abeler, Chair (sen.jim.abeler@senate.mn)
Human Services Reform Finance/Policy Committee

VIA ELECTRONIC MAIL

**Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by
Minnesota Statutes, Section 14.05, Subdivision 5**

Dear Governor Walz, Representatives, Senators, and Revisor Inman:

Minnesota Statutes, section 14.05, subdivision 5, directs the Minnesota Board of Dentistry ("Board") to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

The Board has reviewed all of its current rules and has identified the following as obsolete, unnecessary, or duplicative rules for this report. In general, the Board found that these rules no longer serve a purpose or some of the information within a part was kept and relocated to a different part in the Board's proposed rules, as follows:

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3100.0100, subpart 8b (Core subject) and subpart 18b (Self-assessment) – these subparts are obsolete because this language has been eliminated from the Board’s proposed rules related to professional development.

3100.0100, subpart 15 (National board) – this subpart is obsolete because the language gives the Board too much discretion regarding examinations.

3100.1100, subpart 2 (Clinical skills examination), subpart 4 (Photograph), and subpart 5 (Certification of character) – subpart 2 is unnecessary because this same information regarding clinical skills examination was moved to a new subpart within this part; subpart 4 is obsolete because the Board is no longer requiring the applicant’s photograph as part of the licensure application; subpart 5 is obsolete because the Board does not find this character information necessary during the licensure application process.

3100.1500 INCOMPLETE APPLICATIONS – this part is obsolete because an incomplete application received by the Board is no longer processed this way since the application and fee are not returned to the applicant. Instead, the Board is moving toward an electronic application and fees along with directly contacting the applicant.

3100.1600 ADDITIONAL INFORMATION FROM ALL APPLICANTS – this part is unnecessary and duplicative because all the application and educational requirements for applicants to become licensed by the Board can now be found under each licensed dental professional.

3100.1700, subpart 5 (Contested case proceedings) – this subpart is unnecessary because the Board already has the right to terminate the license according to another subpart.

3100.1750, subpart 4 (Application fees), subpart 5 (Annual license fees), and subpart 6 (Annual license late fee) – these subparts are unnecessary and duplicative because this same information regarding fees was moved to a new subpart within this part.

3100.3100 CONDUCT OF EXAMINATIONS – this part is obsolete because the Board does not actually conduct the written examinations for licensure; instead, the examinations are now administered by other testing agencies.

3100.3200 CLINICAL EXAMINATIONS - this part is obsolete because the Board does not actually conduct the clinical examinations for licensure. Instead, the examinations are now conducted by Board members that contract directly with the examining company as dental examiners.

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3100.3300 EXAMINATION OF DENTISTS - this part is unnecessary and duplicative because this same information regarding various examinations and failed examinations requirements for applicants to become licensed by the Board can now be found under each licensed dental professional.

3100.3350 EXAMINATION OF DENTAL THERAPISTS AND ADVANCED DENTAL THERAPISTS - this part is unnecessary and duplicative because this same information regarding various examinations and failed examinations requirements for applicants to become licensed by the Board can now be found under each licensed dental professional.

3100.3400 EXAMINATION OF DENTAL HYGIENISTS - this part is unnecessary and duplicative because this same information regarding various examinations and failed examinations requirements for applicants to become licensed by the Board can now be found under each licensed dental professional.

3100.3500 EXAMINATION OF LICENSED DENTAL ASSISTANTS - this part is unnecessary and duplicative because this same information regarding various examinations and failed examinations requirements for applicants to become licensed by the Board can now be found under each licensed dental professional.

3100.3600, subpart 2 (General anesthesia or deep sedation; educational training requirements) - this subpart is unnecessary because this same information regarding general anesthesia or deep sedation was moved to a new subpart within this part.

3100.3600, subpart 3 (Moderate sedation; educational training requirements) - this subpart is unnecessary because this same information regarding moderate sedation was moved to a new subpart within this part.

3100.3600, subpart 4 (Nitrous oxide inhalation analgesia; educational training requirements) - this subpart is unnecessary because all the application and educational requirements for nitrous oxide inhalation analgesia have been separated into new subparts for each licensed dental professional.

3100.3600, subpart 5 (Notice to board) - this subpart is unnecessary because all the application and educational requirements for nitrous oxide inhalation analgesia have been separated into new subparts for each licensed dental professional.

3100.3600, subpart 6 (Analgesia) – this subpart is obsolete because the dentist is not the only licensed dental professional that can administer local anesthesia.

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3100.3600, subpart 7 (Minimal sedation) – this subpart is unnecessary because a dentist is the only licensed dental professional that can administer minimal sedation.

3100.3600, subpart 8 (Reporting of incidents required) - this subpart is unnecessary because this same information regarding reporting of an incident was moved to a new subpart within this part.

3100.3600, subpart 9 (General anesthesia or moderate sedation certificate) - this subpart is unnecessary because this same information regarding certificates was moved to a new subpart within this part.

3100.3600, subpart 9a (Expiration or termination of general anesthesia or moderate sedation certificate; requirements) - this subpart is unnecessary because this same information regarding expiration or termination of a certificate was moved to a new subpart within this part.

3100.3600, subpart 9b (Certificate to provide dentistry with contracted sedation provider) - this subpart is unnecessary because this same information regarding a contracted sedation provider was moved to a new subpart within this part.

3100.3600, subpart 10 (Practice and equipment requirements) - this subpart is unnecessary and duplicative because this same information regarding practice and equipment requirements was moved to a new subpart within this part.

3100.3600, subpart 11 (On-site inspection; requirements and procedures) - this subpart is unnecessary and duplicative because this same information regarding on-site inspections was moved to a new subpart within this part.

3100.5400 PROFESSIONAL DEVELOPMENT TRANSITION – this part is obsolete because it explained the previous process of switching from the Board tracking continuing education credits earned to having the licensed dental professional track their own credits for professional development.

3100.6325 VOLUNTARY TERMINATION OF LICENSE – this part is unnecessary because the Board has the right to take disciplinary action against a licensed dental professional.

3100.7200 FAILURE TO RESPOND TO ADVERTISING COMPLAINT – this part is unnecessary and duplicative because the Board already has the authority under other statutes and rules to act regarding advertising complaints.

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3100.8500, subpart 3 (Limited-license permit) – this subpart is unnecessary and duplicative because this same information regarding the application and examination requirements for applicants to become registered by the Board can now be found under the renamed title of Limited Radiology Registration.

Currently, the Board is actively engaged in the rulemaking process that will include repealing all of the aforementioned parts and subparts within Minnesota Rules, chapter 3100. The Board expects to complete this rulemaking, referred to as the Proposed Permanent Rules Relating to Professional Licensure (Revisor's ID #4672), within the year 2022.

Sincerely,



Bridgett Anderson, L.D.A., M.B.A.
Executive Director
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