

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: RICHARD B. TOMPKINS, MD, President
Board of Medical Examiners

ATTN: JOHN A. BREVIU
Special Assistant Attorney General

DATE: 12/11/85

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Medical Examiners Governing Board Licensing Fees

The above-referenced rule has been approved as to its legality by the Attorney General on December 10, 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:pmt

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1228

Our File No. 1228 05-0007-0980

RULE REVIEW CHECKLIST

12/3 Paula requested Brevien to send rules as adopted

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 12-10-85 mjc Disapproved _____ Returned to Agency _____

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

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

_____ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 11.9.85 Date

N/A Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking
_____ date of Hearing not submitted

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking see SR copy.
✓ Sufficiency

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

? Mailing list Certificate dated 11.19.85 - 6 wks after date of mailing

✓ Publication in State Register
9.30.85 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

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 - Dept Finance approval attached

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 with special notation

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

✓ Notice of Submission to the Attorney General

~~[illegible]~~

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

DATE : November 27, 1985

TO : Mike Miles
Assistant Attorney General

FROM : John A. Breviu
Special Assistant
Attorney General

RECEIVED
NOV 27 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SUBJECT : Enclosed Board of Medical Examiner Fee Rules

Enclosed for your review, pursuant to Minn. Rules pt. 20000.0400, are the following documents regarding the above-referenced noncontroversial rules.

1. Board's Authorizing Resolution with attached Certificate;
2. Notice of Intent to Adopt Rules Without a Public Hearing (the Notice which appeared in the State Register was identical to that which was mailed);
3. Certificate (mailing list);
4. Affidavit of Mailing;
5. Written comment;
6. Statement of Need and Reasonableness;
7. Certificate of Board's Resolution Adopting Rules;
8. Order Adopting Rule (two copies);
9. Findings of Fact and Conclusions;
10. Statement of Compliance with Rulemaking Procedures; and
11. Rule as adopted (original and three copies).

If you have any questions or need further documentation, please let me know.

JAB:sv

Enclosures

Board of Medical Examiners

Adopted Rule Relating to Medical Board Licensing Fees

Rule as Adopted

5600.2500 ANNUAL FEES.

The fees charged by the board are fixed at the following rates:

A. examination fee, $300;

B. application fee, $100;

C. physician annual registration, $40;

D. osteopath annual registration, $40;

~~E. temporary graduate training permit, $15;~~

~~F.~~ certification to other states, $10; and

~~G.~~ F. temporary licenses, $40.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

APPROVED AS TO FORM AND LEGALITY

December 10 1985

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJCassely

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 11 1985

Joan Anderson Growe
Secretary of State

9:15 A.M.



Rules as Proposed

5600.2500 ANNUAL ~~REGISTRATION-FEE~~ FEES.

The ~~annual-registration-fee-referred-to-in-Minnesota Statutes,-section-146.13-is-hereby-fixed-at-the-sum-of-$20.~~ fees charged by the board are fixed at the following rates:

A. examination fee, $300;

B. application fee, $100;

C. physician annual registration, $40;

D. osteopath annual registration, $40;

~~E.--temporary-graduate-training-permit,-$15;~~

E.~~F.~~ certification to other states, $10; and

F.~~G.~~ temporary licenses, $40.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

DSN

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD845

Agency: Board of Medical Examiners

Division:

Agency Contact: Jack Wallace

Minnesota Rules: Part 5600.2500

Title: Proposed Rule Relating to Medical Board Licensing Fees

Type of Rules: Permanent

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948
Date: September 16, 1985

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Adoption of the Proposed Rule Relating to Medical Board Licensing Fees

ORDER ADOPTING RULE

Notice of the Board of Medical Examiner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on Monday, September 30, 1985, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. § 14.14, subd. 1 (1984) on September 30, 1985. After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving requests for public hearing from fewer than 20% of the persons who will be required to pay the fee within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule,

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule identified as Proposed Rule Relating to Medical Board Licensing Fees is adopted as amended, this 9th day of November, 1985, pursuant to authority vested in the Board by Minn. Stat. §§ 147.02 and 214.06 (1984).

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

Richard B. Tompkins, M.D.

RICHARD B. TOMPKINS, MD
President

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Richard B. Tompkins, do hereby certify that I am a member and the president of the Board of Medical Examiners, a board duly authorized under the laws of the State of Minnesota, and that the attached is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Medical Examiners duly and properly called and held on the 12th day of January, 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.

Date: 11/19, 1985

Richard B. Tompkins, M.D.
RICHARD B. TOMPKINS, MD
President

AUTHORIZING RESOLUTION

"RESOLVED, that Arthur Poore, executive secretary of the Board of Medical Examiners, be and he 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 adopt without a public hearing rules governing the fees charged by the Board for the licensing of physicians, including license renewals, to sign the Notice thereof, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of January, 1985.

Richard B. Tompkins
(Officer of the Board)

Attest by one other Board member

2000.9945 AFFIDAVIT OF MAILING
In the Matter of the Proposed Adoption
of Rules in the State Minnesota
Governing Physician Licensure

STATE OF MINNESOTA

COUNTY OF HENNEPIN

Barbara DeLong, being first duly sworn desposes and says:

That on the 30th day of September, 19 85, at the City of Minneapolis, County of Hennepin, State of Minnesota, I served the attached Notice of [~~Hearing~~/Intent to Adopt Rules Without a Public Hearing] by desposing in the [State of Minnesota Central Mail System for United States mailing ~~(or) United States mail~~] 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 State Board of Medical Examiners for the purpose of receiving notice of the proposed adoption of rules by this agency.

Barbara DeLong
Barbara DeLong

Subscribed and sworn before me
this 23 day of October, 1985
Kathleen M. Anderson

STATE OF MINNESOTA

COUNTY OF HENNEPIN

CERTIFICATE

In the Matter of the
Proposed Adoption of Rules
of the State Board of Medical
Examiners Governing Medical
Board Licensing Fees

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 State Board of Medical Examiners for the purpose of receiving notice of the proposed adoption of rules by this Board is accurate and complete as of 1:00 PM, this 18th day of November, 1985.

Jack Wallace

CITIZENS RECEIVING INFORMATION ON ALL THE RULES

Vicki McCormick
Physicians Health Plan
300 Opus Center
9900 Bren Road East
Minnetonka, MN 55343

John Tew; Gillenwater, Donovan, and Tew
705 Park Avenue
Falls Church, VA 22046

Dale C. Cameron
12546 Plaza Centrada
San Diego, CA 92128

Kathy Meyerle
Minnesota Medical Association
2221 University Avenue SE #400
Minneapolis, MN 55414

Lynn Gruber
Hennepin County Medical Society
2221 University Avenue SE #423
Minneapolis, MN 55414

Frundt, Frundt, & Johnson
Attorneys at Law
117 West 5th Street
Blue Earth, MN 56013

Broeker Hartfeldt Hedges & Grant
Attorneys at Law
2850 Metro Drive - Suite 800
Minneapolis, MN 55420

Dorsey Windhorst Hannaford Whitney
& Halladay
2300 First National Bank Building
Minneapolis, MN 55402

Minnesota State Pharmaceutical
Association
2469 University Avenue
St. Paul, MN 55114
Attn: Donald A. Dee, Exec. Dir.

Thomas M. Polt
Attorney at Law
McCarthy Bldg.
Eyota, MN 55934

Peterson Popovich Knutson & Flynn
Professional Association
314 Minnesota Bldg.
St. Paul, MN 55101

Minnesota Association of Health
Care Facilities
Attn: Rick Carter
2850 Metro Drive, Suite #429
Minneapolis, MN 55420

Minnesota Board of Optometry
Executive Secretary
717 Delaware Street SE #342
Minneapolis, MN 55414

Minnesota Board on Aging
204 Metro Square Bldg.
St. Paul, MN 55101

Minnesota Board of Psychology
Executive Secretary
717 Delaware Street SE #343
Minneapolis, MN 55414

Department of Professional Regulation
Complaint Analysis Section
2009 Apalachee Parkway
Tallahassee, FL 32301

All other health licensing boards wer
sent notices, although the notices
were not requested.

	Minimum	Maximum
Auto Driver	1109	1426
Bus Driver	1155	1487
~~Laborer~~	~~$6.64/hr.~~	~~$6.64/hr.~~

9575.1550 PREPARATION AND ADOPTION OF CLASSIFICATION PLAN.

Subpart 1. **Commissioner's duty.** The commissioner of human services shall formally adopt and make effective a comprehensive classification plan for all positions covered by chapter 9575 which shall be published as part of the ~~Public Welfare~~ Human Services Merit System Manual. The plan shall be based on investigation and analysis of the duties and responsibilities of each position, and each position shall be allocated to its proper class in the classification plan. The plan shall be developed after consultation with supervisory officials, classification specialists, and persons technically familiar with the character of the work. All classifications shall be evaluated by use of a formal job evaluation system. When complete, the classification plan shall include for each class of positions an appropriate class title, a description of the duties and responsibilities, and the minimum requirements of training, experience, and other qualifications.

Subp. 2. [Unchanged.]

9575.1570 REVISION OF PLAN.

Existing classes may be abolished or changed, or new classes added, in the same manner as the classification plan is originally adopted. All new or revised classes shall be evaluated by use of a formal job evaluation system.

9575.1580 INCUMBENTS OF RECLASSIFIED POSITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. to 6. [See Repealer.]

REPEALER. Minnesota Rules, part 9575.1580, subparts 4, 5, and 6, are repealed.

Board of Medical Examiners

Proposed Rule Relating to Medical Board Licensing Fees

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Medical Examiners proposes to 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 (1982).

Minnesota Statutes sections 147.02 and 214.06 establishes the authority for licensing boards, with the approval of the Commissioner of Finance, to adjust fees so that the total fees collected by a board will be as close as possible equal to anticipated expenditures.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained at the address below.

Because board fees are fixed by rule rather than by law, the procedures for adoption of noncontroversial rules will be used except that no public hearing will be held unless 20 percent of the persons who will be required to pay the fee submit to the Medical Board (during the 30-day period allowed for a comment) a written request for a public hearing on the proposed rule. See Minnesota Statutes, section 16A.128, subdivision 2.A. (1984).

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged;

2. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any changes proposed;

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.

3. All comments shall be submitted to David Ziegenhagen, Acting Executive Director, Minnesota Board of Medical Examiners, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

5. Under the procedure for adopting noncontroversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the attorney general for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Ziegenhagen at the above address.

6. Authority to amend Minn. rule pt. 5600.2500 is contained in Minn. Stat. §§ 16A.128, 150A.04, subd. 5, and 214.06 subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendment has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Ziegenhagen at the above address.

7. The approval of the Commissioner of Finance for amendments of rules relating to fees is required by Minn. Stat. § 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed amendments to Minn. Rules pt. 5600.2500 is available. Anyone wishing to receive a copy of this document may contact Mr. Ziegenhagen at the above address.

8. Any rule change made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the change.

Board of Medical Examiners
David Ziegenhagen
Acting Executive Director

Rules as Proposed

5600.2500 ANNUAL ~~REGISTRATION FEE~~ FEES.

The ~~annual registration fee referred to in Minnesota Statutes, section 146.13 is hereby fixed at the sum of $20.~~ fees charged by the board are fixed at the following rates:

A. examination fee, $300;

B. application fee, $100;

C. physician annual registration, $40;

D. osteopath annual registration, $40;

E. temporary graduate training permit, $15;

F. certification to other states, $10; and

G. temporary licenses, $40.

Pollution Control Agency

Proposed Rules Relating to Environment; Solid Waste Management Planning and Certificate of Need

Notice of Hearing

Notice is given that a hearing will be held pursuant to Minnesota Statutes, section 14.14, subdivision 1 (1984), in the above-entitled matter in the Minnesota Pollution Control Agency Board Room, 1935 West County Road B-2, Roseville, Minnesota, on October 30, 1985. The hearing will commence at 10:00 a.m., and continue until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules by submitting their oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Minnesota Pollution Control Agency (hereinafter "Agency" or "MPCA") proposes to adopt rules requiring all nonmetropolitan counties to have comprehensive solid waste management plans and to update those plans as conditions change. The rules also will require the Agency to certify the need for additional mixed municipal solid waste disposal capacity. The proposed rules are authorized by Minn. Stat. §§ 115A.42, 115A.46, 115A.917, and 116.07, subd. 4 (1984).

The proposed rules were published in the *State Register*, Volume 10, Number 3 on Monday, July 15, 1985, on pages 97-106 (10 S.R. 97). One free copy of the rules is available upon request from the Agency. Please contact the person whose name and address appears below. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Board of Medical Examiners Governing Medical Licensure Fees

FINDING OF FACT AND CONCLUSIONS

The above-entitled matter was considered by the Board of Medical Examiners at a meeting on November 9, 1985. One comment was received by the Board following its publication, on September 30, 1985, of a Notice of Intent to Adopt Rules Without a Public Hearing. The Board, however, chose to modify the proposed rule prior to adoption based upon the following finding:

The proposed fee rules contained a provision, identified as Minn. Rules pt. 5600.2500 E., setting a fee for temporary graduate training permits. During the 1985 legislative session, the Board's authority to issue such permits was repealed. See, Minn. Laws 1985, ch. 247 § 26, repealing Minn. Stat. §§ 147.16-147.20 (1984). Accordingly, upon adopting the rules, the Board deleted part 5600.2500 E. and re-lettered the two following fees.

As amended, the Board found the fee rules to be needed and reasonable.

Dated: November 19, 1985

Richard B. Tompkins, M.D.

RICHARD B. TOMPKINS, MD
President

2000.9960 CERTIFICATE OF RESOLUTION ADOPTING RULES

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Richard B. Tompkins, MD, do hereby certify that I am president of the Board of Medical Examiners, 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 Medical Examiners, duly and properly called and held on the 9th day of November, 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 Medical Board Licensing Fees be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 16A.128, 147.02, and 214.06 and that Richard B. Tompkins, MD, the president of the Board of Medical Examiners, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of November, 1985.

Richard B. Tompkins

OFFICER OF THE BOARD

Attest by one other Board member

STATEMENT OF NEED AND REASONABLENESS
RULE REGARDING FEES

5600.2500 ANNUAL ~~REGISTRATION~~ FEES

~~THE ANNUAL REGISTRATION FEE REFERRED TO IN MINNESOTA STATUTES, SECTION 146.13 IS HEREBY FIXED AT THE SUM OF $20.~~ THE FEES CHARGED BY THE BOARD ARE FIXED AT THE FOLLOWING RATES:

EXAMINATION FEE	$300.00
APPLICATION FEE	100.00
PHYSICIAN ANNUAL REGISTRATION	40.00
OSTEOPATH ANNUAL REGISTRATION	40.00
TEMPORARY GRADUATE TRAINING PERMIT	15.00
CERTIFICATION TO OTHER STATES	10.00
TEMPORARY LICENSES	40.00

The board proposes this new rule change in the fees which the board charges. The current rule covers the annual renewal fee, however, it is necessary for the board to access several other fees in order to cover costs. These are fees which have been in place, but have not been specified in rule. It was the concern of the board that the subject fees should be explicitly covered in the rules, so that all people involved with medical licensure will know what expenses will be incurred.

The fees listed in the proposed rule are changes already accessed by the board, with the exception of the examination fee (increased from $125 to $300) and the annual registration fees (increased from $20 to $40 per year). These two fees need to be increased to cover the board expenses, the attached request for a fee increase to the Commissioner of Finance explains the need in greater detail. The increase has been approved by the Commissioner of Finance, and the approval has also been attached.

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT BOARD OF MEDICAL EXAMINERS

TO : Allen A. Yozamp, Director
Budget Operations and Support
Department of Finance

DATE: June 21, 1985

FROM : Jack Wallace
Assistant Executive Secretary

PHONE: 623-5534

SUBJECT: Fee increase for the FLEX Examination, taken as a means of becoming licensed to practice medicine in Minnesota.

The Minnesota Board of Medical Examiners administers the FLEX (Federation Licensing Examination) as a means of meeting the requirements for licensure to practice medicine in Minnesota. The test is distributed by the Federation of State Medical Boards in the United States. This is one of the examinations which the medical board recognizes for the purpose of obtaining a medical license. The test is administered by the medical board twice a year. The applicants who take the test under the board are usually graduates of foreign medical schools or from states which don't recognize one of the board's approved examinations.

Effective for 1985, the Federation of State Medical Boards has revised the FLEX Examination. As a part of this revision they will also increase their fees from $75 to $240. Because of the uniqueness, quality, and availability of this examination, the board feels that it must continue to offer this examination, despite the drastic increase in cost. To compensate for this increase the board proposes to increase the fee charged to the applicants taking the FLEX examination from $125 to $300.

A copy of the notice from the Federation of State Medical Boards of the United States, of the increased cost of the new test has been enclosed. In order to approve this fee increase, it is my understanding that you must have an approximate breakdown on the costs involved with the fee. The following estimates are based upon an estimate that there will be 70 applicants taking this examination per year. The number will be subject to fluctuations, but over the last several years, this has been a rough approximation.

COST ITEM	COST
Test fee charged by the National Board of Medical Examiners (The NBME will charge $240 for each applicant taking the examination, which is multiplied by the seventy that are estimated to be taking the examination on an annual basis).	$16,800.00
Work by clerical personnel, figured at ninety-six hours for a Clerk/Typist II at the upper range of the pay scale. (Consists of answering questions from possible applicants, receiving and reviewing applications to take the examination, corresponding to the NBME regarding the examination, making arrangements for the examination, proctoring the examination and corresponding to the NBME and the applicants after the examination.)	811.20

COST ITEM	COST
Postage figured at one hundred regular letters and one heavier rate insured, all first class.	25.00
Paper, envelopes and other office supplies.	9.10
Long distance phone calls, figured at twelve calls, WATTS line calls during business hours.	15.20
Xeroxing, figured at six copies per applicant.	21.00
Work by executive secretary, figured at fifty-six hours for the executive secretary. (Consists of dealing with the more difficult problems of the clerical personnel and serving as head proctor for the examination.)	1,078.00
Work by part-time proctors, figured at having two proctors working nine hours per day (six days per year) at $6.50 per hour.	702.00
Rental of space for holding the examination. (Based upon the coverage in recent years.)	1,500.00

To summarize, the costs are as follows:

Test Fee	$16,800.00
Clerical Salary	811.20
Postage	25.00
Office Supplies	9.10
Phone Calls	15.20
Xeroxing	21.00
Executive Secretary Salary	1,078.00
Proctors' Salary	702.00
Space Rental	1,500.00
	$20,961.00 ✓

In order to finance the increased cost of this examination the board proposed to increase the fee charged to those applicants taking the examination from $125 to $300. Estimating that 70 applicants will take the examination, this will produce $21,000 in revenue. This will offset the cost of $20,946.50, which it will cost the board to administer the FLEX Examinaiton.

The Board of Medical Examiners realizes that this is a drastic increase in the fee to take the examination. However, the increase is almost completely caused by the increase fee charged to the board for the examinations. The board feels that it is necessary to continue to offer this examination as a route towards medical licensure, and the fee increase is necessary in order to finance the examinations. The board urges that the Department of Finance approves this fee adjustment.

cc: David Weinfurtner
Arthur Poore

BOARD OF MEDICAL EXAMINERS

Proposed Fees to Cover F.Y. 86

Anticipated Expenditures

Type of Service	Quantity	Proposed Fee	Proposed Income
Physician Annual Registration	14,500	$ 20	$290,000
Physician Application by Examination Fee	70	300	21,000
Physician Application by Endorsement Fee	800	100	80,000
Physician Temporary Graduate Training Permit	9	15	135
Physician Certification to Other States	180	10	1,800
Physician Temporary Licenses	220	40	8,800
Physician Emeritus Registration	10	5	50
Osteopathic Annual Registration	12	20	240
Physical Therapy Annual Registration	2200	5	11,000
Physical Therapy Application by Examination Fee	190	100	19,000
Physical Therapy Application by Endorsement Fee	160	15	2,400
Medical Corporation Initial Registration	60	100	6,000
Medical Corporation Renewal Registration	750	25	18,750
Physician Assistant Initial Registration	150	100	15,000
Physician Assistant Annual Registration	150	20	3,000
Physician-Physician Assistant Agreement Registration Fee	110	25	2,750
Physician/Osteopath/Physician Assistant Duplicate Registrations	50	5	250
Student Loans	variable	variable	4,000
			$484,175

F.Y. 86 Appropriations	$463,500
Anticipated Indirect Cost for Statewide Services	6,440
Anticipated Minnesota Department of Health General Support Costs	4,761
	$474,701
F.Y. 86 Balance	9,474

SF-08006-02

STATE OF MINNESOTA

DEPARTMENT BOARD OF MEDICAL EXAMINERS

Office Memorandum

TO : Allen Yozamp, Director
Budget Operations and Support
Department of Finance

DATE: June 27, 1985

FROM : Jack Wallace JW
Assistant Executive Director

PHONE: 623-5534

SUBJECT: Fee increase for the annual relicensure of physicians

Senate file 1130 has passed both houses and has been signed by the governor as Chapter 247. This statute greatly revises Chapter 147, the legislation which gives the Board of Medical Examiners the authority to regulate the medical profession and to protect the public from unethical or incompetent practices of medicine. The changes in this chapter will greatly expand the responsibilities and workload placed upon the board.

According to M.S. 16A.128 fixed fees assessed by a state agency must approximate the cost of agencies expenses. Currently, the amount of revenue generated by fees assessed by the Board of Medical Examiners approximates the cost of running the medical board. However, with the new requirements placed upon the board by Chapter 247, new sources of revenue will need to be created.

It is the intent of the medical board to produce these revenues by increasing the annual relicensure fee for physicians. The current cost of relicensure is twenty dollars per year.

In reviewing the various fees which the other state medical boards charge compared to Minnesota, the relicensure fee is relatively low. An increase in the relicensure fee would be the fairest way to increase revenues and would help to put Minnesota fees in line with the other state fees. A summary of what other states charge for the renewal of medical license is located in the appendix.

The anticipated expenses which the board will have to incur are as projected below. Following the detailed description, a line item budget will be provided.

Payroll costs. Costs for hiring new professionals and clerical personnel in order to fulfill the requirements placed upon the board by S.F. 1130. To handle and process the additional disciplinary cases which will be generated under the new law, a new assistant executive director and a clerical secretary will be hired. In addition a second new clerical secretary will be hired, who will do clerical work for the other assistant executive director and any other clerical work created by the new legislation not covered by the new discipline secretary. The cost of $70,000 is figured at $28,500 for a Health Program Representative Intermediate (the new assistant executive secretary) and $21,400 for each of the Clerk/Typist II's. These estimates include benefits.	$71,300

Office space rental. The Minnesota Department of Health has given notice to the Minnesota Board of Medical Examiners of eviction. Although the Medical Board has been given some leeway in regards to findng a new space, the board will soon be required to incur the cost of a new location. The board is currently housed in 1751 square feet of space and is charged eight dollars per square foot ($68,031 year). In seeking a new place the board is seeking an additional 1300 square feet of space. Five hundred feet will be for office space, to alleviate current crowded conditions and provide space for the newly proposed employees listed above. The remaining 800 square feet will be for a conference room for meetings and public announcements. Rent will be more expensive than it was when we originally rented from the Health Department, the board is currently estimating $14.00 per square foot. The cost breaks down as follows: $28,706

a)	Current usage of 1751 square feet x $6.00 additional cost	$10,506
b)	Space for new personnel 500 square feet x $14.000	7,000
c)	Conference room 800 square feet x $14.00	11,200
		$28,706

Moving costs. With the notice of eviction by the Health Department, the board will be required to incur the cost of moving to a new office. The cost of moving has been estimated at seven thousand dollars, based upon a board discussion on the costs of moving. This figure is only approximate and is subject to great fluctuation depending on the location and type of office that the board moves into. $ 7,000

Hiring of an outside consultant. One of the major problems facing the medical board is the problem of border medical schools, schools located in Caribbean nations which do not have medical school credentialling authorities and therefore are not subject to regulation through the board's foreign graduate requirements. To resolve this problem, the board intends to establish its own evaluation program for the border medical schools and hire an expert in medical school cirriculum and credentialling to review these schools. The consultant will be hired at $100 an hour for no more than 300 hours. $30,000

Increases in telephone/postage. This increase reflects costs associated with the new personnel activities. $ 2,800

Increases in in-state travel. New activities done by the newly hired and already existing personnel will result in an increase of in-state travel of $2,000. $ 2,000

Increase in out-state travel. $20,000

1) The consultant hired to evaluate the border medical schools will need to make on-site visits to many of the border medical schools. These schools will be asked to provide the travel costs of the consultant. However, to insure that the job will be done, the board will provide $10,000 of the traveling expenses.
2) The calculation of expenses for board and staff members to attend the annual meeting of the Federation of State Medical Boards was originally based upon meetings held in Chicago. Federation meetings are no longer held in Chicago, but are held in different sites throughout the nation. An additional $10,000 represents a more accurate reflection of actual costs associated with attending National Board meetings.

Printing and office supplies. Additional office supplies will be required for the additional staff and the new responsibilities placed upon the existing staff. Seven hundred dollars is requested for this purpose. An additional $3,800 represents the cost for printing a pamphlet for consumers: "Your Rights, How to File a Complaint". $ 4,500

Office equipment. $27,000

1) Three Desks/Chairs (reflects needs of new personnel). $1,000
2) Two Typewriters (reflects needs of new personnel). $4,000
3) Copy machine rental. The medical board currently shares a 1976 Xerox 4500 with the other nine health licensing boards. The machine is old, overworked, and under constant maintenance. In the time period of February, March and April of 1985, $1201 was required for repairs. This would average out to about one breakdown per week. Much of the problem is due to overuse, in the same three month period 102,251 copies were made (213 per working hour). In that the medical board requires an average of 10,000 copies per month, a copy machine of its own is justified and would alleviate the workload on the exising machine. The $8,000 represents the cost of renting a three year old Xerox machine near the capability of a Xerox 4500. $8,000

4. Microfilm equipment. $14,000. The board is initiating microfilming as a means of retaining older records. This is a means of saving office space and is a reflection of difficulties associated with obtaining file cabinets. The $14,000 represents the cost of a printer/reader, storage cabinet, training, labor and maintenance. $14,000

Legal costs. It is estimated that the new legislation and the pamphlet on how to make a complaint, will generate a large increase in complaints. This in turn will create an increased demand for the work of the attorney general's office. The attorney general assigns cases to his staff and assesses each state agency based on the total workload. It is estimated that the increased workload will necessitate an additional one-half special assistant attorney general ($21,200), one-half investigator ($14,100), and one-half secretary ($10,525). An additional $20,000 has been allocated for expenses for hearings and investigations. $65,825

SUMMARY

Payroll Costs	$71,300
Health program Rep-Int ($28,500)	
2 Clerk Typist II ($42,800)	
Office Space Rental	28,706
Moving Costs	7,000
Consultant Fees	30,000
Telephone/Postage	2,800
In-state Travel	2,000
Out-state Travel	20,000
Printing and Office Supplies	4,500
✓ Office Suppleis ($700)	
Pamphlet ($3,800)	
Office Equipment	27,000
Desks/Chairs ($1,000)	
Two Typewriters ($4,000)	
Copy Machine Rental ($8,000)	
Microfilm Equipment ($14,000	
Legal Costs	65,825
	$259,131

As a means of funding this increase, the board proposes to increase the fee for the annual renewal of licensure from $20 to $40. With approximately 14,500 physicians seeking renewal each year, this will provide $290,000 of extra revenue, which will offset the cost of Chapter 247 and the board's overall costs.

cc: Arthur Poore
Richard Tompkins, M.D.
David Weinfurtner

BOARD OF MEDICAL EXAMINERS

Proposed Fees to Cover F.Y. 86

Anticipated Expenditures

Source

Type of Service	Quantity	Proposed Fee	Proposed Income
Physician Annual Registration	14,500	$ 40	$480,000
Physician Application by Examination Fee	70	300	21,000
Physician Application by Endorsement	800	100	80,000
Physician Temporary Graduate Training Permit	9	15	135
Physician Certification to Other States	180	10	1,800
Physician Temporary License	220	40	8,800
Physician Emeritus Registration	10	5	50
Osteopathic Annual Registration	12	40	480
Physical Therapy Annual Registration	2,200	5	11,000
Physical Therapy Application by Examination Fee	190	100	19,000
Physical Therapy Application by Endorsement Fee	160	15	2,400
Medical Corporation Initial Registration	60	100	1,600
Medical Corporation Renewal Registration	750	25	18,750
Physician Assistant Initial Registration	150	100	15,000
Physician Assistant Annual Registration	150	20	3,000
Physician-Physician Assistant Agreement Registration Fee	110	25	2,750
Physician/Osteopath/ Physician Assistant Duplicate Registrations	50	5	250
Student Loans	variable	variable	4,000
			$774,415

F.Y. 86 Appropriations	$463,500
Cost of Expenditures Necessitated by Chapter 247	259,131
Anticipated Indirect Cost of Statewide Services	6,440
Anticipated Minnesota Department of Health General Support Costs	4,761
	$733,832
F.Y. 86 Balance	40,583

APPENDIX

Relicensure fees in other States

Note: States with the type fee crossed out, and with different figures next to the original fee, represent a revised fee. States with a new figure in parenthesis next to the original fee, represent a proposed new fee.

TABLE 14
STATES REQUIRING LICENSE REREGISTRATION BY REGISTRATION INTERVAL AND FEE

State	Registration Interval (years)	Fee
Alabama	1	$ 50
Alaska	4	600
Arizona	1	100 (135)
Arkansas	1	~~15~~ 25
California	2	200[a]
Colorado	2	~~91~~ 78
Connecticut	1	160
Delaware	2	30
District of Columbia	2	120
Florida	2	50
Georgia	2	50
Guam	2	40
Hawaii	2	150
Idaho	1	75
Illinois	2	40
Indiana	2	40
Iowa	2	100
Kansas	1	50 (75)
Kentucky	1	65
Louisiana	1	~~25~~ 50
Maine	2	75
Maryland	2	50
Massachusetts	2	100
Michigan	3	120
Minnesota	1	20
Mississippi	1	40
Missouri	1	30
Montana	1	35[h]
Nebraska	1	20
Nevada	1	75
New Hampshire	1	50
New Jersey	2	80
New Mexico	1	30
New York	3	~~120~~ (130)
North Carolina	2	25
North Dakota	1	40 (60)
Ohio	2	100
Oklahoma	1	50
Oregon	1	85[i]
Pennsylvania	2	0
Puerto Rico	3	50
Rhode Island	1	50
South Carolina	1	60
South Dakota	1	50
Tennessee	1	35
Texas	1	36
Utah	2	~~50~~ 40
Vermont	1	50
Virgin Islands	1	100
Virginia	2	50 (80)
Washington	1	60
West Virginia	2	25 (50)
Wisconsin	2	35
Wyoming	1	~~20~~ 40

[a] Fee is $100 for resident. [b] Endorsement fee $75. [c] Cost of exam will be equal to the board's cost of purchasing the exam from FSMB with an additional administrative cost of $75. [d] Plus $130 licensure fee; ($230 NJ). [e] Plus cost of FLEX and oral exam. [f] Plus cost of oral exam. [g] Fee is higher for graduate of foreign medical school. (MD add $20 and MT add $80 to examination fees listed above.)
[h] Active, $5 inactive. [i] Plus cost of FLEX. [j] Active, $45 inactive out-of-state.

DEPARTMENT : of Finance

STATE OF MINNESOTA

PHONE : 296-5188

Office Memorandum

DATE : July 18, 1985



TO : Jack Wallace, Assistant Executive Secretary
Board of Medical Examiners

FROM : Allen A. Yozamp, Director
Budget Operations and Support

SUBJECT : Fee Increase for the Flex Examination
Fee Increase for the Annual Relicensure
of Physicians

These fee increases are approved to become effective after the necessary rule making procedures have been completed.

The increase for the Flex examination fee from $125 to $300 is necessary since the Federation of State Medical Boards increased the fee for the examination from $75 to $240.

The increase from $20 to $40 for the annual relicensure of physicians is approved because of new requirements placed upon the board by Chapter 247.

BO/BN/SC/133

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Proposed Adoption of Rules of the State Board of Medical Examiners Governing Board Licensing Fees	STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General John A. Breviu, 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:

As the January 12, 1985 Authorizing Resolution of the Board of Medical Examiners states, Arthur Poore, the Board's executive secretary, was authorized to sign all rulemaking documents. In mid-August, Mr. Poore suffered a stroke, requiring that he cease all duties with the Board. David Ziegenhagen was appointed as the temporary executive director of the Board. I have attached the relevant portion of the minutes of the September 7, 1985 Board meeting to this Statement. While no new authorizing resolution was adopted permitting Mr. Ziegenhagen to sign documents specifically relating to the fee rules, I view the general authorization as adequate to permit him to sign any documents.

Dated: November 27, 1985

JOHN A. BREVIU
Special Assistant
Attorney General

MINNESOTA BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF HEALTH BUILDING, ROOM 105
717 DELAWARE STREET S.E., SUITE 352
MINNEAPOLIS, MINNESOTA 55414

PUBLIC MINUTES

1. IN THE MATTER OF: ROLL CALL

RICHARD TOMPKINS, M.D., PRESIDENT, CALLED THE MEETING TO ORDER AT 9:00 A.M. ON SATURDAY, SEPTEMBER 7, 1985. BOARD MEMBERS PRESENT WERE RICHARD TOMPKINS, M.D., PRESIDENT; JACK BERT, M.D., CHAIRMAN, DISCIPLINE COMMITTEE; CASSIUS ELLIS, M.D.; GEORGE MARTIN, M.D.; MELVIN SIGEL, M.D.; WILLIAM DONKERS, D.O.; MARY HARTMANN; MARCIA YUGEND; AND STEPHEN KELLEY, J.D. ALSO PRESENT WERE JACK BREVIU, SPECIAL ASSISTANT ATTORNEY GENERAL; PAUL ZERBY, SPECIAL ASSISTANT ATTORNEY GENERAL; DAVID ZIEGENHAGEN, ACTING EXECUTIVE DIRECTOR; AND KATHLEEN ANDERSON, OFFICE MANAGER. BOARD MEMBERS NOT PRESENT WERE WILLIAM JACOTT, M.D. AND CHESTER ANDERSON, M.D.

2. IN THE MATTER OF: AUGUST 10, 1985 PUBLIC MINUTES

IN #14 (IN THE MATTER OF CHELATION THERAPY REGULATION) IT SHOULD BE AMENDED TO SHOW THAT STEPHEN KELLEY WAS INFAVOR OF THE MOTION. ALSO DRAFT 3 DATED AUGUST 12, 1985 SHOULD BE AMENDED TO SAY "ACCORDING TO THE PROTOCOL OF THE DOUBLE BLIND STUDY." ALL WERE IN FAVOR OF APPROVING THE MINUTES AND THE ATTACHMENTS AS CORRECTED.

IN THE MATTER OF: AUGUST 10, 1985 PRIVATE MINUTES

A MOTION WAS MADE BY DR. MARTIN AND SECONDED BY MARY HARTMANN TO APPROVE THE PRIVATE MINUTES WITH THE CORRECTION OF #9. MOTION CARRIED UNANIMOUSLY.

IN THE MATTER OF: AUGUST 10, 1985 PHYSICAL THERAPY MINUTES

A MOTION WAS MADE BY DR. SIGEL AND SECONDED BY MARY HARTMANN TO APPROVE THE PHYSICAL THERAPY MINUTES. MOTION CARRIED UNANIMOUSLY.

IN THE MATTER OF: CONFERENCE CALL MINUTES

A MOTION WAS MADE BY DR. MARTIN AND SECONDED BY MARY HARTMANN TO APPROVE THE CONFERENCE CALL MINUTES WITH THE AMENDMENTS. MOTION CARRIED UNANIMOUSLY.

3. IN THE MATTER OF: TEMPORARY EXECUTIVE DIRECTOR

A MOTION WAS MADE BY STEPHEN KELLEY AND SECONDED BY DR. ELLIS TO ADOPT THE RESOLUTION WHICH APPOINTS DAVID ZIEGENHAGEN AS THE BOARD'S TEMPORARY EXECUTIVE DIRECTOR. MOTION CARRIED UNANIMOUSLY. A COPY IS ATTACHED HERETO MADE A PART OF THESE MINUTES.

4. IN THE MATTER OF: OFFICE PROCEDURES

THE ATTACHED MEMORANDUM FROM DAVID ZIEGENHAGEN WAS DISCUSSED, AND MR. ZIEGENHAGEN PRESENTED AN EXTENSIVE ORAL UPDATE ON THE OFFICE. A MOTION WAS MADE BY MARY HARTMANN AND SECONDED BY DR. ELLIS TO RECONFIRM ITS COMMITMENT TO TAKE IMMEDIATE, EFFECTIVE, CORRECTIVE ACTION INCLUDING BUT NOT LIMITED TO THE MANAGEMENT OF THE BOARD OF MEDICAL EXAMINERS OFFICE PROCEDURES, CASE AND COMPLAINT MANAGEMENT AND LICENSURE. MOTION CARRIED UNANIMOUSLY.

5. IN THE MATTER OF: HIRING OF NEW EXECUTIVE DIRECTOR

A MOTION WAS MADE BY STEPHEN KELLEY AND SECONDED BY DR. DONKERS THAT THE BOARD AUTHORIZE THE PERSONNEL COMMITTEE TO SUPERVISE THE PROCESS OF RECRUITING A NEW EXECUTIVE DIRECTOR AND THAT THE PERSONNEL COMMITTEE INTERVIEW THOSE PERSONS THAT IT THINKS SHOULD BE INTERVIEWED AND THAT THE COMMITTEE MAKE A RECOMMENDATION OF AN INDIVIDUAL TO THE BOARD TO BE HIRED AS THE PERMANENT EXECUTIVE DIRECTOR. MOTION CARRIED UNANIMOUSLY WITH ONE ABSTENTION.

6. IN THE MATTER OF: HIRING OF ASSISTANT EXECUTIVE DIRECTOR

A MOTION WAS MADE BY MARY HARTMANN AND SECONDED BY STEPHEN KELLEY THAT THE EXECUTIVE DIRECTOR SELECT THE NEW ASSISTANT EXECUTIVE DIRECTOR.

RESPECTFULLY SUBMITTED,

MARCIA YUGEND,
SECRETARY-TREASURER

MOTION

WHEREAS, on August 18, 1985, the Minnesota Board of Medical Examiners, at a special meeting, voted to retain David Ziegenhagen as its acting Executive Director; and

WHEREAS, Mr. Ziegenhagen has been performing the duties of acting Executive Director since August 19, 1985; and

WHEREAS, the Board now appoints Mr. Ziegenhagen as its temporary Executive Director;

NOW THEREFORE, the Board hereby ratifies all official actions taken by Mr. Ziegenhagen in his capacity as its acting Executive Director and delegates to him authority to perform all of the duties and responsibilities of the Executive Director, including the signing of subpoenas, Orders for Hearing, and other official documents of the Board until either the expiration of his appointment as temporary Executive Director or other formal action of this Board.