

North Pakota State Board of Pental Examiners

September 20, 2007

John Walstad, Legislative Council Staff State Capital 600 East Boulevard Ave Bismarck, ND 58505-0360 SEP 24 2007

Rita M. Sommers
Executive Director
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Dear Mr. Walstad and Members of the Legislative Council:

As the Executive Director of the North Dakota State Board of Dental Examiners I urge you to withdraw your objection and find that the administrative rules related to fees be granted. Failure to update this fee schedule will place the NDSBODE at serious risk of becoming financially insolvent.

It is the Board's charge to protect the dental health of the citizens of North Dakota by regulating the practice of dentistry, dental hygiene and dental assisting through the enforcement of laws, rules and policies. Part of this responsibility is to insure that licensees comply with all statutes and rules pertaining to the practice of dentistry and to impose consequences when they do not. In previous years the Board has been fortunate, particularly in comparison with other states, regarding complaints and litigation. However, in the past five years the NDSBODE has experienced significant escalation in the number of incidents related to compliance with state law as well its associated substantial legal costs. Legal fees budgeted for the Board have grown 575% from \$19,964.72 in 1999-2001 to \$114,974.33 in 2006-2007 while licensing and renewal fees have remained mostly unchanged for over a decade.

With evolution of Board responsibilities to insure public safety additional budgetary commitments have also been necessary. These additional responsibilities include:

- New requirements for criminal and professional background checks when processing dental licensure applications
- Recent advancements and expanded use in anesthesia and sedation for dental procedures
 have led the Board to require a separate application process related to administration of
 such medications. As a part of this application process, on-site inspection of dental
 facilities must be conducted to insure public safety. This inspection process generates
 expenses for the Board that did not previously exist.
- Escalation in marketing of dental practices has increased ethical issues related to
 advertising by dentists in both printed and broadcast media. Monitoring of these
 activities has led to disciplinary proceedings and associated legal and administrative
 costs that here-to-for were not encountered.
- Management, maintenance and upgrade of interactive web-based communication and information systems for public and licensee benefits has not previously been necessary
- Increased legislative activities related to statutory and rules changes and associated legal and lobbing expenses has occurred
- Attending to the myriad of additional responsibilities of the Board, expansion of the Executive Director's position from a four-hour work week in 2002 to 32 hours per week in 2007 with associated compensation has been necessary.

The numbers of disciplinary proceedings related to the practice of dentistry have changed in the last five years. There is no record of the numbers of disciplinary related actions or hearings prior to 2000, but such incidents were rare. Since this time, however, it has become commonplace for the NDSBDE to be involved with professional and ethical conduct issues related to advertising, personal conduct and professional competence. Numerous such activities have resulted in varying degrees of legal involvement and associated expenses. Because fees related to dental licensure and renewal have remained essentially unchanged throughout this time (see FEE HISTORY spread sheet) financial reserves of the Board continue to diminish. Without Legislative Council approval of fee changes, it is estimated that Board financial reserves will plummet to \$28,735.44 at the end of the 08-09 biennium. This stands in stark contrast to reserves previously held by the Board which were in the neighborhood of one to one and a half times its biennial budget. Should financial reserves fall to this level, the Board risks becoming impotent, particularly in matters requiring legal action. It is essential that the NDBODE maintain adequate financial reserves to investigate and act upon matters of public safety.

Through a variety of measures, including diminishing its financial reserves by 50%, the Board has been able to maintain dental licensing fees for over a decade. However, as a result of a changing environment in dentistry, the Board can no longer maintain its twelve year old fee structure and perform its responsibilities to the public. Fees for licensure and renewal of those licenses, the only constant source of revenue for the Board, must be updated to insure continued viability of the NDSBODE.

The procedures carried out by the Board related to change of fees for dentistry has been well publicized. Licensing fees in states not funded through public funds were used in making comparisons and recommendations for the proposed fee changes. Discussion during public Board meetings with representatives from parties of interest in attendance, disbursement of NDSBDE meeting minutes to the North Dakota Dental Association, the North Dakota Dental Hygienists Association and the North Dakota Dental Assistants Association as well as a public hearing about the matter provided numerous opportunities for comment. Additionally, no written comments were submitted opposing the fee changes. Even with these multiple opportunities to express concerns or objection, there has been no opposition to these proposed fee changes.

The license renewal Process for all dentists, dental hygienists and dental assistants begins October 15, 2007. The renewal process takes place biennially. In the interest of the financial viability of the Board, I urge you to withdraw your objection and find that the administrative rules related to fees be granted by October 1, 2007. If you have any questions or need any points clarified, I am most readily available at 701-391-7174 days or evenings. Thank you for your prompt consideration of this urgent matter.

Sincerely,

Rita M. Sommers, Executive Director

North Dakota State Board of Dental Examiners

cc: Members of the NDSBDE

Members of the Legislative Council's Administrative Rules Committee

Prepared by Rita Sommers, Executive Director, NDSBDE

| Multiple Assets Accounts | | • | | | | |
|--|---|---------------------------------------|----------|--------------|-----------------|----|
| reference of Bearing and Bearing State Accounts 22,663.91 Accounts 22,663.91 Accounts Accoun | | | | | | |
| Bank Accounts 22,653.91 | NDSBDE ASSETS | · · · · · · · · · · · · · · · · · · · | | | | |
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| Credit Union | Municipal Investor | 22,653.91 | | | | |
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| 10f.7 | OVERALL TOTAL | 350,013.22 | | 372 420 52 | 57 040 07 | |
| Para 1 of 2 | | | | 5/ 6/ 123:33 | 27,812.97 | |
| | | Page 1 of 2 | | | | |

NDSBDE 07-09 Budget
Prepared by Rita Sommers, Executive Director, NDSBDE

| PROJECTED REVENUE 07-09 | | at proposed fee | at current fee | | |
|--|---|---|---|------------------|--|
| New Dentist (440.) New Hygienist (200.00) New Assistant (65.00) | 48 and 6 cr 125 and 10 cr 90 @ 65 | 26,400.00 25,000.00 5,850.00 | 12,070.00 7,445.00 3,150.00 | | |
| Renewal Dentist (400.00) Renewal Hygienist (200.00) Renewal Assistant (50.00) Renewal Anesthesia Inactive Status DDS/RDH | | 140,000.00 102,600.00 35,700.00 6,650.00 | 74,120.00 58,410.00 27,650.00 2,310.00 3,325.00 | | |
| Late Fees Dentist (400.00) Late Fees Hygienist (150.00) Late Fees Assistant (50.00) Labels/ lists Other | 8,00 12.00 57.00 | 3,200.00 1,800.00 2,850.00 17,500.00 | 1,760.00 1,420.00 1,995.00 .17,500.00 39,596.45 | HAN and interest | |
| Projected revenue for Budget 2007-09 | 007-09 | 367,550.00 | 250,751.45 | | |
| Budget 7-1-07 thru 6-31-09 projected revenue current balances total reserves plus revenue 05-07 expenses projected 07-09 reserve | with fee increase \$ 367,550.00 \$ 150,113.52 \$ 517,663.52 \$ 372,129.53 \$ 145,533.99 | | <pre>with current fees \$ 250,751.45 \$ 150,113.52 \$ 400,864.97 \$ 372,129.53 \$ 28,735.44</pre> | -57812 | |
| 9/17/2007 | | Page 2 of 2 | | | |

| Initial license Registration DDS \$ RDH \$ RDA | 1996 | - | 4000 | | | | | | | | | | |
|--|--------|-----------|--------|-----|--|-----------|--------|--------|--------|----------|--------|------------------|----------|
| license Registration | | | 288 | | 2000 | ~ | 2002 | 8 | 2004 | | 2006 | Proposed 2008-09 | 2008-09 |
| | | | | | | | | 8 | | | | | |
| | 200.00 | ** | 200.00 | €9 | 200.00 | 49 | 200.00 | 2 | 200.00 | 49 | 200.00 | 49 | 440.00 |
| | 55.00 | \$ | 55.00 | 49 | 55.00 | 49 | 55.00 | 4 | 55.00 | 69 | 55.00 | 4 | 200.00 |
| | 1 * | • | 1 | \$ | 35.00 | \$ | 35.00 | ↔ | 35.00 | ⇔ | 35.00 | 49 | 65.00 |
| | 55. | 1 | | | | | | 6 | | | | | |
| License By Credential | | | | | 85 | | 100 | | | | megi. | | 12 15 |
| \$ SOO | 450.00 | 69 | 420.00 | 49 | 450.00 | • | 450.00 | \$ | 450.00 | s | 450.00 | 69 | 1,200.00 |
| RDH | 165.00 | 44 | 165.00 | 69 | 165.00 | 49 | 165.00 | - - | 165.00 | 69 | 165.00 | 6 | 450.00 |
| Temporary License | | | | | | | | | | 57 | | | |
| \$ SOO | 160.00 | 60 | 160.00 | 63 | 160.00 | 45 | 160.00 | 69 | 160.00 | 49 | 160.00 | 69 | 250.00 |
| 90 | | + | | | | 23 | 89 | | 15 | | | | |
| license/registration* | | 8 | | | | | | | | | | | |
| \$ SQQ | 180.00 | 4 | 220.00 | 69 | 220.00 | 69 | 220.00 | \$ | 220.00 | 69 | 220.00 | 4 | 40000 |
| | 90.00 | 49 | 110.00 | 69 | 110.00 | | + | | 110.00 | 60 | 110.00 | ÷ 45 | 150.00 |
| RDA ANNUAL \$ | 25.00 | 49 | 35.00 | 69 | 35.00 | 69 | 35.00 | 49 | 35.00 | S | 35.00 | · 69 | 50.00 |
| Late Renewal Fee | | | (X | | | | 72 | | | | | | |
| \$ SOO | 50.00 | 69 | 220.00 | 69 | 220.00 | 5 | 220.00 | 2 | 220.00 | J. | 220.00 | • | 400 00 |
| | 50.00 | 49 | 110.00 | 49 | 110.00 | | 110.00 | | +- | 63 | 110.00 | 6 | 150.00 |
| * RDA | 20.00 | 63 | 35.00 | • | | | | | - | 44 | 35.00 | 69 | 50.00 |
| Duplicate license \$ | 25.00 | 49 | 45.00 | 4 | 45.00 | • | 45.00 | 8 | 45.00 | 49 | 45.00 | 69 | 45.00 |
| Anesthesia Renewal Fee | | | | 92. | | _ | | | | | | - | |
| consc. Gener. Parent. | 100.00 | 49 | 100.00 | 69 | 100.00 | 49 | 100.00 | \$ | 100.00 | 49 | 100 00 | · | 00000 |
| esth. | 1 | 49 | 1 | 43 | 1 | 49 | 1 | | - | 69 | 1 | 69 | 1 |
| KDA monitor nitrous | 1 | چ | | 60 | - | 43 | - | 43 | 1 | 49 | 1 | 49 | 1 |

NDSBDE License Renewal Totals

| | Dei | Dentists | Hyg | Hygienists | Ass | Assistants | Inac | Inactive | Total |
|----------------|------------------|----------|------------------|------------|--------|------------------|------|-----------|-------|
| | In state / Total | Total | In state / Total | otal | In sta | In state / Total | DDS/ | DDS / RDH | |
| 1987 | | 418 | | 344 | | | | | |
| 1988 | | 396 | | 328 | 20 | | | 8. | |
| 1989 | | 390 | - 1 | 330 | | | | 201 | |
| 1990 | | 367 | | 348 | 8 | | | | |
| 1991 | | 395 | | 377 | | .000 .00 | | | |
| 1992 | | 377 | | 357 | | | | | |
| 1993 | 8.8 | | | 10 | | 8 | | | |
| 1994 | | | | | | | | | |
| 1995 | | | | | | | | 11.4 | |
| 1996 | | | | | | | | | |
| 1997 | | | | | | | | seare? | |
| 1998 | | 372 | | 445 | | | | | |
| 1999 | | 355 | | 480 | | | | | |
| 2000 | | 349 | | 471 | | 355 | | | 1175 |
| 2001 | 8 | 346 | 100 | 450 | | 320 | | | 1116 |
| 2002 | 0 | 6ÉE | | 470 | | 310 | | | 1119 |
| 2003 | | 352 | | 495 | | 363 | | | 1210 |
| 2004 | | 352 | | 518 | 700 | 375 | | *** | 1245 |
| 2006 (4/20/06) | are. | 335 | | 540 | | 417 | 13 | 38 | 1343 |
| 2006 (10/6/06) | 309 | 352 | 381 | 583 | 374 | 434 | 12 | 40 | 1421 |
| 2007 (1/11/07 | 309 | 352 | 450 | 587 | 325 | 388 | 10 | 32 | 1369 |
| 2007 (6/14/07) | 327 | 378 | 470 | 622 | 357 | 433 | 10 | 32 | 1475 |