



North Dakota State Board of Dental 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 lobbying 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

NDSBDE ASSETS							
Cash and Bank Accounts							
Municipal Investor		22,653.91					
NBODE checking		13,938.73					
Preferred Business Money Marke		2,726.68					
TOTAL Cash All Accounts		39,319.32					
Capital Credit Union		55,594.79					
First Community Credit Union		33,048.78					
Kirkwood		22,150.63					
Assets		110,794.20					
TOTAL CASH and ASSETS		150,113.52					
Expenses of NDSBDE							
		7/1/05 to 6/30/07		7/1/07 to 6/30/09		7/1/07 to 9/13/07	
			<i>note</i>				
Uncategorized		652.49		700		141	
Association Management		29,720.00	4% increase	30,908.80		3,720.00	
Audit		2,760.00		2,760.00			
Bank Chrg		109		109			
Dues-Subscriptions-Fees		1,915.00		1,915.00			
Executive Director Compensation		67,200.00		84,000.00		10,500.00	
Honorarium CRDTS-ADEX		28,660.00		28,660.00		1,650.00	
Honorarium National Meeting		7,135.00		7,135.00		330	
Honorarium NDSBDE		9,115.00		9,115.00		2,640.00	
Legal Services		114,974.33		114,974.33		24,408.91	
Meeting Expense-CRDTS		7,454.26		7,454.26		397.2	
Meeting Expense-NDSBDE		12,015.50		12,015.50		4,513.14	
Misc		1,134.55		1,134.55			
National Meeting-Organization		19,762.31		19,762.31		875	
Other Exp		22,648.06		22,648.06		5,495.00	
Phone		3,001.31	\$20 x 24mo	3,481.31		697.03	
Postage		6,377.93		6,377.93		537.96	
Printing		10,933.74		10,933.74		1,273.03	
Supplies, bus.		2,644.74		2,644.74		409.7	
Web Page Expense		1,800.00		1,800.00		225	
Albertson Consulting		0.00	\$150 x 24mo	3,600.00			
OVERALL TOTAL		350,013.22		372,129.53		57,812.97	

PROJECTED REVENUE 07-09			at proposed fee	at current fee
New Dentist (440.)	48 and 6 cr		26,400.00	12,070.00
New Hygienist (200.00)	125 and 10 cr		25,000.00	7,445.00
New Assistant (65.00)	90 @ 65		5,850.00	3,150.00
Renewal Dentist (400.00)			140,000.00	74,120.00
Renewal Hygienist (200.00)			102,600.00	58,410.00
Renewal Assistant (50.00)			35,700.00	27,650.00
Renewal Anesthesia				2,310.00
Inactive Status DDS/RDH			6,650.00	3,325.00
Late Fees Dentist (400.00)	8.00		3,200.00	1,760.00
Late Fees Hygienist (150.00)	12.00		1,800.00	1,420.00
Late Fees Assistant (50.00)	57.00		2,850.00	1,995.00
Labels/ lists			17,500.00	17,500.00
Other				HAN and interest
Volunteer License				
Projected revenue for Budget 2007-09			367,550.00	250,751.45
Budget 7-1-07 thru 6-31-09				
projected revenue		with fee increase		with current fees
current balances	\$	367,550.00		\$ 250,751.45
	\$	150,113.52		\$ 150,113.52
total reserves plus revenue	\$	517,663.52		\$ 400,864.97
05-07 expenses	\$	372,129.53		\$ 372,129.53
projected 07-09 reserve	\$	145,533.99		\$ 28,735.44
				-57812
9/17/2007				

fees are accessed biennially

NDSBDE FEE HISTORY

	1996	1998	2000	2002	2004	2006	Proposed 2008-09
Initial lcence Registration							
DDS	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 440.00
RDH	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 200.00
RDA	\$ -	\$ -	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 65.00
License By Credential							
DDS	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 1,200.00
RDH	\$ 165.00	\$ 165.00	\$ 165.00	\$ 165.00	\$ 165.00	\$ 165.00	\$ 450.00
Temporary License							
DDS	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 250.00
Renewal of license/registration*							
DDS	\$ 180.00	\$ 220.00	\$ 220.00	\$ 220.00	\$ 220.00	\$ 220.00	\$ 400.00
RDH	\$ 90.00	\$ 110.00	\$ 110.00	\$ 110.00	\$ 110.00	\$ 110.00	\$ 150.00
RDA ANNUAL	\$ 25.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 50.00
Late Renewal Fee							
DDS	\$ 50.00	\$ 220.00	\$ 220.00	\$ 220.00	\$ 220.00	\$ 220.00	\$ 400.00
RDH	\$ 50.00	\$ 110.00	\$ 110.00	\$ 110.00	\$ 110.00	\$ 110.00	\$ 150.00
RDA	\$ 50.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 50.00
Duplicate lcence	\$ 25.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00
Anesthesia Renewal Fee							
DDS consc. Gener. Parent.	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 200.00
RDH admin local anesth.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RDA monitor nitrous	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

NDSBDE License Renewal Totals

	Dentists		Hygienists		Assistants		Inactive		Total
	In state / Total		In state / Total		In state / Total		DDS / RDH		
1987		418		344					
1988		396		328					
1989		390		330					
1990		367		348					
1991		395		377					
1992		377		357					
1993									
1994									
1995									
1996									
1997									
1998		372		445					
1999		355		480					
2000		349		471		355			1175
2001		346		450		320			1116
2002		339		470		310			1119
2003		352		495		363			1210
2004		352		518		375			1245
2006 (4/20/06)		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