

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1284 03.0009.0415

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 6-18-86
DATE FOR REVIEW 6-27-86
DATE DUE 7-2-86

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

Approved 6/30/86 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 6-24-86
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 6-13-86 Date

NA Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
NA date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking no reference to hearing cite if necessary
? Sufficiency contains small biz statement

✓ Affidavit of Mailing Notice or rulemaking
4-23-86 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3-17-86 At least 30/~~20~~ days prior to ~~hearing~~/adoption

NA Hearing Examiner's Report

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

↓ Agency's Findings of Fact

NA LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

NA Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

NA 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

NA Affidavit of Mailing Notice of Submission to Attorney General

↓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

KENT J. ERICKSON, DC
Executive Director, Board of Chiropractic Examienrs

TO:
ATTN: ROBERT T. HOLLEY
Special Assistant Attorney General

DATE: 6/30/86

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of Fee Rule Amendments

The above-referenced rule has been approved as to its legality by the Attorney General on June 30, 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.

JMM:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1284

Board of Chiropractic Examiners

Adopted Rules Relating to Chiropractic License Fees

Rules as Adopted

2500.1000 LICENSE APPLICATION FEE.

Applications for licensure must be accompanied by a fee of $150.

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

Subpart 1. [Unchanged.]

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of $100, plus any applicable penalty fee as set forth in part 2500.1300. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

Subp. 3. **Penalty fees.** A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of $10 per month for each month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed $100.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 30 1986
Joan Anderson Growe
Secretary of State
2:04 PM

APPROVED AS TO FORM AND LEGALITY
6/30 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Board of Chiropractic Examiners

adopted
~~Proposed~~ Rules Relating to Chiropractic License Fees

adopted
Rules as ~~Proposed~~

2500.1000 LICENSE APPLICATION FEE.

Applications for licensure must be accompanied by a fee of ~~$75~~ $150.

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

Subpart 1. [Unchanged.]

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of ~~$75~~ $100, plus any applicable penalty fee as set forth in part 2500.1300. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

Subp. 3. **Penalty fees.** A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of ~~$5~~ $10 per month for each month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed ~~$50~~ $100.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of
Fee Rule Amendments

ORDER ADOPTING
RULES

Notice of the Board's intent to adopt the above entitled rules amendments without a public hearing was published in the State Register on March 17, 1986, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on April 23, 1986. After affording interested and affected persons an opportunity to submit comments for 30 or more days after Notice, receiving requests for a public hearing within the comment period from fewer than 20 percent of the persons who will be required to pay the proposed fees, reviewing and considering the comments and determining the need for and reasonableness of the above-captioned rules amendments,

NOW, THEREFORE, IT IS ORDERED that these amendments to Minn. Rules pts. 2500.1000 and 2500.1100 are adopted this 13 day of June, 1986 pursuant to authority vested in the Board by Minnesota Statutes sections 16A.128, 148.05, 148.06, subd. 1, 148.07, subd. 1, 148.08, subd. 3, and 214.06.

Dated: June 13, 1986

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

ROBERT L. THATCHER, DC
President

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of
Fee Rule Amendments

ORDER FOR NOTICE OF
INTENT TO AMEND RULES
WITHOUT A PUBLIC HEARING

IT IS ORDERED this 21st day of February, 1986, that a Notice of Intent to Amend Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Board of Chiropractic Examiners for that purpose and be published in the State Register.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Kent J. Erickson D.C.

KENT J. ERICKSON, DC
Executive Director

CERTIFICATE OF BOARD

OF CHIROPRACTIC EXAMINERS

AUTHORIZING RESOLUTION

I, Kent J. Erickson, D.C., do hereby certify that I am the Executive Director of the Board of Chiropractic 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 Chiropractic Examiners duly and properly called and held on the 21st day of June, 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 Kent J. Erickson, D.C., Executive Director of the Board of Chiropractic 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 amend without a public hearing Board rules governing license application fees, license renewal fees, and penalty fees, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31 day of December, 1985

Kent J. Erickson D.C.

Jeanette M. Hyzy

Attest

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of
Fee Rule Amendments

NOTICE OF INTENT TO AMEND
RULES WITHOUT A PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners (hereinafter "Board") proposes to amend Minn. Rules pts. 2500.1000 and 2500.1100. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules will be used, except that no public hearing will be held unless at least 20 percent of the persons who will be required to pay the proposed fees submit a written request for a public hearing to the Board during the 30-day comment period described below. See, Minnesota Statutes, section 16A.128, subdivision 2.a. (Minn. Laws 1985, 1 Sp. 13, § 101).

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 comments, and any change proposed.

3. If 20 percent or more of the persons who will be required to pay the proposed fees submit a written request for a public hearing during the 30-day comment period, a public hearing will be held.

4. All comments, including requests for a public hearing, shall be submitted to Kent J. Erickson, D.C., Executive Director, Minnesota Board of Chiropractic Examiners, Room 102, Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114-1089.

5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

6. 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.

7. 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 Dr. Erickson at the above address.

8. Authority to amend Minn. Rules pts. 2500.1000 and 2500.1100 is contained in Minn. Stat. §§ 16A.128, 148.05, 148.06, subd. 1, 148.07, subd. 1, 148.08, subd. 3, and 214.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Dr. Erickson at the above address.

9. The approval of the Commissioner of Finance for amendments or 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 pts. 2500.1000 and 2500.1100 is available. Anyone wishing to receive a copy of this document may contact Dr. Erickson at the above address.

10. Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural

land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process. 14

11. 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.

Dated: February 11, 1986

BOARD OF CHIROPRACTIC EXAMINERS

Kent J. Erickson D.C.

KENT J. ERICKSON, D.C.
Executive Director

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN

In the Matter of Amendments to Chiropractors

AFFIDAVIT OF MAILING

Being first duly sworn, deposes and says:

That on the 23rd day of April, 1986, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Intent to Amend Rules Without a Public Hearing 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 Board of Chiropractic Examiners for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Board of Chiropractic Examiners.

Jeanette M. Hyzer
Secretary

Subscribed and sworn to before me
this 23rd day of April, 1986

Alice D. Hummel

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of Amendments to
Chiropractors

CERTIFICATE OF
AGENCY'S MAILING LIST

I, Jeanette M. Hyzy, hereby certify that I am responsible for maintaining the list of all persons who register with the Minnesota Board of Chiropractic Examiners for the purpose of receiving notices of rulemaking, pursuant of Minn. Sta. 148.01 - 148.101, 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 9:30 am, this 23rd day of April 1986, have so registered with the Minnesota Board of Chiropractic Examiners.

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Jeanette M. Hyzy
Secretary

WASTE MANAGEMENT BOARD

9200.6000-.6800 [Emer] (extended) 1854

DEPARTMENT OF PUBLIC WELFARE (Now HUMAN SERVICES)

9500.0500; 9555.3401; .3403; .3404; .3406; 9500.0530 i.E (repealed) 1715
9500.0510 to .1202; .0520 to .1204; 9555.3400 to 9500.1206; 9500.0530 to .1208; .0531 to .1210; .0532 to .1212; .0540 to .1234; .0555 to .1236; .0560 to .1238; .0570 to .1240; .0580 to .1242; .0590 to .1244; .0600 to .1246; .0610 to .1248; 9555.3402 to 9500.1249; 9555.3408 to 9500.1250; 9555.3409 to 9500.1252 (renumbered) 1715
9500.0820, s.6 [Emer] (proposed repealer) 1814
9500.0940 [Emer] (proposed supercession) 1814
9500.1101-.1108 [Emer] (extended) 1688
9500.1200; .1206; .1254; .1256 (adopted) 1715
9500.1204; .1206; s.7,10,28; .1208; .1234; .1236; .1244; .1249 (proposed repealer) 1797
9500.1205; .1209; .1214-.1232 (proposed) 1797
9500.1210-.1221 [Emer] (extended) 1688
9502.0315-.0365; .0375-.0445 (proposed) 1573
9502.1315, s.23; .0415, s.2,11 (proposed repealer) 1573
9505.0211 [Emer] (proposed) 1814
9505.0212 [Emer] (proposed) 1814
9515.1200; .1300; .1400; .1600; .1700; .2200; .2300; .2400; .2500; .2600 (adopted) 1589
9515.1200, s.9; .2300, s.1 (repealed) 1589
9525.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100 (proposed repealer) 1781
9525.0015-.0165 (proposed) 1781
9525.0015-.0165 (errata) 1869
9525.1220 (proposed) 1708
9549.0050-.0059 (proposed) 1656
9549.0050-.0059 [Temp] (notice) 1856
9553.0010-.0080 (adopted) 1502
9575.0010; .0300; .0320; .0340; .0350; .1070; .1400; .1500; .1550; .1570; .1580 (adopted) 1507
9575.1580, s.4-6 (repealed) 1507

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Chiropractic Examiners

Proposed Rules Relating to Chiropractic License Fees

Notice of Intent to Amend Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners (hereinafter "Board") proposes to amend Minn. Rules pts.2500.1000 and 2500.1100. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules will be used, except that no public hearing will be held unless at least 20 percent of the persons who will be required to pay the proposed fees submit a written request for a public hearing to the Board during the 30-day comment period described below. *See*, Minnesota Statutes, section 16A.128, subdivision 2.a. (Minn. Laws 1985, 1 Sp. 13, § 101).

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 comments, and any change proposed.

3. If 20 percent or more of the persons who will be required to pay the proposed fees submit a written request for a public hearing during the 30-day comment period, a public hearing will be held.

4. All comments, including requests for a public hearing, shall be submitted to Kent J. Erickson, D.C., Executive Director, Minnesota Board of Chiropractic Examiners, Room 102, Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114-1089.

5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

6. 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.

7. 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 Dr. Erickson at the above address.

8. Authority to amend Minn. Rules pts.2500.1000 and 2500.1100 is contained in Minn. Stat. §§ 16A.128, 148.05, 148.06, subd. 1, 148.07, subd. 1, 148.08, subd. 3, and 214.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Dr. Erickson at the above address.

9. The approval of the Commissioner of Finance for amendments or 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 pts.2500.1000 and 2500.1100 is available. Anyone wishing to receive a copy of this document may contact Dr. Erickson at the above address.

10. Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

11. 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.

February 11, 1986

Kent J. Erickson, D.C.
Executive Director

Rules as Proposed

2500.1000 LICENSE APPLICATION FEE.

Applications for licensure must be accompanied by a fee of ~~$75~~ $150.

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

Subpart 1. [Unchanged.]

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of ~~$75~~ $100, plus any

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.

applicable penalty fee as set forth in part 2500.1300. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

Subp. 3. **Penalty fees.** A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of ~~$5~~ $10 per month for each month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed ~~$50~~ $100.

Department of Labor and Industry

Proposed Rules Relating to Workers' Compensation; Division Rules of Practice

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Department of Labor and Industry, Workers' Compensation Division, proposes to adopt the above-captioned amendments to Minn. Rules, parts 5220.2500-5220.5000 without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22-14.28 (1984).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed amendments. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

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

Steve Keefe
Commissioner, Department of Labor and Industry
5th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these amendments is contained in Minn. Stat. § 175.17(2) and 176.83, subdivisions 1, 7, 8, 9 and 15 (1984). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The Commissioner has determined that these rules do not have impact on small businesses directly. The duties contained in the rules are imposed upon self-insured employers which are by definition not small businesses, and insurers which are also not small businesses.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the *State Register*. The amendments revised and expand the Rules of Practice of the Workers' Compensation Division found in Minn. Rules, parts 5220.2500-5220.5000. The Rules of Practice provide procedural rules for the handling of nonlitigated workers' compensation claims before the Department of Labor and Industry. They include procedures for filing medical reports and notices, attorney fee requests following administrative conferences, peace officer death benefit claims, and procedures for administrative conferences, penalty assessments, allocation of dependency benefits, commencement of payment, and other miscellaneous procedures.

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Robert L. Thatcher, do hereby certify that I am a member of the Minnesota Board of Chiropractic 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 Chiropractic Examiners, duly and properly called and held on the 13th day of June, 1986, 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 amendments published at 10 S.R. 1878 relating to fees hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 16A.128, 148.05, 148.06, subd. 1, 148.07, subd. 1, 148.08, subd. 3, and 214.06 and that the President or another officer of the Board of Chiropractic Examiners, be and hereby is authorized to sign an order adopting these rules amendments and further is authorized to perform the necessary acts to provide that these rules amendments shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of June, 1986.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Robert L. Thatcher, DC

Board Member

Attest:

Wilma E. Behm DC

Board Member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of Proposed Amendments to Chiropractic Rules Relating to Fees, Minn. Rule pts. 2500.1000 and 2500.1100

STATEMENT OF NEED FOR AND FACTS ESTABLISHING REASONABLENESS OF AMENDMENTS

Pursuant to Minn. Stat. § 14.23 (1984), the Minnesota Board of Chiropractic Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of proposed amendments to Minnesota Rules, parts 2500.1000 and 2500.1100, relating to fees.

In order to adopt the proposed amendments, the Board must demonstrate that it has complied with all procedural and substantive requirements for rulemaking. Those requirements are as follows: 1) there is statutory authority to adopt the rules; 2) the rules are needed; 3) the rules are reasonable; 4) all necessary procedural steps have been taken; and 5) any additional requirements imposed by law have been satisfied. This Statement demonstrates that the Board has met these requirements.

1. STATUTORY AUTHORITY

The statutory authority of the Board to adopt these rules is as follows:

Minnesota Statutes, §§ 148.05 and 148.08 (1984), authorize the Board to promulgate licensure fee and other rules necessary to administer sections 148.01 to 148.101.

Minnesota Statutes, §§ 16A.128 (Supp. 1985) and 214.06 (1984), require the Board to adjust any fee which the Board is empowered to assess a sufficient amount so that the total fees collected will as closely as possible equal anticipated expenditures, including support costs and statewide indirect costs attributable to the fee function.

2. STATEMENT OF NEED

The Board has reviewed its anticipated expenditures for 1986 and found that if its revenue is derived from existing fees, the Board's expenditures would exceed revenue by more than $45,000. Thus, the Board would not be in compliance with Minnesota Statutes, sections 16A.128 and 214.06. Therefore, the need for the Board to adjust its fees is so that the Board can comply with the statute.

3. STATEMENT OF REASONABLENESS

Board expenditures are rising for a number of reasons. Effective January 6, 1986, the Board was required to relocate and did relocate its offices, with resultant lease changes. The number of chiropractic applicants and licensees continues to increase. The Board also requires an accompanying increased need for the Attorney General's Office's services. The increased fees were determined and assigned according to the persons utilizing the Board's services. For example, increasing the current exam fee from $75.00 to $150.00 more closely relates to the actual examination costs. The exam fee includes administration, exam development, actual testing, correction and license issuance costs. Moreover, the Board is unable to further reduce its own functions and services to offset such cost increases. For the foregoing reasons, the fee increases being sought are wholly reasonable. See also the Finance statement attached hereto.

4. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minnesota Statutes, sections 14.05-14.12 and 14.22-14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures applicable to all rules, Minnesota Statutes, sections 14.05-14.12, have been complied with by the Board as noted below. Because Board fees are fixed by rule rather than by statute, the procedures for adoption of noncontroversial rules in sections 14.22 to 14.28 are being used, except that no public hearing is presently

planned and need not be held unless 20 percent of those affected by the proposed amendments make a timely written request for a hearing. See Minn. Stat. § 16A.128, subd. 2.a.

The adoption of these rules will not require the expenditure of public money by local public bodies, nor do the rules have any impact on agricultural land. See, Minn. Stat. § 14.11. The adoption of these rules could have a negligible effect on small businesses as discussed below. See Minn. Stat. § 14.115.

Pursuant to Minnesota Statutes, section 14.23, the Board has prepared this Statement of Need and Reasonableness which is available to the public. The Board will publish a Notice of Intent to Amend the Rules Without a Public Hearing in the State Register and mail copies of the notice and proposed amendments to persons registered with the Minnesota Board of Chiropractic Examiners pursuant to Minnesota Statutes, section 14.14, subdivision 1.a. The notice will include the following information: a) that the public has 30 days in which to submit comments on the proposed amendments and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held pursuant to Minn. Stat. § 16A.128, subd. 2.a, unless 20 percent of those affected request a hearing in writing within the 30-day comment period; c) that the rule may be modified if modifications are supported by data and the views submitted; and d) that 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, and giving information on how to request the notice.

The Board will submit the proposed amendments and notice as published, the amendments as proposed for adoption, any written comments which have been received, and this Statement of Need and Reasonableness to the Attorney General for approval of the amendments as to legality and form.

These rules will become effective five working days after publication of a notice of adoption in the State Register.

5. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee adjustment is required to be fixed by rule, the Commissioner of Finance must approve the adjustment, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed amendments to sections 2500.1000 and 2500.1100 is contained in the attached document.

Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small businesses as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1984). The Board noted that the suggested methods for reducing the impact of the rules on small business concern compliance and reporting requirements and performance standards. Since the proposed amendments merely raise fees charged by the Board, there would appear to be no impact or significant affect on small business.

Nevertheless, any small businesses which believe they may be affected by the proposed amendments will have an opportunity to participate in the rulemaking procedure. Further, a notice of the proposed rulemaking will be mailed to the Minnesota Chiropractic Association, an organization which will likely represent small businesses affected by the amendments.

Dated: March 14, 1986

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Kent J. Erickson

KENT J. ERICKSON, DC
Executive Director

SF-00506-03

STATE OF MINNESOTA

DEPARTMENT Minnesota Board of Chiropractic Examiners

Office Memorandum

TO: John Schorn
Executive Budget Office
Attn: Allen A. Yozamp

DATE: December 26, 1985

FROM: Kent Erickson, D. C. KE
Executive Director

PHONE: 623-5430

SUBJECT: Adjustment in Board of Chiropractic Fees

Minn. Stat. 214.06 and Minn. Stat. 16A.128 authorized the Board of Chiropractic, with the approval of the Commissioner of Finance, to proceed with rule changes in order to adjust any fees which the Board is empowered to assess a sufficient amount so that total fees collected by the Board will, as closely as possible, equal anticipated expenditures during the fiscal biennium.

The Board proposes to implement the fees shown on Attachment I during Fiscal Year 1986. By doing so the anticipated receipts are expected to cover anticipated expenditures based on our current proposed budget.

The fee increase is due to the relocation of all health boards and new personnel addition of .8 time position approved at the October 3, 1985 LAC (Legislative Advisory Commission) Meeting. The changes to this proposal from my October 3, 1985 proposal is due to a late Attorney General's billing for fiscal 1985 received this fall fiscal 1986.

The attached data is submitted in support of the Board's request for your authorization of the proposed changes.

enc.
cc: Nancy Feldman
Executive Budget Officer

APPROVED: John M. Schorn
JOHN M. SCHORN
FINANCE AGENCY CONTROLLER
12/30/85
DATE

Approved: Charlie Bieleck
Charlie Bieleck, Acting Director
Budget operations and Support
Date: 1/2/86

ATTACHMENT 1

CHIROPRACTIC BOARD FEE REVISIONS

Type	Est. No.	Current Fee	Est. Receipts
Exam Fee	130	$ 75.00	$ 9,750.00
Corp. Renewals	100	25.00	2,500.00
New Corporations	5	100.00	500.00
Individual Renewals	1,250	75.00	93,750.00
Penalties, etc.	450	5.00	2,250.00
Estimated receipts - Current fees =			$108,750.00

Type	Est. No.	Proposed Fee	Est. Receipts
Exam Fee	130	$ 150.00	$ 19,500.00
Corp. Renewals	100	25.00	2,500.00
New Corporations	5	100.00	500.00
Individual Renewals	1,250	100.00	125,000.00
Penalties, etc.	450	10.00	4,500.00
Estimated receipts - Proposed fees:			$152,000.00

Estimated Costs -- F.Y. 1986

Appropriation	$ 65.6
.8 Position (Type 5)	15.6
Est. Salary Supplement Adj.	2.5
SWA Indirect Costs	1.8
MHD Indirect Costs	1.3
A.G. Cost Estimate(45+16)	61.0
Increased Rental: Relocation Costs	8.3
Estimated F.Y. 1986 Total	$ 156.1

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of
Fee Rule Amendments

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Robert T. Holley, do hereby declare that I have examined the above-captioned 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: June 13, 1986

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

Minnesota Board of Chiropractic Examiners

2700 University Avenue West, Suite 102, St. Paul, Minnesota 55114-1089 Telephone: (612) 642-0591

June 13, 1986

Office of the Minnesota Attorney General
204 State Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Attention: Judith Wehrwein

Re: In the Matter of Fee Rule Amendments

Dear Ms. Wehrwein:

Herewith submitted for your review under Minn. Stat. § 14.26 (Supp. 1985) and Minn. Rules pt. 2000.0400, subps. 1-6 are the following noncontroversial rulemaking documents of the Minnesota Board of Chiropractic Examiners in the above subject matter:

1. certificate of Board's resolution adopting rules (Reference: Minn. Rules pt. 2000.0400, subp. 1.A);

2. order for notice of intent to amend rules without a public hearing (Reference: id. at subp. 1.C);

3. certificate of Board's authorizing resolution (Reference: id. at subp. 1.D);

4. mailing list certificate (Reference: id. at subp. 1.E);

5. statement of need and reasonableness (Reference: id. at subp. 1.G);

6. statement of compliance with rulemaking procedures (Reference: id. at subp. 1.J);

7. notice of intent to amend rules without a public hearing (Reference: id. at subp. 2);

8. affidavit of mailing notice of intent to amend rules without a public hearing (Reference: id. at subp. 3);

9. copy of rule as proposed and published in State Register (Reference: id. at subp. 4);

10. rule as adopted (4 copies) (Reference: id. at subp. 5);

11. order adopting rules (Reference: id. at subp. 6).

Please note that no written comments or requests for a hearing were received in response to the notice of intent to amend rules without a public hearing, that no one requested notice of this submission to the Attorney General, and that the rules as adopted are precisely identical to the rules as proposed. Further, the requirements of Minn. Rules pt. 2000.0400, subp. 1.B and H are not applicable to this proceeding.

If there are any questions about the amendments or if anything further may be required relative to your review, please call me (642-0591) or Robert Holley (341-7272) at your earliest convenience.

Sincerely,

Kent J. Erickson D. C.

KENT J. ERICKSON, DC
Executive Director

KJE:lb

Enclosures

cc: Robert Holley