

Mr. Chairman, in accordance with NDCC 28-32-18, I move the following portions of the proposed rules offered by the State Board of Dental Examiners be voided:

1. For reasons of failure to substantially meet the procedural requirements of Chapter 28-32 for the adoption of a rule and due to arbitrariness and capriciousness, those portions dealing with supragingival scaling on pages 7, 25, 27, 29, and 30; and
2. For reasons of arbitrariness and capriciousness relating to the conflict of the level of dentist supervision required for registered dental assistants in a public health setting versus in a private dental setting, those portions of Section 20-03-01-01.2 dealing with registered dental assistant in a public health setting on pages 26 and 27.

Mr. Chairman, the specific portions to be voided are as follows:

1. Page 7, "30. "Supragingival scaling" means to remove hard deposits and accretions from the coronal surfaces of teeth or tooth replacement."
2. Page 25, "2. A registered dental assistant authorized by permit and under the direct supervision of a dentist may perform supragingival scaling duties to a patient that is at least twelve years of age or less."
3. Page 26 and 27, the new Section 20-03-01-01.2
4. Page 27, Section 20-03-01-02, subsection 9, remove the overstrike over "~~Sealing~~" and remove "Supragingival scaling"
5. Bottom of Page 29 and top of page 30, the new subsection 3