

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF DENTISTRY

In the Matter of the Proposed Amendments to Permanent Rules of the Minnesota Board of Dentistry Relating to Limited General Dentists, Dentists, Dental Therapists, Dental Hygienists, and Licensed Dental Assistants, *Minnesota Rules*, Parts 3100.1130, 3100.1700, 3100.1750, 3100.1850, 3100.3600, 3100.5100, 3100.5300, 3100.7000, 3100.8400, 3100.8500, and 3100.9600

**ORDER ON REVIEW OF
DUAL NOTICE AND
ADDITIONAL NOTICE PLAN
UNDER MINNESOTA RULES
1400.2060 AND 1400.2080**

This matter came before Administrative Law Judge Jeanne M. Cochran upon the Minnesota Board of Dentistry's request for review of its Dual Notice and Additional Notice Plan. The Department seeks a legal review of its materials under Minn. Stat. § 14.131, and Minn. R. 1400.2060, subp. 2 and Minn. R. 1400.2080, subp. 2.

Based upon a review of the written submissions and filings made on November 1, 2012,

IT IS HEREBY ORDERED THAT:

1. The Dual Notice is **APPROVED**.
2. The Additional Notice Plan is **APPROVED**.

Dated: November 8, 2012

s/Jeanne M. Cochran

JEANNE M. COCHRAN
Administrative Law Judge

MEMORANDUM

The Minnesota Board of Dentistry (“Board”) has spent over three years working on developing the offered amendments to the rules. As the filings submitted by the Board reflect, various standing committees and task force committees of the Board have held monthly public meetings to develop these proposed rules. Clearly, the Board has made a serious effort to obtain input from numerous sources.

At this stage of the proceedings, the law also requires the Board take steps to ensure that persons affected by the new rule are given notice. The statutes governing that notice are Minn. Stat. §§ 14.14 and 14.22. Each of these statutes provides that the “agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication.”¹

In its Additional Notice Plan, the Board stated on August 2, 2012 it contacted representatives of the Minnesota Dental Association (Dentists), the Minnesota Dental Hygiene Association (Dental Hygienists), and the Minnesota Dental Assistants Association (Dental Assistants) with a request to publish in each organization’s newsletter or post on each organization’s website a detailed notice of the proposed new rules. In addition, the Board noted that on October 31, 2012, the Board posted a copy of its proposed rules dated October 31, 2012 and the Statement of Need and Reasonableness (SONAR) dated October 31, 2012 on the Board’s website. The Board also represented that on November 1, 2012, it sent an electronic mailing to nearly 10,000 licensees including, dentists, limited license dentists, dental therapists, dental hygienists and licensed dental assistants notifying them of the Board’s Newsletter (Vol. 26, November 2012), which discussed the proposed changes to the Board’s rules. Finally, the Board stated in its filing that prior to publication of the Dual Notice in the State Register, the Board will send by electronic mail a copy of the Dual Notice of Intent to Adopt Rules, the Proposed Rules, and the SONAR to representatives of the Dentists, the Dental Hygienists, and the Dental Assistants. In the view of the Administrative Law Judge, the proposed Additional Notice Plan meets the requirements of Minn. Stat. §§ 14.14 and 14.22.

Finally, mindful of the number of stakeholders who participated in previous rulemaking hearings held by the Board of Dentistry, the Board should carefully consider whether the 4th Floor, Conference Room A, University Park Plaza, 2829 University Avenue SE, Minneapolis, MN, is an appropriate venue for this hearing.

J. M. C.

¹ See, Minn. Stat. §§ 14.14 and 14.22.