

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. ~~1255~~ 1227

05.0009.1200

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 2-12-86
DATE FOR REVIEW ~~2-21-86~~
DATE DUE ~~2-26-86~~ 2-24-86

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

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted 2-12-86 Due _____
Approved 2-24-86 mjc Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 2-24-86 Revisor approved 11.27.85. disapproved _____

This is a new submission of rule previously submitted Notice was deficient first time around 11/27/85.

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 2.7.86 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 12.3.84 + comments

✓ Order for rulemaking
_____ date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement
(rules were mailed w/ Notice on first go round).

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

✓ Affidavit of Additional Mailing

✓ Mailing list Certificate

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

✓ Notice of Errata SR. 1.13.86

N/A Hearing Examiner's Report

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

N/A Agency's Findings of Fact

LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

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

✓ Affidavit of ~~Mailing~~ Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: SISTER MARY MADONNA ASHTON, Commissioner
Department of Health

DATE: 2/24/86

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 Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Services Occupations

The above-referenced rule has been approved as to its legality by the Attorney General on February 24, 1986.

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:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1227

Department of Health

Adopted Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Service Occupations

Rule as Adopted

4695.0300 TYPES OF INFORMATION.

Subpart 1. **Information from licensed or registered individuals.** Individuals who are licensed or registered by the commissioner or the boards shall submit to the commissioner, on forms provided by him/her, the following types of information:

A. permanent license or registration number;

B. locality of principal residence;

C. educational background which shall include:

(1) to (4) [Unchanged.]

D. professional activity status in the occupation which shall include:

(1) to (4) [Unchanged.]

E. locality where currently working in the occupation;

F. type of setting where currently working in the occupation;

G. category of current form of employment in the occupation;

H. occupational specialty;

I. current active licensure or registration held in other states.

Subp. 2. to 4. [Unchanged.]

4695.0800 FACTORS FOR DETERMINING THE NECESSITY OF REGULATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Overall cost effectiveness and economic impact.** In determining whether the overall cost effectiveness and economic impact would be positive for citizens of the state, the following shall be considered:

A. Positive cost effectiveness and economic impact results where the benefits expected to accrue to the public from

a decision to regulate an occupation are greater than the costs resulting from that decision.

(1) Cost effectiveness means the relationship of the benefits anticipated from a decision to regulate an occupation to the overall costs to the public resulting from that decision.

(2) Economic impact means the direct and indirect effects on the price and supply of services provided by the occupation under consideration for regulation. Direct effects include impacts on the cost and supply of practitioners who would be regulated. Indirect effects include: the degree to which the existing practitioners will be precluded from practice because of regulation; the degree to which persons aspiring to practice the occupation, who if not for regulation could practice the occupation successfully, but will be prohibited because of inability to meet entry requirements; impact on ability of minorities or protected classes to enter the occupation; or impact on innovations in the delivery of care or services as a result of regulation.

(3) Costs of a decision to regulate include the estimated costs to state and local governments of administering the proposed regulatory program; educational requirements and training costs including costs associated with experiential requirements of the proposed mode of regulation; and costs to the public such as reduced or increased access by potential or existing providers to labor markets.

(4) Benefits of a decision to regulate an occupation include access to less expensive but similar providers; measurable improvements in quality of care; reductions in costs of services; process for seeking redress for injury from malpractice, or other unprofessional conduct, and reduction in the potential for public harm from unregulated practice.

B. Cost effectiveness and economic impact can be evaluated through consideration of the following factors:

(1) degree to which regulation directly or

indirectly impacts the costs and prices of goods or services provided by applicant group;

(2) impact upon the current and future supply of practitioners of the regulated occupation;

(3) degree to which the existing practitioners will be precluded from practice because of regulation;

(4) impact, if any, on innovations in the delivery of care or services as a result of regulation;

(5) costs of additional education and training required as a result of the regulation of the occupation;

(6) manner in which and degree to which regulation will result in improvement in the quality of care;

(7) degree to which services of the applicant group substitute for currently regulated occupations and estimated comparative costs of applicant group and currently regulated practitioners;

(8) degree to which services of the applicant group supplement currently regulated occupations;

(9) whether regulation confers or facilitates access to reimbursement for government assistance programs such as medicare and medicaid; estimated impact on program budgets; and

(10) impact on expenditures by government and private third party payors, if any, resulting from regulation of the occupation.

Subp. 6. **Nonlimiting guidelines.** Subparts 2 to 5 shall be considered nonlimiting guidelines to be used in applying the statutory factors contained in Minnesota Statutes, section 214.001, subdivision 2. Additional elements may be considered if necessary to permit a thorough review and evaluation of an applicant group questionnaire in light of the statutory factors; provided, however, that the additional elements shall be identified during the course of the review and evaluation process, all interested persons given the opportunity to comment thereon, and shall be specifically addressed in the commissioner's written decision required by part 4695.1500.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 24 1986
Joan Anderson Growe
Secretary of State
2:40 PM

APPROVED AS TO FORM AND LEGALITY
February 24 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

Rule as Proposed

4695.0300 TYPES OF INFORMATION.

Subpart 1. **Information from licensed or registered individuals.** Individuals who are licensed or registered by the commissioner or the boards shall submit to the commissioner, on forms provided by him/her, the following types of information:

A. permanent license or registration number;

B. ~~race-or-ethnicity;~~

~~C.~~ locality of principal residence;

~~D.~~ C. educational background which shall include:

(1) to (4) [Unchanged.]

~~E.~~ D. professional activity status in the occupation which shall include:

(1) to (4) [Unchanged.]

~~F.~~ E. locality where currently working in the occupation;

~~G.~~ F. type of setting where currently working in the occupation;

~~H.~~ G. category of current form of employment in the occupation;

~~I.~~ H. occupational specialty;

~~J.~~ I. current active licensure or registration held in other states.

Subp. 2. to 4. [Unchanged.]

4695.0800 FACTORS FOR DETERMINING THE NECESSITY OF REGULATION.

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A. Positive cost effectiveness and economic impact results where the benefits expected to accrue to the public from a decision to regulate an occupation are greater than the costs resulting from that decision.

(1) Cost effectiveness means the relationship of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

the benefits anticipated from a decision to regulate an occupation to the overall costs to the public resulting from that decision.

(2) Economic impact means the direct and indirect effects on the price and supply of services provided by the occupation under consideration for regulation. Direct effects include impacts on the cost and supply of practitioners who would be regulated. Indirect effects include: the degree to which the existing practitioners will be precluded from practice because of regulation; the degree to which persons aspiring to practice the occupation, who if not for regulation could practice the occupation successfully, but will be prohibited because of inability to meet entry requirements; impact on ability of minorities or protected classes to enter occupation; or impact on innovations in the delivery of care or services as a result of regulation.

(3) Costs of a decision to regulate include the estimated costs to state and local governments of administering the proposed regulatory program; educational requirements and training costs including costs associated with experiential requirements of the proposed mode of regulation; and costs to the public such as reduced or increased access by potential or existing providers to labor markets.

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B. Cost effectiveness and economic impact can be evaluated through consideration of the following factors:

(1) degree to which regulation directly or indirectly impacts the costs and prices of goods or services provided by applicant group;

(2) impact upon the current and future supply of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

practitioners of the regulated occupation;

(3) degree to which the existing practitioners will be precluded from practice because of regulation;

(4) impact, if any, on innovations in the delivery of care or services as a result of regulation;

(5) costs of additional education and training required as a result of the regulation of the occupation;

(6) manner in which and degree to which regulation will result in improvement in the quality of care;

(7) degree to which services of the applicant group substitute for currently regulated occupations and estimated comparative costs of applicant group and currently regulated practitioners;

(8) degree to which services of the applicant group supplement currently regulated occupations;

(9) whether regulation confers or facilitates access to reimbursement for government assistance programs such as medicare and medicaid; estimated impact on program budgets; and

(10) impact on expenditures by government and private third party payors, if any, resulting from regulation of the occupation.

Subp. 6. **Nonlimiting guidelines.** Subparts 2 to 4 5 shall be considered nonlimiting guidelines to be used in applying the statutory factors contained in Minnesota Statutes, section 214.001, subdivision 2. Additional elements may be considered if necessary to permit a thorough review and evaluation of an applicant group questionnaire in light of the statutory factors; provided, however, that the additional elements shall be identified during the course of the review and evaluation process, all interested persons given the opportunity to comment thereon, and shall be specifically addressed in the commissioner's written decision required by part 4695.1500.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Services Occupations

ORDER ADOPTING RULES

Notice of the Department of Health's (hereinafter "Department") intent to adopt the above-entitled rules changes without a public hearing if fewer than twenty-five people request a public hearing was published in the State Register on September 30, 1985, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. § 14.14, subd. 1 on September 27, 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, determining the need for and reasonableness of the above-captioned rules changes, and making a typographical change on page 2, line 17, which adds "the" before the word "occupation,"

NOW, THEREFORE, IT IS ORDERED that the rules identified as Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Services Occupations are adopted this 7 day of February, 1986, pursuant to authority vested in the Department by Minn. Stat. § 214.13, subd. 1 (1984).

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner of Health

Department of Finance

Notice of Maximum Interest Rate on Municipal Obligations, December, 1984

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of December will be twelve (12) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to thirteen (13) percent per annum.

For further information, contact:

Peter Sausen, Director
Debt Management
State of Minnesota
Department of Finance
(612) 296-8372

Department of Health
Division of Environmental Health

Outside Opinion Sought Concerning Fees for Various Licenses and Services and Rules Concerning Boarding and Lodging Establishments Which Supervise the Administration of Medications to Residents

NOTICE IS HEREBY GIVEN that the Department of Health is seeking information or opinions from persons or groups in preparing and amending the rules governing the following fees:

food, beverage and lodging establishment license fees
manufactured home park and recreational camping area license fees
x-ray equipment registration fees
master and journeyman plumbers license fees
fees for review and approval of water supply construction plans (proposed new fees)

In addition, the Department of Health intends to amend the rules for boarding and lodging facilities to allow such facilities to supervise the administration of medications and to adopt a separate license fee for such facilities.

The adoption of these fees and rule revision is authorized by Minn. Stat., Chaps. 144, 157 and 326.

The Department of Health requests information and comments concerning the proposed fees and rule revisions including comment on the issue of whether or not these fees are likely to have a qualitative or quantitative impact upon small business as defined in Minn. Stat., § 14.115. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Pauline M. Bouchard
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street S.E.—P.O. Box 9441
Minneapolis, Minnesota 55440

Oral statements will be received during regular business hours at 612/623-5320. All statements of information and comment shall become part of the rulemaking record.

Department of Health
Health Resources Division

Outside Opinion Sought Regarding Proposed Rules Governing Determination of Economic Impact in Credentialing of Human Services Occupations

Notice is hereby given that the Minnesota Department of Health is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the standards to be used in determining the overall cost effectiveness and economic impact of credentialing a human services occupation. The promulgation of these rules is

authorized by Minnesota Statutes, section 214.13, which requires the agency to establish procedures for the identification of human services occupations not now credentialed by the State and to promulgate by rule standards and procedures relating to the credentialing of persons in the affected occupations.

The Minnesota Department of Health requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements or information or comment orally or in writing. Written statements should be addressed to: Norman Hanson, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Oral statements will be received during regular business hours over the telephone at 623-5443 and in person at the above address.

All statements of information and comment shall be accepted until December 31, 1984. Any written material received by the Minnesota Department of Health shall become part of the record in the event that the rules are promulgated.

Metropolitan Council

Notice of Review Schedule for Capital Improvement Program Portion of the Recreation Open Space Development Guide/Policy Plan

Minnesota Statutes Section 473.147, Subdivision 1, requires that the Metropolitan Council's Regional Recreation Open Space Policy Plan ". . . include a five-year Capital Improvement Program, which shall be revised periodically and shall establish criteria and priorities for the allocation of funds for such acquisition and development." Policy 12 (page 28) of this policy plan states that "the Council will prepare the five-year capital improvement program for regional recreation open space from master plan information and needs identified in the system planning process. The capital improvement program will be completely revised in each even-numbered year. The allocation of available funds will be revised on a system-wide basis each year."

The Council has adopted an Investment Framework that provides for a comprehensive Council analysis of capital financing for all regional systems. Regional Recreation Open Space is one of these systems. The Council reviews the individual and cumulative effect of the planned expenditures on the Metropolitan Region.

The capital improvement program (CIP) for recreation open space reflects the current status of the system and directs its development in the immediate future. The included table delineates expenditures for FY 1986 and 1987.

The following is a tentative schedule for review of the CIP:

November 13, 1984	Metropolitan Parks and Open Space Commission recommends revised CIP for public hearing
November 19	Metropolitan Systems Committee recommends revised CIP to Metropolitan Council for public hearing on January 7, 1985
November 29	Metropolitan Council adopts the revised CIP for public hearing and sets hearing for Jan. 7, 1985 before the Metropolitan Systems Committee
January 7, 1985	Public hearing before Metropolitan Systems Committee
January 21	Hearing record closes (10 business days)
January 28	Metropolitan Parks and Open Space Commission reviews hearing report and recommended final draft; commission recommends revised CIP for Council approval
February 4	Metropolitan Systems Committee reviews hearing report and recommends final draft of revised CIP to Metropolitan Council
February 14	Council adopts final draft of revised Capital Improvement Program

This schedule is tentative and subject to change. A subsequent notice of public hearing will be published. If you have questions regarding the schedule or amendment, call Jack Mauritz of the Council's Parks and Open Space staff at 291-6602.

Metropolitan Council Program on Aging

Notice of Review Schedule of Scott County Service Delivery Study

In compliance with its adopted Area Plan for the use of federal Older Americans Act Funds, the Program on Aging of the Metropolitan Council has recently finished a study of services for older people in Scott County. A draft plan based on this

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Rules Governing the
Cost Effectiveness and Economic
Impact of the Regulation of
Human Services Occupations

ORDER FOR NOTICE OF INTENT
TO AMEND AND REPEAL RULES
WITHOUT A PUBLIC HEARING
AND FOR NOTICE OF INTENT TO
AMEND AND REPEAL RULES
WITH A PUBLIC HEARING IF
TWENTY-FIVE OR MORE
PERSONS REQUEST A HEARING

IT IS HEREBY ORDERED that Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Department of Health for that purpose and that said notice be published in the State Register.

IT IS FURTHER ORDERED that if less than 25 persons request a hearing pursuant to the aforesaid Notice of Intent to Adopt Rules Without a Public Hearing, the hearing shall be cancelled and all remaining procedures for the adopting of rules without a public hearing shall be followed.

IT IS FURTHER ORDERED that if 25 or more persons request a public hearing, the hearing shall be held in Room 105, at the Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, on February 4, 1986, commencing at 9:00 A.M., and continuing until all interested or affected persons have had an opportunity to participate.

Dated: December 16, 1985

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

S. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

In the Matter of the Proposed Rules
Governing Determination of
Economic Impact in Credentialing of
Human Services Occupations

AFFIDAVIT OF MAILING

Karen Bednarczyk, being first duly sworn upon oath, deposes and says:

That on the 24th day of December, 1985, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached rulemaking notices by depositing in the United States mail at said City of Minneapolis one copy each thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Minnesota Department of Health for the purpose of receiving notice of the proposed adoption of rules by the Department of Health.

Karen Bednarczyk

Subscribed and sworn to before me
this 6th day of February, 1986.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1987

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Rules
Governing Determination of
Economic Impact in Credentialing of
Human Services Occupations

AFFIDAVIT OF
ADDITIONAL NOTICE

Karen Bednarczyk, being first duly sworn upon oath, deposes and says:

That on the 24th day of December, 1985, at the City of Minneapolis, County of Hennepin, State of Minnesota, she sent the attached additional rulemaking notice by depositing in the United States mail at said City of Minneapolis one copy thereof, properly addresssed, with postage prepaid, to all persons and associations who are on a mailing list kept by the Occupational Analysis Section of the Minnesota Department of Health for purposes of sending out a Section newsletter.

Karen Bednarczyk

Subscribed and sworn to before me
this 6th day of February, 1986

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1987

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Rules
Governing Determination of
Economic Impact in Credentialing of
Human Services Occupations

CERTIFICATE OF AGENCY'S
MAILING LIST

I, Norman Hanson, Chief, Occupational Analysis Section of the Minnesota Department of Health (hereinafter "Department"), hereby certify that the list of all persons who register with the Department for the purpose of receiving notices of rulemaking, pursuant to Minn. Stat. §§ 14.14, subd. 1a, and further certify that the list attached hereto and made a part hereof constitutes the complete lists of the persons, associations, and other interested groups who, as of 8:00 a.m. this 24th day of December, 1985, have so registered with the Minnesota Department of Health.

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

NORMAN HANSON, Chief
Occupational Analysis Section

William L. Madsen
1417 West California
Falcon Heights, MN 55108

Susan Brill
2520 Kipling Avenue
St. Louis Park, MN 55416

John R. Gates, M.D.
1815 Summit Avenue
St. Paul, MN 55105

Susan G. Flygare
3924 Lyndale Avenue S.
Minneapolis, MN 55409

Paul Hammonds
3818 56th Avenue North
Brooklyn Center, MN 55429

Judy L. Domning
948 Birch Street
Lino Lakes, MN 55014

John Dilley
21850 Drake Street
Cedar, MN 55011

Anne Satre
213 Chandler Avenue
Eveleth, MN 55734

Dr. Kathy Kies
397 Westwood Village III
Roseville, MN 55113

Robert S. Peterson
3036 Idaho Avenue South
Minneapolis, MN 55426

William L. Madsen
1417 West California
Falcon Heights, MN 55108

Susan Brill
2520 Kipling Avenue
St. Louis Park, MN 55416

Doris S. Barry
7208 Oaklawn Avenue South
Edina, MN 55435

Susan G. Flygare
3924 Lyndale Avenue S.
Minneapolis, MN 55409

Paul Hammonds
3818 56th Avenue North
Brooklyn Center, MN 55429

Michael J. Myers
Saint Mary's Hospital
216 S.W. Second Street
Rochester, MN 55901

John Dilley
21850 Drake Street
Cedar, MN 55011

Anne Satre
213 Chandler Avenue
Eveleth, MN 55734

Gretchen Granlund Musicant
3701 Glendale Terrace
Minneapolis, MN 55410

Robert S. Peterson
3036 Idaho Avenue South
Minneapolis, MN 55426

John R. Gates, M.D.
1815 Summit Avenue
St. Paul, MN 55105

Judy L. Domning
948 Birch Street
Lino Lakes, MN 55014

Dr. Kathy Kies
397 Westwood Village III
Roseville, MN 55113

Robert T. Kudrle
Humphrey Institute
University of Minnesota
267-19th Avenue S.
Minneapolis, MN 55445

Gretchen G. Musicant
3701 Glendale Terrace
Minneapolis, MN 55410

Ann D. Stefanson
430 Oak Grove
Suite 230
Minneapolis, MN 55403

Ludwig Spolyar
1505 East River Road
Minneapolis, MN 55414

Rosemary Rocco
5824 Tioga Street
Duluth, MN 55804

Steven M. Vincent, Ph.D.
Department of Psychology
St. Cloud Hospital
St. Cloud, Mn 56301

Lynne Lockie
2911 Aldrich Avenue N.
Minneapolis, MN 55404

Holly Branch
5871 Cedar Lake Road
Minneapolis, MN 55416

Carol Grant
Kurzman, Manahan & Partridge
601 Butler Square
Minneapolis, MN 55403

Robert Harlow
1427 Medical Arts Building
Minneapolis, MN 55402

H. Leonard Boche
1776 Fry Street
Falcon Heights, MN 55113

Dr. Gary Blackmore
1653 Medical Arts Building
Minneapolis, MN 55402

Marianne E. Bruesehoff
2841 Lincoln Street N.E.
Minneapolis, MN 55418

Steve Cummings
4060 Brunswick Avenue South
St. Louis Park, MN 55416

David P. Decker
937 West Grandview
Roseville, Mn 55113

William Henschel
401-41st Avenue N.E.
Minneapolis, MN 55421

HSOAC Meeting Minutes

HSOAC Members

Sister Mary Madonna Ashton
Dan McInerney
Kathy Burek
Audrey Kaiser Manka
Norm Hanson
Mary Cahill
Janet Brodahl
Kent Peterson
Marianne Miller
Rece Seufert
Mike Tripple
Mary White
Karen Irvin
Ludwig Spolyar
Pat Culliton
Kathy Lamp
Larry Woods
Rosemarie Dummer
Tom Stowell
Louvain Arndts
Emery Barrett
Pam York
Ellen Sampson
Cynthia Ulrich
Betty Carlson
Julie Vikmanis
Tom Stowell
Beverly Barker
Dennis Herzog
George Arts

PATF Meeting Minutes

PATF Members

Barbara Sanderson
Sister Mary Madonna Ashton
Den McInerney
Kathy Burek
Norm Hanson
Mary Cahill
David Ziegenhagen
Joyce Scholwalter
Lois Mizuno
Unsuccessful applicants for the PATF
Arnie Rosenthal
Mike Tripple
Janet Brodahl
Harry Kramer
Tom Wells
Dr. Lee Beecher

1470 Sheldon
ST. Paul, MN 55108

722½ Beltrami Avenue
Bemidji, MN 56601

Ann C. Fasching
9620 North 37th Place
Plymouth, MN 55441

Marlene Travis
4706 Sunnyside Road
Edina, MN 55424

Harry Kramer, Ph.D.
Northland Mental Health Center
306 First Avenue S.W.
Aitkin, MN 56431

Arthur Forsberg
R.R. #2, Box 191
Backus, MN 56435

Annie Vaughn
808½ Washington Ave. S.E.
Minneapolis, MN 55414

Tom Wells
P.O. Box 4397
St. Paul, MN 55104

Anne B. Gielisse
P.O. Box 536
Worthington, MN 56187

Pamela Young
9748 Zilla Street
Coon Rapids, MN 55433

Dr. Lee Beecher
Suite 121
6000 Excelsior Blvd.
St. Louis Park, MN 55426

Harold Gray
320 W. Vernon Avenue
Fergus Falls, MN 56537

Sr. Cecilia Mary Harrington
2004 Randolph Avenue
St. Paul, MN 55105

Florence Harrington
P.O. Box 12
Deerwood, MN 56444

Laural E. Learmonth
432 Norwest Midland Building
Minneapolis, MN 55401

Patrick Leone
1946 Beechwood Avenue
St. Paul, MN 55116

Chris Servaty
Sexual Violence Center
12222 W. 31st Street
Minneapolis, MN 55408

Minna Shapiro
1200 Nicollet Avenue
Minneapolis, MN 55403

Michael J. Ahern
Moss and Barnett
1200 Pillsbury Center
Minneapolis, MN 55402

Alpha Homes, Inc.
P.O. Box 487
Spicer, MN 56288

Donna M. Anderson
Dakota County Community Health Services
Human Services Building
1600 Highway 55
Hastings, MN 55033

Herbert Anderson
418 Eighth Street South
Virginia, MN 55792

James F. Andre, City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Anoka County Health Department
c/o Robert M. Hutchison
Courthouse - Fourth Floor
Anoka, MN 55303

Joan M. Archer
MN Manufactured Housing Association
222 East Little Canada Road
Suite 222
St. Paul, MN 55117

Allyson Ashley
Southwestern Mental Health Center
P.O. Box D
Luverne, MN 56156

Assisi Residences of Faribault County, Inc.
218 South Linton
Blue Earth, MN 56013

Association for Retarded Citizens of Olmsted County
903 West Center
Rochester, MN 55902

Walter A. Baldus
Woodvale Management Services, Inc.
P.O. Box 1047
Austin, MN 55912

Bergerson - Caswell, Inc.
5115 Industrial Street
Maple Plain, MN 55359

Les Block
Public Health Administration
School of Public Health - U of M
Box 197, Mayo
Minneapolis, MN 55455

Nancy Briggs
New Connection Programs
73 Leech Street
St. Paul, MN 55102

Broeker and Grant
2850 Metro Drive - Suite 800
Minneapolis, MN 55420

John H. Butala
Koppers Company, Inc.
1201 Koppers Building
Pittsburgh, PA 15219

Patricia A. Butcher, Administrator
Northeast Residence, Inc.
4680 Bald Eagle Avenue
White Bear Lake, MN 55110

William R. Carter, III
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

Thomas F. Catania, Jr.
Second Floor Ford Building
117 University Avenue
St. Paul, MN 55117

Becky A. Comstock, Esq.
Dorsey and Whitney
2200 First Bank Place East
Minneapolis, MN 55402

William W. Conley
Mental Health Association of MN
328 East Hennepin Avenue
Minneapolis, MN 55414

Milton Conrath
Wekton, Inc.
633 North Snelling
St. Paul, MN 55104

Kathleen Cota, RN, JD
Minnesota Nurses Association
1821 University Avenue
St. Paul, MN 55104

Crippled Children's School, Inc.
Irene Holmquist
Box 23
Worthington, MN 56187

Jan Cuccia
SEIU Local 113
3001 University Avenue Southeast
Minneapolis, MN 55414

Patricia Cullen/Greenbrier Home
941 Birmingham
St. Paul, MN 55106

Nancy Dagg
Anoka County Community Health
and Social Service Department
Anoka County Courthouse - Fourth Floor
Anoka, MN 55303

Dakota County Mental Health Center, Inc.
744 - 19th Avenue North
South St. Paul, MN 55075

Jean Dawson
Minnesota Government Report
Room B-28, Press Room, State Capitol
St. Paul, MN 55155

Donald A. Dee
MN State Pharmaceutical Association
2221 University Avenue Southeast, #326
Minneapolis, MN 55414

Janice M. Devens
Wright County Human Services
Courthouse
Buffalo, MN 55313

Judith S. Douglas
The Phoenix Residence, Inc.
135 Colorado Street East
St. Paul, MN 55107

John E. Drawz
LeFeverre, Lefler, Kennedy,
O'Brien and Drawz
2000 First Bank Place West
120 South Sixth Street
Minneapolis, MN 55402

Paul Farseth
Minnesota Medicaid
Box 64170
St. Paul, MN 55164

David Felske
Pine Ridge Homes, Inc.
915 - 18th Street
Cloquet, MN 55720

Bob Fitzgerald, D.C.
133 West Lake Street
Minneapolis, MN 55408

Friendship Haven, Inc.
Box 576
Sherburn, MN 56171

Miller A. Friesen
Range Mental Health Center
P.O. Box 1188
Virginia, MN 55792

Peter X. Fugina
MN Senior Federation
301 Fuller Avenue
St. Paul, MN 55103

Kathy Gaalswyk, Executive Director
Region 5 Regional Development Comm.
611 Iowa Avenue
Staples, MN 56479

Jan Gervais
3201 Lyndale Avenue South
Minneapolis, MN 55408

Ric M. Giese
Pharmacy Department
Box 611 Mayo
420 Delaware Street Southeast
Minneapolis, MN 55455

James Glasoe, Executive Director
Homeward Bound, Inc.
4741 Zealand Avenue North
New Hope, MN 55428

Jerry Gross
Community Living, Inc.
Box 130
Victoria, Mn 55386

Eileen L. Harris, Administrator
Outreach Group Homes, Inc.
Suite 304
3601 Park Center Boulevard
St. Louis Park, MN 55416

J. William Haun, P.E.
Suite 343, 13911 Ridgedale Drive
Minnetonka, MN 55343

Robert L. Haven
Twin Town Treatment Center
1706 University Avenue
St. Paul, MN 55104

Tom Heenan, Supervising Sanitarian
Crystal Health Department
4141 Douglas Drive
Crystal, MN 55422

Beverly Helgeson
Presbyterian Family Foundation
901 Memorial Parkway
Willmar, MN 56201

Harold Hietala
St. Louis County Health Department
910 South 8½ Street
Virginia, MN 55792

Charles B. Hoffman
Pickands Mather and Company
Suite 811 - 200 West Superior Street
Duluth, MN 55802

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Cathie Hughes, Governmental Affairs
North Memorial Medical Center
3300 Oakdale Avenue North
Robbinsdale, MN 55422

Ingleside Engineering and Construction, Inc.
Brian Van Beusekom
R. 1, Box 175
Rockford, MN 55373

Alan W. Ingram, Executive Director
NASW, Minnesota Chapter
614 Portland
St. Paul, MN 55102

James Jack
Department of Recreation, Parks and Leisure Services
Mankato State University
Mankato, MN 56001

Gaynold Jensen, R.D.
111 West 107th Street
Minneapolis, MN 55420

Richard Jochem, Executive Director
Mental Health Advocates Coalition -- Alliance for the Mentally Ill of MN
265 Fort Road
St. Paul, MN 55102

Sharon Kannenberg
Group Homes of Winona, Inc.
252 West Wabasha Street
Winona, MN 55987

Barbara W. Kaufman, Exec. Di
MN Assoc. of Voluntary Socia Service Agencies
141 S Griggs-Midway Building
1821 University Avenue
St. Paul, MN 55104

Bob Kent
Kent Well Drilling
Rt. 1, Box 67-C
Wrenshall, MN 55797

Raylene Kimball
Heartland Homes, Inc.
Box 214
Park Rapids, MN 56470

Koep Group Homes, Inc.
P.O. Box 764
Fergus Falls, MN 56537

Jim Koesling
Capitol Supply Company
600 Lafayette Road
St. Paul, MN 55101

Vicki M. Kunerth
627 Oak Street Southeast
Minneapolis, MN 55414

Byron Laher
United Way of Minneapolis
404 South Eighth Street
Minneapolis, MN 55404

Ms. Tobey Lapakko
Minnesota AFL-CIO
175 Aurora Avenue
St. Paul, MN 55103

Carol A. Lee
Harry Meyering Center
P.O. Box 302
Mankato, MN 56001

Gail Lee
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Virgil H. Lee, R.Ph.
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Pharmacy Services
1216 Second Street Southwest
Rochester, MN 55902

Ernest K. Lehmann and Assoc.
1409 Willow Street #300
Minneapolis, MN 55403

Karen Lenander
Northern States Power Company
A. S. King Plant
5701 St. Croix Trail N., Box 34
Stillwater, MN 55082

Georgianne Lowney
609 West First Street
Waconia, MN 55387

David Lurie, Commissioner of Health
City of Minneapolis
250 South Fourth Street
Minneapolis, MN 55415

Mary Luth
Washington County Public Health
2000 Industrial Boulevard
Stillwater, MN 55082

Thomas J. Manthey
Rm. 1802, Diamond Shamrock Bldg.
1100 Superior Avenue
Cleveland, OH 44114

Mantyla Well Drilling, Inc.
1392 St. Croix Trail North
P.O. Box 797
Lakeland, MN 55043

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1730 Seventh Avenue South
St. Cloud, MN 56301

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P.O. Box 1047
Austin, MN 55912

Mary Kay McJilton
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St. Paul, MN 55104

Carl F. Meissner
City of Cottage Grove
7516 - 80th Street South
Cottage Grove, MN 55016

Nancy Meyer
410 South Fifth Street
Mankato, MN 56001

Minnesota Dental Association
2236 Marshall Avenue
St. Paul, MN 55104

Roger Moore
P.O. Box 1249
Minnetonka, MN 55345-0249

Bud Morin
Association for Retarded Citizens
of Hennepin County
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Minneapolis, MN 55404

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Residential Services of Northeast
Minnesota, Inc.
707 West Arrowhead Road
Duluth, MN 55811

Louis R. Nelson
620 North Wood Street
Mora, MN 55051

Toni Nesheim
Region 9 Development Commission
P.O. Box 3367
Mankato, MN 56001

New Dawn, Inc.
Box G
Fulda, MN 56131

Phillip C. Newberg
Room 340
717 Southeast Delaware Street
Minneapolis, MN 55414

D. Bill Olson
P.O. Box 123
Windom, MN 56101

Olson Well Service
Donald Olson
Halstad, MN 56548

Mary C. Pattock, Executive Director
Minnesota Chiropractic Association
2353 Rice Street
St. Paul, MN 55113

Gordon R. Peake, Land Manager
Texasgulf Minerals and Metals, Inc.
5932 McIntyre Street
Golden, CO 80403

Guy Peterson, Administrator
Goodhue-Wabasha CHS
426 West Avenue
Red Wing, MN 55066

LeeRoy Peterson
Ebenezer Society
2500 Park Avenue
Minneapolis, MN 55404

Alex Petterson, Executive Director
Community Involvement Programs
2217 Nicollet Avenue South
Minneapolis, MN 55404

Kathleen Pine
400 West Marie Avenue
West St. Paul, MN 55118

Pine River Group Home
Box 96
Pine River, MN 56474

QSS, Inc.
P.O. Box 838
Faribault, Mn 55021

Range Center, Inc.
1001 N.W. Eighth Avenue
P.O. Box 629
Chisholm, MN 55719

The Residence, Inc.
2499 North Rice #220
Roseville, MN 55113

Paul Riddle
Metropolitan Council
300 Metro Square Building
Seventh and Robert Streets
St. Paul, MN 55101

Robert R. Roe
Kerr - McGee Corporation
7430 Haines Road
Duluth, MN 55811

Alfred Ross
6356 Ware Road
Lino Lakes, MN 55014

Marjorie L. Ross
1145 Quentin Avenue South
Lakeland, MN 55043

Bruce T. Rowe, Administrator
Community Health Services Board
325 Lake Avenue South/Suite 604
Duluth, MN 55802

Neil A. Rowland
901 South Main Street
Chatfield, MN 55923

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
310 Fourth Avenue South
Minneapolis, MN 55415

Benno W. Salewski
MAHCF
2850 Metro Drive, Suite 429
Bloomington, MN 55420

Harold Tapper
ARRM
1885 University Avenue
St. Paul, MN 55104

G. F. Walsh, Executive Director
Mount Olivet Rolling Acres
7200 Rolling Acres Road
Excelsior, MN 55331

Barry Schade
Director, Water Quality
MN Pollution Control Agency
1935 West County Road B-2
Roseville, MN 55113

Torgerson Well Company, Inc.
6855 Dogwood Street
Greenfield, MN 55373

Roy O. Waters
Northwestern Mental Health Clinic
Crookston, MN 56716

Joyce M. Schowalter, Executive Dir.
MN Board of Nursing
717 Southeast Delaware Street
Minneapolis, MN 55414

Kathleen Weile
Ramsey County Medical Society
215 Lowry Medical Building
St. Paul, MN 55102

Jean Searles
Resa, Inc.
38 Seventh Avenue North
Hopkins, MN 55343

Colleen Wieck, Ph.D., Exec. Dir.
Developmental Disabilities Program
State Planning Agency
201 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

South Center Manor
Park Island
Center City, MN 55012

Valley Group Home
1330 Second Avenue North
Moorhead, MN 56560

Mark Wiger
801 Center Street
New Ulm, MN 56073

State and Federal Association
Regulatory Services Division
1110 Vermont Avenue Northwest #110
Washington, D.C. 20005

James Varpness, State Ombudsman
MN Board on Aging
204 Metro Square Building
Seventh and Robert Streets
St. Paul, MN 55101

Merlin A. Wilbur
100 Sibley Street
Hastings, MN 55033

Michael A. Steffel
Route 4, Box 249A
Willmar, MN 56201

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Edina Health Department
4801 West 50th Street
Edina, MN 55424

Terri Williams
Residential Alternatives, Inc.
6300 Shingle Creek Parkway
Suite 195
Brooklyn Center, MN 55430

Linda Stratton
Metropolitan Senior Federation
1885 University Avenue
St. Paul, MN 55104

W. C. Viitala
Public Affairs Department
Honeywell
P.O. Box 524
Minneapolis, MN 56267

H. A. Swift
5165 North St. Albans
St. Paul, MN 55126

obtained from the Board by writing or telephoning Norman Hanson at the address or telephone number listed above in Part II of this notice.

[Name, address, and phone number of appropriate person in the agency]

Commissioner

Dated: _____

REPEALER: Minnesota Rules, parts 2000.0200; 2000.0300; 2000.0400; 2000.0500; 2000.0600; 2000.0700; 2000.0800; 2000.0900; 2000.1000; 2000.9900; 2000.9905; 2000.9910; 2000.9915; 2000.9920; 2000.9925; 2000.9930; 2000.9935; 2000.9940; 2000.9945; 2000.9950; 2000.9955; 2000.9960; 2000.9965; 2000.9970; 2000.9975; 2000.9977; 2000.9980; 2000.9983; 2000.9985; are repealed.

Department of Health

Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Service Occupations

Alternative Notices: Notice of Intent to Adopt Rules without a Public Hearing; Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing; and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I.

Explanation of Alternative Notices

The Minnesota Department of Health is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of Minn. Stat. §§ 14.22 to 14.28 (1984), as amended. However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 14.25 (1984), and in order to expedite the rulemaking process should that occur, the Minnesota Department of Health is at the same time hereby giving notice of the hearing on the proposed rules pursuant to Minn. Stat. §§ 14.131 to 14.20 (1984), as amended. The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on January 29, 1986, there will be 6 days before the scheduled hearing date. This 6-day period will give interested persons ample time to contact the Minnesota Department of Health to find out whether the hearing will be cancelled and to plan accordingly.

II.

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health proposes to adopt the above captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Minnesota Department of Health has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1984), as amended.

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on January 29, 1986. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any suggested changes to the rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Minnesota Department of Health and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed rules being addressed, the reason for the request, and any changes they want made to the proposed rules.

If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Minnesota Department of Health be informed of the specific proposed rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Minnesota Department of Health to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by January 29, 1986. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1984), as amended, and the hearing notice provided below.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Comments or written requests for a public hearing should be submitted to:

Norman Hanson
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5443

The statutory authority of the Minnesota Department of Health to promulgate the proposed rules is contained in Minn. Stat. § 214.12, subd. 1 (1984).

If adopted, the proposed rules would set standards to be used in determining the overall cost effectiveness and economic impact of credentialing a human services occupation.

The proposed rules were published in the *State Register* (10 S.R. 724) on September 30, 1985 and a free copy of them may be obtained from the Minnesota Department of Health by writing or telephoning Norman Hanson at the address or telephone number listed above.

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 has been prepared and may be obtained from the Minnesota Department of Health by writing or telephoning Norman Hanson at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local bodies nor have an impact on agricultural land; therefore no further information need be provided under Minn. Stat. § 14.11 (1984).

The proposed rules may affect small businesses. In accordance with Minn. Stat. § 14.115, the Department's consideration of any such effect is discussed in the Statement of Need and Reasonableness. Persons representing small businesses are invited to participate in the rule hearing process.

Upon adoption of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and 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 rules as adopted, should submit a written request to Norman Hanson at the address listed above.

III.

Notice of Intent to Adopt Rules with a Public Hearing if 25 or more Persons Request a Hearing

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE CAPTIONED PROPOSED RULES WITHIN THE 30 DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON FEBRUARY 4, 1986, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above captioned matter will be held pursuant to Minn. Stat. § 14.131 to 14.20 (1984), as amended, in Room 105, Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, on February 4, 1986, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55414, telephone (612) 341-7608. This written material must be received at the Office of Administrative Hearings before the close of the hearing record.

The hearing record will remain open for the inclusion of written material for five working days after the hearing ends unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing. Written material received during this period will be available for review at the Office of Administrative Hearings. The Minnesota Department of Health and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

This rule hearing procedure is governed by Minn. Stat. § 14.131 to 14.20 (1984), as amended, and by Minn. Rules pts. 1400.0200 to 1400.1200 (1985), as amended in 9 S.R. 2276 (April 8, 1985), promulgated by the Office of Administrative Hearings, questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed rules would set standards to be used in determining the overall cost effectiveness and economic impact of credentialing a human services occupation.

The proposed rules were published in the *State Register* 10 S.R. 724 September 30, 1985, and a free copy of them may be

The statutory authority of the Minnesota Department of Health to make the proposed rule changes is contained in Minn. Stat. § 214.13, subd. 1 (1984).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Minnesota Department of Health offices and the Office of Administrative Hearings. This Statement of Need and Reasonableness contains the verbatim evidence and argument which the Minnesota Department of Health will present at the hearing justifying both the need for and the reasonableness contains the verbatim evidence and argument which the Minnesota Department of Health will present at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Minnesota Department of Health's offices or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproducton.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Minnesota Department of Health may not take any final action on the proposed rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the proposed rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Minnesota Department of Health at any time prior to the filing of the rules as adopted with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; no further information need be provided under Minn. Stat. § 14.11 (1984).

The proposed rules may affect small businesses. The actual affect, if any, is discussed in the Statement of Need and Reasonableness.

IV.
Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III, ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Minnesota Department of Health before January 29, 1986, and leave your name, address, and telephone number. You will be notified after January 29, 1986, if the hearing has been cancelled. You may also call the Minnesota Department of Health after January 29, 1986, for oral confirmation regarding the scheduled hearing.

December 16, 1985

Sister Mary Madonna Ashton
Commissioner of Health
Minnesota Department of Health

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ERRATA

Department of Health

Correction of Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Service Occupations

Correction of Notice of Intent to Adopt Rules with a Public Hearing if 25 or more Persons Request a Hearing

A sentence was misplaced in the publication of the above-referenced rules in Volume 10, Number 27 of the *State Register*, dated December 30, 1985 [10 SR 1473].

At the top of the page on page 1473, the following sentence was inadvertently printed at the end of the Attorney General's proposed rules on rule review:

"obtained from the Board by writing or telephoning Norman Hanson at the address or telephone number listed above in Part II of this notice."

This line belongs at the bottom of page 1474, in Section III, Department of Health, Notice of Intent to Adopt Rules with a Public Hearing if 25 or more Persons Request a Hearing. The last paragraph on page 1474 should read:

"The proposed rules were published in the *State Register* [10 S.R. 724] September 30, 1985, and a free copy of them may be obtained from the Department by writing or telephoning Norman Hanson at the address or telephone number listed above in Part II of this notice."

Department of Labor and Industry

Correction to Workers' Compensation; Medical Service Fees

An error was made in the Medical Service Fees printed in the *State Register*, Volume 10, Number 14, September 30, 1985, pages 765-800. The wrong fee was printed in Rule number 5221.2250 PHYSICIAN SERVICES—SURGERY (page 775, top of the page). The correct fee (and the correct passage) are as follows:

Code	Service	Maximum Fee
22555	Arthrodesis with diskectomy, cervical, anterior interbody approach with iliac or other autogenous bone grant (includes obtaining graft)	~~$440.00~~ $2,047.00

Statement of Need and Reasonableness

4695.0300, Subpart 1. B.

The existing subpart states that persons licensed by the Minnesota Department of Health (MDH or the health-related licensing boards shall submit information on their race or ethnicity. (Emphasis added.)

This data, has not been collected, nor used in recent years. Further, Minn. Rules 4695.0400 allows the Commissioner of Health to conduct surveys to collect information needed for decision making pertaining to health manpower. Replies to these surveys are voluntary. The existing subpart is thus redundant with a less intrusive means of collecting the same information.

It is necessary to repeal this subpart because the rule itself is not needed, and it is reasonable to remove a regulatory burden which is no longer justified.

Re: Proposed Rules for Evaluating the Cost Effectiveness and Economic Impact of the Regulation of Human Service Occupations.

With the enactment in 1976 of Minn. Stat. Chapter 214 the Legislature provided a statement of public policy regarding the regulation of occupations in Minnesota. The Legislature determined that regulation should not be imposed on an occupation unless required for the safety and well being of the citizens of the state.

The responsibility for evaluating the need for regulation of human service occupations is given to the Commissioner of Health. Minn. Stat. 214.13 provides that the Commissioner of Health develop rules and procedures for determining the need to regulate human service occupations not already regulated. Minn. Stat. 214.14 establishes a human services occupations advisory council to advise the Commissioner of Health on matters relating to the regulation of such occupations. The advisory council is to base its advice and recommendations on the legislative policy and review factors stated in Minn. Stat. 214.001, and the administrative rules promulgated by the Department of Health under the authority of that statute. After receiving the advice of department staff and the advisory council, the commissioner decides whether regulation is needed, and if so, the appropriate mode of regulation to be implemented or recommended to the legislature for implementation.

The Legislature also directed that three review factors be considered when evaluating whether an occupation should be regulated:

- whether the unregulated practice of an occupation may harm the public;
- whether specialized skills or training are required to benefit the public;
- and whether the citizens may be effectively protected by other means.

Recognizing that regulation increases the cost of a product or service in direct proportion to the stringency of the regulatory mechanism, the 1984 legislature

added overall cost effectiveness and economic impact to the review factors described above (see Minn. Stat. 214.001. Subp. 2). By requiring the commissioner of health to consider whether the overall economic impact of a proposed regulatory mode will be positive, the legislature is attempting to ensure that the solution will not cause greater harm, especially economic harm, than the problem it is intended to solve.

For example, licensing initially raises entry costs by imposing at least a fee and usually also training requirements. The supply of providers is reduced, due to the smaller number who meet the requirements imposed. The cost of the service increases as consumers bid for the services of fewer providers. Under these conditions, after licensing is imposed there will be an income gain distributed to members of the profession (Maurizi). After time, economic theory predicts that there will be an increase in entrants again, but other factors (such as increasing fees, training requirements or altering examination pass rates) could keep the supply of new entrants restricted, compared with supply in the absence of regulation, keeping incomes or fees for services higher (Maurizi). The public will incur these costs, and may not receive sufficient benefits to justify the increased costs.

Further, little is known about the ultimate financial impact of regulations on the private sector, although the term "compliance cost" has been coined to describe it. One researcher observed in a paper that "every dollar spent in the administrative operation of a regulatory program has a multiplier effect in the private sector in the sense that regulations induce expenditures for compliance." (Federal Regulation of Health Occupations, February, 1982.)

In order to integrate this new factor into the existing review process, the department of health needs to adopt rules to define the terms used in statute, and to specify the kind of information the department will require of applicant groups in making a determination of the overall economic impact. These rules must be adopted prior to the Minnesota Department of Health acting on the applications of occupational groups which are seeking regulation through the review process provided by Minn. Stat. 214.00.

Statutory authority Minn. Stat. 214.13, Subd. 1.

Rule by rule justification

Minn. Rule 4695.0800, Subp. 5.

Note: Existing Subp. 5. will remain unchanged and will be renumbered as Subp. 6.

Subp. 5. In order to evaluate the cost effectiveness and economic impact of regulating an occupation it is necessary to require information about the impact of regulation on the cost of service delivery, and the impact on other actors in the relevant markets. Only by consideration of these indicators can the Commissioner assess whether the cost effectiveness and economic impact of the regulation of an occupation is positive for the citizens of the state.

4695.0800 Subp. 5.A.

It is necessary to define the phrase "positive cost effectiveness and economic impact" to facilitate understanding and application of these rules. The defini-

tion contained in this part of the rules is consistent with Minn. Stat. 214.001 in that it requires the public benefit received from the regulation to be greater than the benefit to be received by the regulated occupation.

A regulated occupation may enjoy benefits which might not benefit the public. For example, regulation of an occupation may result in a reduced supply of providers because of the inability of some existing providers to meet entry requirements established by regulations. Informally trained providers may no longer be able to practice their occupation as the result of such regulation. Regulation of an occupation often relies on academic credentials which are less frequently possessed by the poor, minorities, women, and the elderly, having a discriminatory effect. A reduction of the supply of providers may lead to an increase in the cost of the services provided and the creation of shortages and maldistribution in supply of practitioners. (Hogan, Monheit, White, Gaumer.)

The regulation of an occupation may facilitate access to third-party and governmental reimbursement sources. Such access benefits the occupation being regulated in facilitating access to direct reimbursement for services provided, and also may benefit the public by providing access to alternative providers if less costly than existing providers. On the other hand, if regulation of the occupation results in a reduced supply of practitioners, the cost of service may be increased and the public benefit may be less than the costs incurred.

Third party payors often do not reimburse the services of unregulated providers. If, after regulation, the providers' services were reimbursed, any increased costs of providing this new benefit would be reflected in reduced benefits elsewhere, premium increases, or in the case of government, increased budget expenditures. The price of regulated services to these third party payors may be increased over the unregulated price for the reasons described above.

A further problem with third party reimbursement has been the historical practice of passing on any increases in costs. Because the costs were generally spread over a large group, there was little incentive for the third party payor to negotiate with providers over price, or set limits on the amounts of reimbursement. The dramatic increase in health care costs during the last two decades has resulted in greater cost consciousness on the part of third party payors and their customers. Nonetheless, any increased costs are still spread among policy holders and taxpayers.

Therefore, it is reasonable to define the phrase "positive cost effectiveness and economic impact" in the manner proposed.

It is also necessary to define the terms cost effectiveness, economic impact, costs and benefits to facilitate understanding and application of these rules. These definitions are consistent with Minn. Stat. 214.001 in that their use will facilitate a determination regarding the positive cost effectiveness and economic impact of a decision to regulate an occupation. These definitions will also provide applicant groups which are seeking to have their occupations regulated with an understanding of these terms as they will be used during the review of an occupation.

4695.0800 Subp. 5.A. (1)

It is reasonable to define cost effectiveness in terms of traditional cost benefit analysis. Occupations requesting to be regulated are requesting a benefit from the state (public). It is important to determine what benefit, if any, accrues to the public from a decision to regulate an occupation. A cost benefit analysis is a reasonable way of making this determination. (Hogan, Gaumer)

4695.0800 Subp. 5.A. (2)

It is reasonable to define economic impact in terms of the effect on the price and supply of services and practitioners in the direct and indirect markets. Research indicates that regulation of an occupation may affect the supply of practitioners within a state, may increase the costs of goods and services provided by the regulated occupation, may create entry requirements that have a tendency to discriminate against the poor, the aged, women, and minorities, as well as inhibit important innovations in the methods of organizing and delivering services. (Hogan)

4695.0800 Subp. 5.A. (3)

It is reasonable to define costs in this manner because "cost" means more than monetary outlay. Costs mean the amount of money expended for educational requirements, training requirements, and social costs. Social costs mean the non-monetary value placed on restricting a person's access to the occupation of his or her choice because of regulatory requirements; the possibility of creating shortages and maldistribution in supply of practitioners, thereby reducing public accessibility; and restricting the mobility and activities of practices and practitioners. It is reasonable to define costs in this manner because certain information will be required to do a cost benefit analysis, and the public and applicant groups need to know the kind of information that will be asked in order to complete a cost benefit analysis.

4695.0800 Subp. 5.A. (4)

Cost effectiveness, as defined earlier, includes benefits as well as costs. It is therefore necessary to define benefits. The benefits given in this subpart are, with one exception, those traditionally offered as benefits of occupational regulation. (Gaumer, Hogan)

Access to similar, but lower cost providers is not usually thought of as a benefit to regulation. However, this may occur when a professional group is permitted to practice in an area previously limited to an already regulated provider group. An example is the use of nurse midwives to assist in routine deliveries, rather than restricting the practice to licensed physicians. The benefits identified are therefore a reasonable list upon which to make a determination of cost effectiveness.

4695.0800 Subp. 5.B. (1)

There is ample evidence that the regulation of an occupation will increase the cost of the goods and services produced or provided by that occupation. (Maurizi, Hogan, Monheit, White, Gaumer.) It is reasonable and necessary to evaluate the impact of regulation on the cost of the goods and services produced or provided by the occupation requesting regulation. Occupations seeking to be

regulated are seeking a benefit from the state, particularly if the result of the review of the need for regulation is the implementation of a program of registration or licensure. In such programs, occupations receive either exclusive right to title or to title and practice to the exclusion of all others. The benefits of regulation should be granted only where justified by consumer protection, and only to the extent that the benefits to the public outweigh any costs. Consumer protection is protection of the public's health, safety or welfare as these relate to consumption of the service provided by the occupational group. Regulation is warranted only in instances where there is recognizable and not remote harm to the public from unregulated practice; where the practice of an occupation requires specialized skill or training and where the public needs and will benefit by assurances of inital and continuing occupational ability; when the citizens of the state can not be effectively protected by other means and if the regulation yields benefits that are greater than the costs, (as defined in this statement of need and reasonableness) associated with it.

4695.0800 Subp. 5. B. (2)

It is reasonable and necessary to determine the potential impact the regulation will have on the supply of practitioners of the occupations. Research indicates that regulation such as registration or licensure tends to reduce the supply of practitioners. (Hogan)

4695.0800, Subp. 5. B. (3)

It is reasonable and necessary to determine whether existing providers will be precluded from the practice of the occupation once a regulatory scheme has been adopted. All things being equal, a reduction in supply of practioners will reduce access to the services provided, and increase the cost. (Maurizi, Hogan, White, Gaumer.)

4695.0800 Subp. 5. B. (4)

Occupational regulation may impede innovation in human service delivery in relation to its restrictiveness on the practice of the regulated occupation. If practice is limited to individuals with a certain kind of training, delivery of the service by newly emerging lower cost practitioners with different training will be precluded. Subject to concerns about quality of care, analysis of requests for occupational regulation should seek to avoid the creation of programs which could stifle innovations in human services delivery. It is therefore reasonable to require information on the impact of regulation or innovation.

4695.0800 Subp. 5. B. (5)

Occupational regulation usually include education, training and experiential requirements. Experiential requirements are those which relate to actual practice of the occupation. The postulated benefit of these requirements is quality assurance. Quality assurance is usually measured as the success or failure of patient (consumer) outcomes. Quality assurance means that the public has come to expect some minimum level of competency in service delivery. In attempting to establish quality assurance, occupations develop competency control systems

to eliminate or reduce errors in judgment, obsolete practices, and undisciplined, careless practice. Quality assurance, therefore, can be a benefit of regulation. However, evidence indicates that the current regulatory systems have not eliminated professional judgment errors, obsolete practices, and undisciplined and careless practice. (Gaumer) Under Part 4695.0800, Subp. 3. of the existing rules a determination will be made regarding the need for education and training requirements to enter and to continue practice of the occupation.

The purpose of this rule is to determine potential additional costs incurred by practitioners due to education, training or experiential requirements. To make such a determination consideration will be given to the following questions: Will these costs be significant enough to have the effect of restricting entry to the occupation? Will such requirements prohibit current practitioners from further practice once the regulation program is in place?

Additionally, what will be the impact of such requirements on the applicable educational, and training programs or experiential requirements? Will these programs be able to meet the additional demand created by the regulation? Are funding and adequate facilities available? What is the economic impact of the regulation on these types of programs as well as on the existing and potential practitioners?

Given that education, training and experiential costs are likely to be part of any occupational regulations established, it is necessary and reasonable to require groups requesting regulation to provide information and analysis of potential costs.

4695.0800 Subp. 5. B. (6)

It is reasonable and necessary to determine what, if any, improvement in quality of care or service can be expected to result from such regulation. Since there may well be an increase in costs to the public as a result of the regulation, it is important to determine what benefits, if any, the public receives in return for the increased costs.

4695.0800 Subp. 5. B. (7)

It is reasonable and necessary to determine whether the services provided by the occupation seeking to become regulated can be considered a substitute for similar services provided by existing regulated occupations. If it can be demonstrated that the services provided can be considered as substitutes, then it is reasonable to consider comparative costs. For example, if the substitute services could be provided for 80% of the cost of existing providers, the public would appear to benefit from the regulation, at least with respect to cost.

As part of this effort, it will also be reasonable to review the experience of other states following the regulation of the occupation in question. For example, if in these states a determination had been made intially that regulation of the occupation in question would provide public access to less expensive providers, a review of actual expenses should be made. Such a review would include whether the differences in costs have continued since the regulation became effective or whether costs have become very similar.

4695.0800 Subp. 5. B. (8)

It is reasonable and necessary to determine whether the services provided will supplement rather than be a substitute for services provided by existing regulated occupations. If the services are supplemental or "add-ons", costs to the public may increase as a result of the regulation. For example, if the services provided by the occupation seeking to be regulated will not be a less expensive substitute but are additional services which will increase the cost of health care services, regulation may not be justifiable. While the public may benefit from the access to additional providers, it may also be required to absorb significant costs related to or associated with this benefit and in that context regulation may not be cost effective. As an example, an occupation requesting to be regulated by the state claims that the goods and services it can provide are less expensive than those provided by a currently regulated occupation. For example, nurse practitioners or physician assistants have assumed many tasks traditionally performed by physicians. Practice act restrictions, however, may make such occupations dependent upon the regulated occupation - in this case physicians and the services provided (including the cost) become "add-ons" rather than substitutes.

4695.0800 Subp. 5. B. (9)

It is reasonable and necessary to determine the impact, if any, on expenditures by government and private third party payors resulting from a decision to regulate an occupation. If those expenditures will increase as a result of the regulation how will they be paid for? increased taxes? increased insurance premiums? other?

4695.0800 Subp. 5. B. (10)

It is reasonable and necessary to determine whether the regulation of an occupation will facilitate access to direct reimbursement from governmental assistance programs. As noted earlier, the facilitation of access to government assistance programs reimbursement sources may have implications, possibly significant, for program budgets. If the impact will be that of increasing budget costs, that must be known prior to the granting of the requested benefit of state regulation since any additional costs will be borne by the public.

List of Works Cited

Federal Regulation of Health Occupations, A Report of the National Commissioner for Health Certifying Agencies, February, 1982, pp 60-70.

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Gaumer, Gary L., "Regulating Health Professionals: A review of the Empirical Literature, Milbank Memorial Fund Quarterly/Health and Society. Volume 62, No. 3, 1984, Milbank Memorial Fund and Massachusetts Institute of Technology.

Hogan, Daniel B., "The Effectiveness of Licensing, History, Evidence and Recommendations", Law and Human Behavior, Vol. 7, Number 2 and 3, 1983, pp. 117-138.

Maurizi, Alex, "Occupational Licensing and the Public Interest", Journal of Political Economy, pp. 399-413.

Monheit, Alan C., "Occupational Licensure and the Utilization of Nursing Labor: An Economic Analysis", Advances in Health Economics and Health Services Research, Vol. 3, Aizai Press, Inc., Greenwich, Connecticut, 1982, pp. 117-142.

Shimberg, Benjamin and Roederer, Doug, Occupational Licensing: A Public Perspective;Educational Testing Service, 1980, Princeton, New Jersey, 208 pages.

White, William D., Public Health and Private Gain, The Economics of Licensing Clinical Laboratory Personnel, Maaroufa Press, Chicago, Illinois, 1974, pp. 13-34 and 119-133.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Services Occupations

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 without any exceptions.

Dated: February 11, 1986

Audrey Kaiser Manka

AUDREY KAISER MANKA
Special Assistant
Attorney General

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

In the Matter of the Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Services Occupations

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Norman Hanson, being first duly sworn upon oath, deposes and says:

1. I am the Chief of the Occupational Analysis Section of the Minnesota Department of Health (hereinafter "Department").

2. I hereby affirm that the Department received no requests for Notice of Submission to the Attorney General of the above-captioned rules.

Norman Hanson
NORMAN HANSON

Subscribed and sworn to before me
this 6th day of February, 1986.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1987

SF-00006-04

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

STATE OF MINNESOTA

Office Memorandum

DATE : February 11, 1986

TO : Mike Miles
Attorney General - Administration
204 Administration Building

FROM : Audrey Kaiser Manka
Special Assistant
Attorney General

SUBJECT : In the Matter of the Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Services Occupations

Enclosed for your review pursuant to Minn. Rules pt. 2000.0400 are the following documents to support the above-referenced noncontroversial rules:

1. A copy of the Notice of Intent to Solicit Outside Opinion, the proposed rules as published in 9 S.R. 1257 on December 3, 1984, and the comments received;

2. Order for Notice of Intent to Adopt Rules Without a Public Hearing;

3. A Certificate of Agency's Mailing list;

4. A Statement of Need and Reasonableness;

5. Written comments received on the rule;

6. Statement of Compliance with Rulemaking Procedures;

7. An affidavit of the agency that no one requested to be informed of the submission of the rule to the Attorney General;

8. Notice of Intent to Adopt Rules Without a Public Hearing;

9. A copy of the errata published on January 13, 1986.

10. Affidavit of Mailing and Affidavit of Additional Mailing;

11. A copy of the rules as proposed;

12. An original and three copies of the rules as adopted;

13. Two copies of the Order Adopting rules.

As is evidenced by the documents, the rules as adopted are identical to the rules as proposed except that "the" was added on page 2, line 17, before the word "occupation" on line 18. If you have any questions or need further documentation, please don't hesitate to let me know.

Thank you.

AKM:cs

Enclosures

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

DATE : December 11, 1985

RECEIVED
DEC 13 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

TO : Mike Miles
Assistant Attorney General
204 Administration Building

FROM : Audrey Kaiser Manka
Special Assistant
Attorney General

SUBJECT : In the Matter of the Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation

Please be advised that effective 12/11/85 the Department of Health withdraws the above-referenced rules.

AKM:dsc

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

DATE : November 26, 1985

TO : Mike Miles
Attorney General - Administration
204 Administration Building

FROM : Audrey Kaiser Manka
Special Assistant
Attorney General

SUBJECT : In the Matter of the Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Services Occupations

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Thank you.

AKM:cs

Enclosures

Our File No. 1221

RULE REVIEW CHECKLIST 05.0009.0458

DATE RULE RECEIVED 11-27-85
DATE FOR REVIEW 12-6-85
DATE DUE 12-11-85

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

Approved _____ Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 11.27.85 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 11.26.85. Date

✓ Notice of Intent to Solicit Outside Opinion + Comments SR. 12.3.84

✓ Order for rulemaking
_____ date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency

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

✓ Affidavit of Additional Mailing

✓ Mailing list Certificate

? Publication in State Register
_____ At least 30/20 days prior to hearing/adoption

N/A Hearing Examiner's Report

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

Agency's Findings of Fact

LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

✓ 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

✓ Affidavit of ~~Mailing~~ Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General