

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1155

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-7-85
DATE FOR REVIEW 5-16-85
DATE DUE 5-21-85

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 5-16-85 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 5-16-85 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR 1

✓ Order Adopting 4.5.85 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
2.26.85 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
2.25.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

N/A Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO: Mike Miles
Special Assistant
Attorney General

DATE: May 1, 1985

FROM: Audrey Kaiser Manka
Special Asssistant
Attorney General

PHONE: 341-7272

SUBJECT: Noncontroversial Rules Adopted by the Board of Nursing Repealing Minn. Rules pt. 6310.0200-2200, 6310.5100-7200.

Enclosed herewith pursuant to Minn. Stat. § 14.26 please find the documents listed below:

1. A certificate of the Board's resolution adopting the rule;
2. The Order for Notice of Intent to Adopt a Rule Without a Public Hearing;
3. The certificate of Board's authorizing the resolution ordering the notice;
4. A mailing list certificate certifying the mailing list required by Minnesota Statutes, section 14.14, subdivision 1 was accurate and complete;
5. Findings of fact and conclusions;
6. A statement of need and reasonableness;
7. A certificate of compliance with rulemaking procedures;
8. A copy of the Notice of Intent to Adopt a Rule Without a Public Hearing;
9. A copy of the Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing;
10. A copy of the page of the State Register in which the rules as proposed was published;
11. An original and three copies of the rule as adopted;
12. Two copies of the Order adopting the rule.

AKM:lb

Enclosures

RECEIVED
MAY 07 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SE-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: JOYCE SCHOWALTER, Executive Secretary
MN Board of Nursing

DATE: 5-16-85

ATTN: AUDREY KAISER-MANKA
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0220-2200, 6310.5100-7200, of the Minnesota Board of Nursing Governing Authoriation to Practice, Requirements for Licensure by Examination, Requirements for Licensure Without Examination.

The above-referenced rule has been approved as to its legality by the Attorney General on May 16, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC(SZ)

Enclosures

cc: Executive Director
Legislative Commission to Review
Administrative Rules

Chief Administrative Law Judge
Office of Administrative Hearings

AG copy.

Board of Nursing

Adopted Rules Relating to Licensure

Rules as Adopted

REPEALER. Minnesota Rules, parts 6310.0200; 6310.0300; 6310.0400; 6310.0500; 6310.0600; 6310.1100; 6310.1200; 6310.1300; 6310.1400; 6310.2100; 6310.2200; 6310.5100; 6310.5200; 6310.5300; 6310.5400; 6310.5500; 6310.6100; 6310.6200; 6310.7100; and 6310.7200, are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 16 1985
Joan Anderson Growe
Secretary of State
10:50 AM

APPROVED AS TO FORM AND LEGALITY
May 16 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Carsley
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed (all new material)

REPEALER. Minnesota Rules, parts 6310.0200; 6310.0300; 6310.0400; 6310.0500; 6310.0600; 6310.1100; 6310.1200; 6310.1300; 6310.1400; 6310.2100; 6310.2200; 6310.5100; 6310.5200; 6310.5300; 6310.5400; 6310.5500; 6310.6100; 6310.6200; 6310.7100; and 6310.7200, are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

LSJ

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD718

Agency: Board of Nursing

Division:

Agency Contact: Sandra McKenzie

Minnesota Rules: Parts 6310.0200 to 6310.2200 and 6310.5100 to 6310.7200

Title: Proposed Rules Relating to Licensure

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross

Revisor of Statutes

Linda S. Jessen

Assistant Deputy Revisor

Phone: 297-2953

Date: January 31, 1985

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200 and 6310.5100-7200, of the Minnesota Board of Nursing Governing the Authorization to Practice, Requirements for Licensure by Examination, and Requirements for Licensure Without Examination

ORDER ADOPTING REPEAL OF RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on February 25, 1985, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on February 26, 1985. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minn. Rules pts. 6310.0200-2200 and 6310.5100-7200 are adopted this 5th day of April, 1985, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.211, 231, 291, and 296.

STATE OF MINNESOTA

Joyce M. Schwalbe

STATE OF MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200, 6310.5100-7200, of the Minnesota Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure without Examination

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 7th day of February, 1985, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Board of Nursing for that purpose and be published in the State Register.

MINNESOTA BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Secretary

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Kathleen Manahan, do hereby certify that I am a member and the President of the Board of the State of Minnesota, and that the following is a true, complete, and correct copy of a resoultion adopted at a meeting of the Board of Nursing duly and properly called and held on the 7th day of February, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Joyce Schowalter, executive secretary of the Board of Nursing, be and she hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to repeal without a public hearing Minn. Rules pt. 6310.0200-2200, 6310.5100-7200 governing the Authorization to Practice, Requirements for Licensure without Examination, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, she hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of February, 1985.

Kathleen F. Manahan
President of the Board

Carol A. Barbeau
Attest by one Other Board Member

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200, 6310.5100-7200, of the Minnesota Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure without Examination

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Board of Nursing proposes to repeal and adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13-14.18.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Sandra MacKenzie
Minnesota Board of Nursing
717 Delaware Street Southeast
Minneapolis, Minnesota 55414
(612) 623-5493

Authority for the adoption of these rules is contained in Minn. Stat. §§ 148.211, 231, 291 and 296 (1982). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support

the the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Sandra MacKenzie upon request at the above listed address.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Sandra MacKenzie at the above listed address.

[A copy of the proposed rules is attached to this Notice.]

Copies of this Notice and the proposed rules are available and may be obtained by contacting Sandra MacKenzie at the above listed address.

MINNESOTA BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200 and 6310.5100-7200, of the Minnesota Board of Nursing Governing the Authorization to Practice, Requirements for Licensure by Examination, and Requirements for Licensure Without Examination

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Priscilla Zeug, being first duly sworn deposes and says:

That on the 26th day of February, 1985, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said city of Minneapolis, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Board of Nursing for the purpose of receiving notice of the proposed adoption of rules by this Board.

Priscilla Zeug
PRISCILLA ZEUG

Subscribed and sworn to before me
this 10th day of April, 1985.

Marilyn A. Wolner

MARILYN A. WOLNER
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES APRIL 30, 1991

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200 and 6310.5100-7200, of the Minnesota Board of Nursing Governing the Authorization to Practice, Requirements for Licensure by Examination, and Requirements for Licensure Without Examination

CERTIFICATE OF MAILING

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1, that their names be placed on file with and maintained by the Minnesota Board of Nursing for the purpose of receiving notice of the proposed adoption of rules by this board is accurate and complete as of 1:00 PM, the 25th day of February, 1985.

STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Secretary

Rule as Proposed

6105.0340 WATER SKIING.

Subpart 1. and 2. [Unchanged.]

Subp. 3. At sandbars. From ~~Memorial Day~~ May 15 through ~~Labor Day~~ September 15, inclusive, no watercraft towing a person on water skis, aquaplane, or similar device shall operate after 12:00 noon on Saturdays, Sundays, and legal holidays, from the sandbars located approximately at mile 31.0 to the upper end of the federal nine-foot navigation channel approximately at mile 24.5.

Board of Nursing

Proposed Rules Relating to Licensure

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Nursing proposes to repeal and adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 14.13-14.18.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Sandra MacKenzie
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Authority for the adoption of these rules is contained in Minn. Stat. §§ 148.211, 231, 291 and 296 (1982). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Sandra MacKenzie upon request at the above listed address.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Sandra MacKenzie at the above listed address.

[A copy of the proposed rules is attached to this notice.]

Copies of this notice and the proposed rules are available and may be obtained by contacting Sandra MacKenzie at the above listed address.

Joyce M. Schowalter
Executive Secretary
Minnesota Board of Nursing

Rules as Proposed (all new material)

REPEALER. Minnesota Rules, parts 6310.0200; 6310.0300; 6310.0400; 6310.0500; 6310.0600; 6310.1100; 6310.1200; 6310.1300; 6310.1400; 6310.2100; 6310.2200; 6310.5100; 6310.5200; 6310.5300; 6310.5400; 6310.5500; 6310.6100; 6310.6200; 6310.7100; and 6310.7200, are repealed.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200, 6310.5100-7200, of the Minnesota Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure Without Examination

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE ADOPTED WITHOUT PUBLIC HEARING

Notice of the Board's proposed adoption of the above-entitled rule was published in the State Register on February 25, 1985, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a) and 14.22 on February 26, 1985.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. Fewer than 25 written requests for hearing within the 30-day comment period were received.

No submissions or comments on the rule or requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

1. It was not necessary to modify the rule as proposed, and no requests to modify the rule were received by the Board;

2. No substantial changes were made in the rule as proposed because the rules are being adopted as they were proposed;

3. There was no solicitation of outside information or opinion; accordingly, no notice of solicitation of outside opinion was published; and

4. No petition was received requesting the repeal of the above-entitled rules.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Repeal of Minn. Rules pt. 6310.0200-2200, 6310.5100-7200 is adopted this 20th day of May, 1985, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.211, 231, 291 and 296.

JOYCE M. SCHOWALTER
Executive Secretary
Board of Nursing

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Kathleen Manahan, do hereby certify that I am a member and the Chair of the Board of Nursing, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Nursing, duly and properly called and held on the 4th day of April, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to the authorization to practice, requirements for licensure by examination, and requirements for licensure without examination be and they hereby are approved and repealed pursuant to authority vested in us by Minnesota Statutes §§ 148.211, 231, 291, and 296, and that Joyce M. Schowalter, the Executive Secretary of the Board of Nursing, be and hereby is authorized to sign an order adopting the repeal of these rules and further is authorized to perform the necessary acts to provide that this repeal shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 4th day of April, 1985.

Kathleen F. Manahan
Officer of the Board

Carol A. Barkstrom
Attest by one other Board member

STATE OF MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200, 6310.5100-7200, of the Minnesota Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure without Examination

STATEMENT OF NEED AND REASONABLENESS

The repeal of the above cited rules is necessary because of an oversight. Rules replacing the rules proposed for repeal were officially adopted, the publication of the adoption appearing in the State Register October 15, 1984, p. 756. By error this repealer was not included in the rule making process.

MINNESOTA BOARD OF NURSING

Dated: Feb. 6, 1985

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

In the Matter of the Proposed Repeal of Minn. Rules pts. 6310.0200-2200, 6310.5100-7200, of the Minnesota Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure Without Examination

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Audrey Kaiser Manka, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Audrey Kaiser Manka

AUDREY KAISER MANKA
Special Assistant
Attorney General

Dated: May 6, 1985