

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1315 Docket No. 05.0009.0480

DATE RECEIVED 9-17
REVIEW DATE 9-26
DUE DATE 9-30 10/13/86 ← Rule Resubmitted to Revisor on 9/30
APPROVED 10/9/86 ← 10/1
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE
REVISOR APPROVED
REVISOR DISAPPROVED
FILED W/SEC. STATE 10/10
RETURNED TO AGENCY 10/10

✓ Rule as adopted (4 copies)

___ ~~Notice to Solicit Outside Information/Opinion~~
___ Date published in State Register
___ Comments

___ ~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule (State Register)
___ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
16A.128 14G.13(1989) Statutory Authority
~~None~~ YES Small business statement
~~None~~ YES Expenditure of public money statement
David Ziegenhagen Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Aug 4, 1986 Date (30)/25 days before adoption

✓ Publication in State Register
Aug 11, 1986 Date (30)/25 days before adoption

✓ ~~Resolution Adopting~~ Resolution Adopting

✓ ✓ Findings of Fact, Conclusions & Order Adopting
Sept 13, 1986 Date

___ ~~Written requests, submissions or comments~~

✓ Declaration of attorney
John A Brevik Name of SAAG representing agency

___ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney~~ General

✓ order for notice of intent to adopt
✓ certificate

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: DAVID ZIEGENHAGEN
Minnesota Board of Medical Examiners

DATE: 10/10/86

ATTN: JOHN A. BREVIU
Special Assistant Attorney General

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Adopted Permanent Rules Relating to Fees

The above-referenced rule has been approved as to its legality by the Attorney General on October 9, 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/rmk
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1315

Board of Medical Examiners

Adopted Permanent Rules Relating to Fees

Rules as Adopted

5600.2500 ANNUAL FEES.

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

A. physician examination fee, $425;

B. physician application fee, $100;

C. physician annual registration, ~~$80~~ $55;

D. physician certification to other states, $10;

E. physician temporary licenses, $40;

F. physician late fee, $40;

G. physical therapist application fee, $40;

H. physical therapist examination fee, $90;

I. physical therapist annual registration, $15;

J. physical therapist late fee, $7; and

K. physical therapist certification to other states, $10.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 10 1986
Joan Anderson Growe
Secretary of State 9:46 AM

APPROVED AS TO FORM AND LEGALITY
10/9 19 86
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
ASSISTANT ATTORNEY GENERAL

Board of Medical Examiners

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H. physical therapist examination fee, $90;

I. physical therapist annual registration, $15;

J. physical therapist late fee, $7; and

K. physical therapist certification to other states, $10.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

Board of Medical Examiners

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H. physical therapist examination fee, $90;

I. physical therapist annual registration, $15;

J. physical therapist late fee, $7; and

K. physical therapist certification to other states, $10.

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, George B. Martin, Jr., MD, 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 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 10th day of May, 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 David Ziegenhagen, Acting Executive Director of the Board of Medical Examiners, is hereby granted the authority and directed to sign and to give the Notice of Proposed Adoption of a Rule Without a Public Hearing governing all fees charged by the Board for physicians, physical therapists and physician assistants, including license fees, renewals, late fees, and examination fees, to all persons who have registered their names with the Board for that purpose, to publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of May, 1986.

GEORGE B. MARTIN, JR., MD
President

Stephen P. Kelley
Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
of Medical Examiners

NOTICE OF INTENT TO
ADOPT A RULE WITHOUT
A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") proposes to amend the above-entitled rule without a public hearing. The Board has determined that the proposed rule changes will be noncontroversial in nature pursuant to Minn. Stat. § 16A.128 (1984) and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1984).

Interested persons shall have 30 days in which to submit comments in support of or in opposition to the proposed rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment being addressed, the reason for the comment, and any change proposed. The proposed rule amendment may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

PLEASE NOTE THAT NO PUBLIC HEARING WILL BE HELD ON THIS RULE AMENDMENT UNLESS 20% OR MORE OF THE PERSONS WHO WILL BE REQUIRED TO PAY THE FEES REQUEST SUCH A HEARING.

Persons who wish to should submit comments or requests to:

David Ziegenhagen
Executive Director
Minnesota Board of Medical Examiners
Suite 106
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0538

The statutory authority of the board to adopt the proposed rule amendment is contained in Minn. Stat. §§ 16A.128 and 146.13 (1984).

If adopted, the proposed rule amendment would set the fees for admission to examination, licensure, renewal of license, and late fees.

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule amendment and identifies the data and information relied upon to support the proposed changes has been prepared and is also available from the Board upon request.

Promulgation of the proposed rule amendment will not result in the expenditure of public monies by local public bodies. In accordance with Minn. Stat. § 14.115 (1984), the Board's consideration of any such effect on small business will be addressed in the Statement of Need and Reasonableness. Persons representing small businesses are invited to participate in the rulemaking process.

Upon adoption of the final rule amendment without a public hearing, the proposed changes, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rule amendment as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial changes. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule amendment as proposed for adoption, should submit a written statement of such request to David Ziegenhagen.

Dated: August 4, 1986

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

DAVID ZIEGENHAGEN
Executive Director

Board of Medical Examiners

Proposed Rule Relating to Fees

Rule as Proposed

5600.2500 ANNUAL FEES.

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

A. physician examination fee, ~~$300;~~ $425;

B. physician application fee, $100;

C. physician annual registration, ~~$40;~~ $80;

~~D.--osteopath-annual-registration;-$40;~~

D. physician certification to other states, $10;

E. physician temporary licenses, $40;

F. physician late fee, $40;

G. physical therapist application fee, $40;

H. physical therapist examination fee, $90;

I. physical therapist annual registration, $15;

J. physical therapist late fee, $7; and

K. physical therapist certification to other states, $10.

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF MEDICAL EXAMINERS

In the Matter of Proposed
Amendments to Rules Relating
to Fees, Minn. Rule part
5600.2500

STATEMENT OF NEED FOR AND
FACTS ESTABLISHING
REASONABLENESS OF AMENDMENTS

Pursuant to Minnesota Statute §14.23 (1984), the Minnesota Board of Medical Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the the reasonableness of proposed amendments to Minnesota Rules, part 5600.2500, 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. These 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, §§ 147.01, 147.02, 147.03, 147.037, 148.705, 148.73 (1984), authorize the Board to promulgate licensure fees and other rules necessary to administer sections 147.01 to 147.151 and 148.65 to 148.78.

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 1987 and found that if its revenue is derived from existing fees, the Board's expenditures would exceed revenue by more than $579,000. Thus, the Board would not be in compliance with Minnesota Statutes, §§ 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. In 1985, the Medical Practice Act (Chapter 147) was amended to substantially increase the Board's statutorily mandated activities in licensing and discipline of physicians and physical therapists. The largest increase in costs resulting from these changes is in the area of enforcement actions involving physicians and physical therapists who violate the Medical Practices Act or statutes relating to practice of physical therapy. In addition to increased numbers of consumer complaints against physicians and physical therapists, reports involving physicians required to be submitted by medical organizations and individual licensed health professionals have resulted in substantially increased legal and enforcement activities. The investigation and discipline of problem professionals, and professionals with problems, has direct cost impact on Board investigative and legal services.

In January 1986 the Board was required to relocate and did relocate its offices with resultant lease changes. Also, the number of license applicants is increasing, and as a result of 1985 amendments to the Medical Practices Act, the Board is now required to personally interview each physician applicant.

During F.Y. 86, approximately 900 new license applications were received. The Board anticipates processing of approximately 950-975 applications during F.Y. 87. In addition, the Board anticipates receiving 150 applications from

physical therapists. Staff processing of each application requires approximately two hours per application. Activities include verification of all education and work experience, searching national data bases for licensure and discipline histories in other states, preparing application documentation for review by the Licensure Committee and full Board, and investigating and verifying any adverse legal information concerning malpractice suits and disciplinary actions in other jurisdictions. Senior staff or Board members interview each physician applicant, a process which requires an average of 20 minutes per applicant.

Physical therapist applicants are reviewed by the Physical Therapy Advisory Council. Total direct staff costs plus office space and indirect costs for physical therapy licensing, annual renewal, discipline and Advisory Council activities, exclusive of testing, are approximately $40,000 per year, an amount which must be covered by application and renewal fees.

The single largest increase is in the area of investigative and legal costs charged to the Board by the Attorney General's office, estimated to increase from $200,000 to $350,000.

Costs directly related to the testing of licensure applicants are being increased by the Federation of State Medical Boards and the Professional Examination Services, and these costs will be passed on to new applicants.

Examination fees charged to the Board by the Federation of State Medical Boards for each person taking the FLEX licensing examination in Minnesota will increase during 1987 from $240 to $365. Direct cost attributed to the processing of applications and administration of the FLEX exam, including staff time, hiring proctors and rental of examination facilities, are projected to remain $60 per applicant. Thus, the Board is proposing to increase the examination fee charged to physician applicants from $300 to $425, based solely on the $125 increase announced for 1987 by the Federation.

Physical therapists who apply to take the Professional Examination Service (PES) exam for licensure presently pay a fee of $75. This is the amount which the Board pays PES and does not include any provision for administrative costs, which are estimated at $15 per applicant. Thus, the Board is proposing to increase the physical therapist examination fee from $75 to $90.

The examination fees include administration, examination development, actual testing, scoring 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 §§ 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 §§ 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 non-controversial 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 Minnesota Statute § 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. Minnesota Statute § 14.11. The adoption of these rules could have a negligable effect on small businesses as discussed below. See Minnesota Statutes § 14.115.

Pursuant to Minnesota Statutes, § 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 notice and proposed amendments to persons registered with the Minnesota Board of Medical Examiners pursuant to Minnesota Statutes, §14.14, Subd. 1.a. The notice will include the following information: a) that the public has thirty 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 Minnesota Statutes §16A.128, Subd. 2.a, unless 20 percent of those affected request a hearing in writing within the thirty day comment period; c) that the rule may be modified if modifications are supported by data and the view 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.

5. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes §16A.128, Subd. 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 part 5600.2500 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, § 14.115, Subd. 2 (1984). The Board noted that the suggested methods for reducing the impact on the rules on small business concern compliance and reporting requirements and performance

standards. Since the proposed amendments merely raise fees charged by the Board to individual licensees, there would appear to be no impact or significant effect on small businesses.

Dated: August 4, 1986

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

David M. Ziegenhagen

Executive Director

Board of Medical Examiners

Proposed Rule Relating to Fees

Rule as Proposed

5600.2500 ANNUAL FEES.

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

A. physician examination fee, ~~$300;~~ $425;

B. physician application fee, $100;

C. physician annual registration, ~~$40;~~ $80;

~~D. osteopath annual registration; $40;~~

D. physician certification to other states, $10;

E. physician temporary licenses, $40;

F. physician late fee, $40;

G. physical therapist application fee, $40;

H. physical therapist examination fee, $90;

I. physical therapist annual registration, $15;

J. physical therapist late fee, $7; and

K. physical therapist certification to other states, $10.

SF-00806-03

STATE OF MINNESOTA

DEPARTMENT BOARD OF MEDICAL EXAMINERS

Office Memorandum

TO: John Schorn
Executive Budget Officer
Attention: Bruce Reddemann

DATE: July 31, 1986

FROM: David Ziegenhagen
Executive Director

PHONE: 642-0528

SUBJECT: Adjustment in Board of Medical Examiners Fees

Minnesota Statute § 214.06 and Minnesota Statute 16A.128 authorized the Board of Medical Examiners, 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 the total fees collected by the Board will come as closely as possible, equal anticipated expenditures during the fiscal biennium.

The Board proposes to implement the fees shown on Attachment 1 during fiscal year 1987. By doing so, the anticipated receipts are expected to cover anticipated expenditures based on our current proposed budget and projected Attorney General costs, which must be covered out of fees.

The fee increase is due to increased Attorney General costs directly related to expanded stautory responsibilities for licensure and discipline of physicians, plus increased costs for physician licensing examination, changed by the Federation of State Medical Boards.

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

DMZ:lk

Enclosure

cc: Nancy Feldman, Executive Budget Officer

Approved 8-1-86
B.J. Reddemann, Director
Budget Operations & Support

APPROVED: John M. Schorn
7/31/86
DATE
JOHN M. SCHORN
FINANCE AGENCY CONTROLLER

ATTACHMENT 1

BOARD OF MEDICAL EXAMINERS FEE REVISION

TYPE	ESTIMATED NUMBER	CURRENT FEE	ESTIMATED RECEIPTS
Physician Application	900	$ 100	$ 90,000
Physician Examination	60	300	18,000
Physician Annual Renewal	13,100	40	524,000
Physician Late Fees	655	---	---
Physician Temporary License	200	40	8,000
Physician Endorsement/Verification to other states	180	---	---
Physical Therapy Application	150	15	2,250
Physical Therapy Examination	150	75	11,250
Physical Therapy Annual Reg.	2,100	5	10,500
Physical Therapy Late Fees	105	---	---
Physical Therapy Endorsement/ Verification to other states	50	---	---
Medical Corporation Annual Reg.	700	25	17,500
Corporation Registration	25	100	2,500
Physician Assistant Application	12	100	1,200
Physician Assistant Annual Reg.	90	20	1,800
Phys. Assistant/Phys. Agreement	15	20	300
Civil Penalties	20	1,000	20,000
			$707,300

TYPE	ESTIMATED NUMBER	PROPOSED FEE	ESTIMATED RECEIPTS
Physician Application	900	$ 100	$ 90,000
Physician Examination	60	425	25,500
Physician Annual Registration	13,100	55	720,500
Physician Late Fees	655	40	26,200
Physician Temporary License	200	40	8,000
Physician Endorsement	180	10	1,800
Physical Therapy Application	150	40	6,000
Physical Therapy Examination	150	90	13,500
Physical Therapy Annual Reg.	2,100	15	31,500
Physical Therapy Late Fees	105	7	735
Physical Therapy Endorsement	50	10	500
Medical Corporation Ann. Reg.	700	25	17,500
Corporation Registration	25	100	2,500
Physician Assistant Application	12	100	1,200
Physician Assistant Annl. Reg.	90	20	1,800
Phys. Assistant/Phys. Agreement	15	20	300
Civil Penalties	20	1,000	20,000
			$967,535

ESTIMATED COSTS - F.Y. 1987

*Appropriation	$ 604.8
Attorney General Estimate	350.0
Increased license exam changes	7.5
	$962,300

*Includes salary supplement and SWA/MHD indirect costs

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
of Medical Examiners

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

David Ziegenhagen, being first duly sworn, deposes and says:

That on the 4th day of August, 1986, in the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the United States mail at said City of St. Paul, 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 Board of Medical Examiners for the purpose of receiving notice of the proposed adoption of rules by the Board.

D. Ziegenhagen

Subscribed and sworn to before me
this 4th day of August, 1986

Lois Kauppila

LOIS KAUPPILA
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 28, 1992

under subpart 4 and wants to further contest that decision, the appellant shall request an additional review and redetermination by alternative supervisory staff. The appellant shall notify the director in writing of the request for an additional supervisory review within 15 days after receipt of the notice identified in subpart 4. If the request under this subpart is made, SSB shall provide the review and redetermination process identified in subparts 2 and 3.

Subp. 6. **Written notice of decision.** The supervisory staff conducting the review under subpart 5 shall notify the appellant in writing of the review decision. The notice must contain a summary of the nature and basis of the decision and the appellant's appeal rights under parts 3325.0490 to 3325.0500.

3325.0490 EVIDENTIARY HEARING.

Subpart 1. **Written request for hearing.** An applicant or client who is dissatisfied with the results of the administrative review under part 3325.0480, subpart 5, may request a hearing by submitting a written request for a hearing to SSB within 15 days after receiving the written notice of the administrative review decision under part 3325.0480, subpart 6.

Subp. 2. **Conduct of hearing.** If a hearing is requested under subpart 1, the hearing must be initiated and conducted in accordance with Minnesota Statutes, sections 14.57 to 14.62 and parts 1400.5100 to 1400.8500.

Subp. 3. **Decision and notice.** The director shall make the final decision after the hearing in accordance with Minnesota Statutes, sections 14.61 and 14.62 and shall not delegate the responsibility for making the final decision to any other person. The director shall notify the appellant of the decision in accordance with Minnesota Statutes, section 14.62.

3325.0500 APPEAL TO FEDERAL AGENCY.

A vocational rehabilitation or independent living client who is dissatisfied with the decision of the director after an evidentiary hearing may submit a written request for a review of the decision to the secretary. The written request must be submitted to the secretary after the client receives the written notice of decision under part 3325.0490, subpart 3. The secretary will review the decision and make recommendations to the director concerning action to be taken. Within 60 days after receiving these recommendations, the director shall notify the appellant and the secretary of the final disposition of the matter in writing.

Board of Medical Examiners

Proposed Permanent Rules Relating to Fees

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") proposes to amend the above-entitled rule without a public hearing. The Board has determined that the proposed rule changes will be noncontroversial in nature pursuant to Minn. Stat. § 16A.128 (1984) and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1984).

Interested persons shall have 30 days in which to submit comments in support of or in opposition to the proposed rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment being addressed, the reason for the comment, and any change proposed. The proposed rule amendment may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

PLEASE NOTE THAT NO PUBLIC HEARING WILL BE HELD ON THIS RULE AMENDMENT UNLESS 20% OR MORE OF THE PERSONS WHO WILL BE REQUIRED TO PAY THE FEES REQUEST SUCH A HEARING.

Persons who wish to should submit comments or requests to:

David Ziegenhagen
Executive Director
Minnesota Board of Medical Examiners
Suite 106
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0538

The statutory authority of the board to adopt the proposed rule amendment is contained in Minn. Stat. § 16A.128 and 146.13 (1984).

If adopted, the proposed rule amendment would set the fees for admission to examination, licensure, renewal of license, and ·te fees.

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule amendment and identifies the data and information relied upon to support the proposed changes has been prepared and is also available from the Board upon request.

Promulgation of the proposed rule amendment will not result in the expenditure of public monies by local public bodies. In accordance with Minn. Stat. § 14.115 (1984), the Board's consideration of any such effect on small business will be addressed in the Statement of Need and Reasonableness. Persons representing small businesses are invited to participate in the rulemaking process.

Upon adoption of the final rule amendment without a public hearing, the proposed changes, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rule amendment as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial changes. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule amendment as proposed for adoption, should submit a written statement of such request to David Ziegenhagen.

Dated: 4 August 1986

David Ziegenhagen, Executive Director
Board of Medical Examiners

Rules as Proposed

5600.2500 ANNUAL FEES.

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

A. physician examination fee, ~~$300~~ $425;

B. physician application fee, $100;

C. physician annual registration, ~~$40~~ $80;

D. ~~osteopath annual registration, $40;~~

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

~~F.~~ E. physician temporary licenses, $40;

F. physician late fee, $40;

G. physical therapist application fee, $40;

H. physical therapist examination fee, $90;

I. physical therapist annual registration, $15;

J. physical therapist late fee, $7; and

K. physical therapist certification to other states, $10.

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.

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, George B. Martin, Jr., MD, 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 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 13th day of September, 1986, that a quroum 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 rule amendment relating to an increase in fees charged by the Board of Medical Examiners be and it hereby is approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 16A.128 and 146.13 (1984), and that David Ziegenhagen, Executive Director of the Board of Medical Examiners, be and hereby is authorized to sign an order adopting this rule and further is authorized to perform the necessary acts to provide that this rule shall have the force and effect of law.

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

GEORGE B. MARTIN, JR., MD
President

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
of Medical Examiners

FINDINGS OF FACT
AND CONCLUSIONS

The above-entitled matter was considered by the Minnesota Board of Medical Examiners (Board) at its meeting on September 13, 1986. Notice of the Board's proposed amendment of the above-entitled rule was published in the State Register on August 11, 1986, 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.a and 14.22 (1984) on August 4, 1986. The Statement of Need and Reasonableness was prepared before the date of the Notice of Intent to Adopt a Rule Without a Public Hearing and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The Board did not receive requests for a public hearing from 20% or more of the persons affected by the amendment.

No submissions or comments on the rule were received by the Board. No requests for notice of submission to the Attorney General were received by the Board.

Based upon the evidence in the record before the Board, the Board finds the following:

1. The Board's initial cost projections while preparing for these new rules estimated Fiscal Year 1987 expenditures at $1,249,800. Subsequent to the development of these projections, the Board became aware that some cost items would require action during the 1987 legislative session to increase staffing levels.

The Department of Finance advised the Board that it could not approve any fee increases based upon anticipated legislative action. Accordingly, the Board submitted revised budget projections showing lower cost totals. These projections were approved by the Finance Department and are contained in the Statement of Need and Reasonableness in this proceeding.

2. All of the cost estimates which were eliminated in the Board's revised budget projections directly affected physician-related activities. Accordingly, the reduction in proposed fee increases should be accomplished by reducing the annual physician license renewal fee from its proposed level of $80 to $55. While these revised projections are contained in the Statement of Need and Reasonableness and were made before the Notice of Intent to Adopt a Rule Without a Public Hearing was either published in the State Register or mailed to interested persons, the Notice inadvertently contained a proposed physician annual renewal fee of $80. This proposed fee must be lowered to $55 to avoid generating more revenue than authorized by the Finance Department or justified by the Board's Statement of Need and Reasonableness.

3. The above-captioned rule, as revised, is both needed and reasonable.

George B. Martin, MD

GEORGE B. MARTIN, MD
President

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Admendment
Relating to Fees Charged
by the Minnesota Board
of Medical Examiners

ORDER ADOPTING
RULE AMENDMENT

Notice of the Board of Medical Examiner's intent to adopt the above-entitled rule amendment without a public hearing was published in the State Register on August 11, 1986, 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.a (1984) on August 4, 1986. 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, receiving no comment on the rule amendment, and determining the need for and reasonableness of the above-captioned rule amendment,

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule amendment identified as Proposed Rule Amendment Relating to Fees Charged by the Minnesota Board of Medical Examiners is adopted this 13th day of September, 1986, pursuant to authority vested in the Board by Minn. Stat. §§ 16A.128 and 146.13 (1984).

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

DAVID ZIEGENHAGEN
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Admendment
Relating to Fees Charged
by the Minnesota Board
of Medical Examiners

ORDER ADOPTING
RULE AMENDMENT

Notice of the Board of Medical Examiner's intent to adopt the above-entitled rule amendment without a public hearing was published in the State Register on August 11, 1986, 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.a (1984) on August 4, 1986. 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, receiving no comment on the rule amendment, and determining the need for and reasonableness of the above-captioned rule amendment,

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule amendment identified as Proposed Rule Amendment Relating to Fees Charged by the Minnesota Board of Medical Examiners is adopted this 17th day of September, 1986, pursuant to authority vested in the Board by Minn. Stat. §§ 16A.128 and 146.13 (1984).

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

DAVID ZIEGENHAGEN
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Amendment
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of Medical Examiners

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General John A. Breviu, do hereby declare that I have examined the rule amendment 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 listed below.

JOHN A. BREVIU
Special Assistant
Attorney General

Dated: September 15, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
of Medical Examiners

ORDER FOR NOTICE OF
INTENT TO ADOPT A RULE
WITHOUT A PUBLIC HEARING

IT IS HEREBY ORDERED this 11th day of August, 1986, that a Notice of Intent to Adopt a Rule Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Board of Medical Examiners for that purpose and be published in the State Register.

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

DAVID ZIEGENHAGEN
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of a
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
of Medical Examiners

CERTIFICATE

I hereby certify that the lists of persons, associations, and other interest groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1.a (1984), that their names be placed on file with and maintained by the Minnesota Board of Medical Examiners for the purpose of receiving notice of the proposed adoption of rules by the Board was accurate and complete as of the 4th day of August, 1986.

DAVID ZIEGENHAGEN
Executive Director

MAILING LIST FOR RULES

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

Gillenwater, Donovan and Tew
Attn: John 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, #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

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

Minnesota Physical Therapy Association
2353 Rice Street, Suite 220
Roseville, MN 55113

All Health Licensing Boards

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

Knutson, Flynn & Hetland
345 Cedar Street
Suite 800
St. Paul, MN 55101

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

Minnesota Association of Health
Care Facilities
2850 Metro Drive, #429
Minneapolis, MN 55420

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

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

Kathleen A. Welte
Executive Secretary
Ramsey County Medical Society
215 Lowry Medical Bldg.
St. Paul, MN 55102

Physical Therapy Advisory Council
Members

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

DATE : September 15, 1986

TO : Mike Miles
Assistant Attorney General
204 Administration Building

FROM : John A. Breviu
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : In the Matter of the Proposed Rule Admendment Relating to Fees Charged by the Minnesota Board of Medical Examiners

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

1. Certificate of Board's Resolution Adopting Rule;
2. Order for Notice of Intent to Adopt a Rule Without a Public Hearing;
3. Certificate of Board's Authorizing Resolution;
4. Certificate (mailing list);
5. Findings of Fact and Conclusions;
6. Statement of Need and Reasonableness;
7. Statement of Compliance With Rulemaking Procedures;
8. Notice of Intent to Adopt Rule Without A Public Hearing;
9. Affidavit of Mailing;
10. Rule as proposed;
11. Rule as adopted (original and three copies);
12. Order Adopting Rule (two copies);

As is evidenced by these documents, the only change in the rule amendment as adopted from the rule as proposed is that the "physician annual registration" was reduced to $55. If you have any questions or need further documentation, please do not hesitate to let me know.

Thank you.

JAB:dsc

Enclosures

A copy of proposed rule was attached to the mailing of the Notice of Intent.

16A.128 (2)(a)

Notice of Intent states a Public Hearing will not be held unless 20% + of the persons who pay the fees request a hearing.

Is Commissioner's approval in Statement of Need + Reasonableness? ok