

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Board of Nursing

Adopted Permanent Rules Relating to Fees

Rules as Adopted

6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be $20 per renewal period, effective ~~November 17, 1986~~ January 1, 1987.

Subp. 4. [Unchanged.]

Subp. 5. **Penalty fee.** An applicant for registration renewal shall pay a penalty fee of $15, effective ~~November 17, 1986~~ January 1, 1987, as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31 of the year in which it was due.

Subp. 6. to 8. [Unchanged.]

6310.3400 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued. A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is $10, effective ~~November 17, 1986~~ January 1, 1987.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued. If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation. Upon written request of the licensee, a verification of current registration shall be issued for a fee of $10, effective ~~November 17, 1986~~ January 1, 1987.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.3500 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A registered nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be $15 effective ~~November 17, 1986~~ January 1, 1987, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of $10 effective ~~November 17, 1986~~ January 1, 1987, may be charged.

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be $20 per renewal period, effective January 1, 1987.

Subp. 4. and 5. [Unchanged.]

6310.7700 PENALTY FEE.

An applicant for renewal of registration shall pay a late penalty fee of $15 effective ~~April~~ January 1, 1987, as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

6310.8000 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued.

A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is $10, effective ~~November 17, 1986~~ January 1, 1987.

Subp. 2. **Renewal certificate.** A duplicate renewal

certificate shall not be issued.

If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation.

Upon written request of the licensee, a verification of current registration shall be issued for a fee of $10, effective ~~November 17, 1986~~ January 1, 1987.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.8100 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A licensed practical nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be $15 effective ~~November 17, 1986~~ January 1, 1987, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of $10 effective ~~November 17, 1986~~ January 1, 1987, may be charged.

6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is $75 for an applicant for registered nurse licensure and $50 for an applicant for licensed practical nurse licensure, effective ~~November 17, 1986~~ January 1, 1987. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

B. [Unchanged.]

C. The reexamination fee is $50 for an applicant for

registered nurse licensure and $40 for an applicant for licensed practical nurse licensure, effective ~~November 17, 1986~~ January 1, 1987. The fee must be paid to the board.

D. Effective ~~November 17, 1986~~ January 1, 1987, a late filing fee of $50 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

(1) licensure application and fee;

(2) examination application and fee;

(3) reexamination application and fee.

E. and F. [Unchanged.]

Subp. 11. and 12. [Unchanged.]

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Fee.** The fee for licensure is $55 for registered nurse applicants and $55 for licensed practical nurse applicants, effective ~~November 17, 1986~~ January 1, 1987. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. to 13. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 31 1986
Joan Anderson Growe
Secretary of State JH
2:45 pm.

APPROVED AS TO FORM AND LEGALITY
December 30 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: KATHLEEN F. MANAHAN, RN, President
Minnesota Department of Nursing

ATTN: RORY H. FOLEY
Special Assistant Attorney General

DATE: 12/31/86

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Rule Relating to Fees Charged by the Minnesota Board of Nursing

The above-referenced rule has been approved as to its legality by the Attorney General on 12/30/86.

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/rmk
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR #1334

RULE REVIEW CHECKLIST

File No. 1334 Docket No. 05.0009.0481

DATE RECEIVED 12-16-86
REVIEW DATE 12-26-86
DUE DATE 12-30-86

APPROVED 12.30.86
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 12-17-86
REVISOR DISAPPROVED
FILED W/SEC. STATE 12/31/86
RETURNED TO AGENCY 12/31/86 I/O

✓ 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
Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
16A.128 + 148.191 Statutory Authority
Yes Small business statement
Yes Expenditure of public money statement
Yes Signature

✓ Statement of Need and Reasonableness

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

✓ Publication in State Register
Sept 8, 1986 Date (30)/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
Dec 5 1986 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
Rory H. Foley 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 Rules without a Public Hearing

✓ Affidavit

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO: Mike Miles
Assistant Attorney General
204 Administration Building

DATE: December 11, 1986

FROM: Rory H. Foley
Special Assistant
Attorney General

PHONE: 341-7272

SUBJECT: In the Matter of the Proposed Permanent Rules Relating to Fees Charged by the Minnesota Board of Nursing

Enclosed for your review, pursuant to Minn. Rules pt. 2000.0400, are the following documents to support the above-referenced non-controversial 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. Notice of Intent to Adopt a Rule Without a Public Hearing as Published in the State Register;
12. Rule as adopted (four copies);
13. Order Adopting rule (two copies);
14. Comment received (three copies);
15. Affidavit of Joyce M. Schowalter.

As evidenced by these documents, the only change in the rule amendment as adopted from the rule as proposed is that the effective date of the amendment to the late penalty fee rule, pt. 6310.7700, was changed to be effective January 1, 1987. Notification of this change was published in the State Register on Monday, November 3, 1986 (11 S.R. 842).

RHF:sv
Enclosures

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
of Nursing

SUPPLEMENTAL FINDINGS
OF FACT, CONCLUSIONS
AND ORDER

The above-entitled matter was considered by the Minnesota Board of Nursing (Board) at its meeting on December 5, 1986. The Board issued its Findings of Fact, Conclusions and Order on December 15, 1986.

Based upon the evidence in the record before the Board, the Board makes the following supplemental findings:

1. That the effective date for Minn. Rules pt. 6310.2800, subps. 3 and 5, Minn. Rules pt. 6310.3400, subps. 1 and 2, Minn. Rules pt. 6310.3500, subps. 1 and 2, Minn. Rules pt. 6310.8000, subps. 1 and 2, Minn. Rules pt. 6310.8100, subps. 1 and 2, Minn. Rules pt. 6315.0400, subp. 10.A, C, and D and Minn. Rules pt. 6315.0500, subp. 3 was listed as November 1, 1986;

2. That the Board does not intend for the Rules as Adopted to have a retroactive application;

3. That an effective date of January 1, 1987, for the aforementioned rules will be instituted.

The Board therefore makes the following supplemental conclusion:

1. That an effective date of January 1, 1987, is necessary for the above-cited rule amendments to be valid.

IT IS HEREBY ORDERED that the effective date for the above-entitled Rules as Adopted shall be January 1, 1987.

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
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1. That an effective date of January 1, 1987, is necessary for the above-cited rule amendments to be valid.

IT IS HEREBY ORDERED that the effective date for the above-entitled Rules as Adopted shall be January 1, 1987.

JOYCE M. SCHOWALTER
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Rule Amendment
Relating to Fees Charged
by the Minnesota Board
of Nursing

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1. That the effective date for Minn. Rules pt. 6310.2800, subps. 3 and 5, Minn. Rules pt. 6310.3400, subps. 1 and 2, Minn. Rules pt. 6310.3500, subps. 1 and 2, Minn. Rules pt. 6310.8000, subps. 1 and 2, Minn. Rules pt. 6310.8100, subps. 1 and 2, Minn. Rules pt. 6315.0400, subp. 10.A, C, and D and Minn. Rules pt. 6315.0500, subp. 3 was listed as November 1, 1986;

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IT IS HEREBY ORDERED that the effective date for the above-entitled Rules as Adopted shall be January 1, 1987.

JOYCE M. SCHOWALTER
Executive Director

Board of Nursing

Proposed Permanent Rules Relating to Fees

Rules as Proposed

6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be ~~$16~~ $20 per renewal period, effective ~~August~~ November 1, ~~1982~~ 1986.

Subp. 4. [Unchanged.]

Subp. 5. **Penalty fee.** An applicant for registration renewal shall pay a penalty fee of ~~$5~~ $15, effective ~~June~~ November 1, ~~1982~~ 1986, as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31 of the year in which it was due.

Subp. 6. to 8. [Unchanged.]

6310.3400 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued. A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is ~~$5~~ $10, effective November 1, 1986.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued. If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation. Upon written request of the licensee, a verification of current registration shall be issued for a fee of ~~$5~~ $10, effective ~~January~~ November 1, ~~1982~~ 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

issued without a fee.

6310.3500 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A registered nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~$10~~ $15 effective ~~July~~ November 1, ~~1982~~ 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~$5~~ $10 effective ~~January~~ November 1, ~~1982~~ 1986, may be charged.

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be ~~$15~~ $20 per ~~24-month~~ renewal period, effective January 1, ~~1982~~ 1987. ~~The fee shall be $16 effective January 1, 1983. Licensees whose registrations expire December 31, 1982, shall pay $7.50.~~

Subp. 4. and 5. [Unchanged.]

6310.7700 PENALTY FEE.

An applicant for renewal of registration shall pay a late penalty fee of ~~$5~~ $15 effective April 1, ~~1982~~ 1987, as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

6310.8000 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued.

A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

The fee for a replacement license is ~~$5~~ $10, effective November 1, 1986.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued.

If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation.

Upon written request of the licensee, a verification of current registration shall be issued for a fee of ~~$5~~ $10, effective ~~January~~ November 1, ~~1982~~ 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.8100 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A licensed practical nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~$10~~ $15 effective ~~July~~ November 1, ~~1982~~ 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~$5~~ $10 effective ~~January~~ November 1, ~~1982~~ 1986, may be charged.

6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is ~~$50~~ $75 for an applicant for registered nurse licensure and ~~$35~~ $50 for an applicant for licensed practical nurse licensure, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

B. [Unchanged.]

C. The reexamination fee is ~~$25~~ $50 for an applicant for registered nurse licensure and ~~$10~~ $40 for an applicant for licensed practical nurse licensure, effective November 1, 1986. The fee must be paid to the board.

D. Effective November 1, 1986, a late filing fee of ~~$20~~ $50 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

(1) licensure application and fee;

(2) examination application and fee;

(3) reexamination application and fee.

E. and F. [Unchanged.]

Subp. 11. and 12. [Unchanged.]

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Fee.** The fee for licensure is ~~$40~~ $55 for registered nurse applicants and ~~$30~~ $55 for licensed practical nurse applicants, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. to 13. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Nursing

MINNESOTA RULES: Chapters 6310 and 6315

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Permanent Rules Relating to Fees

STATEMENT OF NEED AND REASONABLENESS

The Board of Nursing proposes to revise each of the fees it is authorized by statute to assess. These fees apply to the Board functions of licensing by examination and endorsement, renewing licenses/registrations, verifying licensure status to other states, providing replacement documents and providing copies of school transcripts from certain files. All proposed fees have been approved by the Commissioner of Finance.

An increase of fees is needed to provide sufficient funding to operate the agency. Minnesota Statute section 214.06 authorizes 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 during the fiscal biennium. The Board has not raised any fees since 1984. Most fees were last raised in 1982 or 1983. The need and reasonableness of each proposed fee increase will be addressed separately.

All effective dates have been proposed to coordinate with renewal cycles or the administration of examinations.

Minnesota Rules part 6310.2800 subpart 3: Renewal fee (RN)

The registered nurse renewal fee is the fee which produces the greatest revenue. The income is needed to meet agency expenses other than licensure. Such expenses include the costs of the Board and staff, processing disciplinary complaints, processing registration renewal including continuing education, the Board newsletter and other costs associated with operating an agency.

The proposed $20 per renewal period ($10 per year) is reasonable because it does not exceed what is required to meet expenses.

Minnesota Rules part 6310.2800 subpart 5: Penalty fee (RN)

The penalty fee of $15 is needed to cover the costs of special handling an application received from a registered nurse after the deadline date of May 31. The rate is reasonable as it should serve as a deterrent to late filing as well as cover costs.

Minnesota Rules part 6310.3400 subpart 1: License (RN)

This fee of $10 is needed for the activity of providing a replacement license. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6310.3400 subpart 2: Renewal certificate (RN)

This fee of $10 is needed for the activity of providing a written verification of current registration to a registered nurse upon request. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6310.3500 subpart 1: Verification (RN)

This fee of $15 is needed for the activity of providing a written verification of current licensure status to another nurse licensure agency upon the request of a registered nurse. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6310.3500 subpart 2: Transcript (RN)

This fee of $10 is needed for the activity of providing a registered nurse, upon request, a copy of his/her transcript from a nursing school which is closed. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6310.7600 subpart 3. Renewal fee (LPN)

The licensed practical nurse renewal fee is the fee which produces the second largest amount of revenue for the agency. Revenue from this fee is used to cover agency expenses other than licensure such as registration renewal, processing disciplinary complaints, publishing the Board newsletter, funding Board meetings and the numerous other costs associated with operating the agency.

The proposed $20 per renewal period ($10 per year) is reasonable as the amount does not exceed the amount needed to meet expenses.

The language of the rule which is struck is no longer needed. The striking will not affect the fee charged any licensee.

Minnesota Rules part 6310.7700: Penalty Fee (LPN)

The penalty fee of $15 is needed to cover the costs of special handling an application received from a licensed practical nurse after the deadline date of December 31. The rate is reasonable as it should serve as a deterrent to late filing as well as cover the costs.

Minnesota Rules part 6310.8000 subpart 1: License (LPN)

This fee of $10 is needed for the activity of providing a replacement license. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6310.8000 subpart 2: Renewal certificate (LPN)

This fee of $10 is needed for the activity of providing a written verification of current registration to a licensed practical nurse upon request. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6310.8100 subpart 1: Verification (LPN)

This fee of $15 is needed for the activity of providing a written verification of current licensure status to another nurse licensure agency upon

the request of a licensed practical nurse. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6310.8100 subpart 2: Transcript (LPN)

This fee of $10 is needed for the activity of providing a licensed practical nurse, upon request, a copy of his/her transcript from a nursing school which is closed. The rate is reasonable because it as nearly as possible covers the cost of this activity.

Minnesota Rules part 6315.0400 subpart 10: Fees

The three fees in subpart 10 pertain to licensure by examination for registered nurses and licensed practical nurses.

A. The $75 fee for registered nurse applicants and the $50 fee for licensed practical nurse applicants are needed to cover the cost of administering the licensing examinations and processing the applications. Because the registered nurse examination is two days long and the licensed practical nurse examination is one day long, the fee for licensed practical nurse applicants is lower. The fees are reasonable because they as nearly as possible cover expenses such as personnel, postage, supplies, examination space rental and proctors for the examinations.

C. The $50 reexamination fee for registered nurse applicants and $40 for licensed practical nurse applicants is needed to defray the costs of examination that recur for each administration. Such recurring costs include space rental, postage, supplies, and personnel time. The rates are reasonable because they cover the cost of reexamination as nearly as possible.

D. The late filing fee of $50 is needed to cover the cost of special handling applications which are received after the published deadline dates. The rate is reasonable because it should serve as a deterrent to late filing as well as cover costs.

Minnesota Rules part 6315.0500 subpart 3: Fee

This $55 fee pertains to licensure by endorsement, not examination, for registered nurses and licensed practical nurses. The fee is needed to cover the expenses incurred with this activity such as personnel, application processing, postage and supplies. The rate is reasonable because it as nearly as possible covers the costs. It is reasonable to charge the same fee for registered nurses and licensed practical nurses because the work in processing each type of endorsement application is equivalent.

In summary, the Board believes that each proposed fee is needed and reasonable and complies in all ways with statutory requirements.

A copy of the Commissioner of Finance approval is attached.

Dated: Sept 8, 1986

MINNESOTA BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Director

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT Board of Nursing

Office Memorandum

TO : Bruce Reddemann, Director
Budget Operation and Support Division
Department of Finance

DATE: July 29, 1986



FROM : Joyce M. Schowalter
Executive Director

PHONE: 642-0567

SUBJECT: Approval of Fee Increases

Minnesota Statute section 214.06 authorizes the Board of Nursing, with approval of the Commissioner of Finance, 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 during the fiscal biennium.

Attached are the supporting documents to justify this request for approval of an increase in each Board of Nursing fee. Please note that many fees have not been raised since 1982 or 1983.

For the past four years the Board has not expended the entire appropriated amount, therefore did not need to raise fees. This year we began an office automation/data management study and project plan with the Department of Administration. As a result we expect to spend the entire appropriation in Fiscal Year 1987 and thereafter. Table 1 shows the effect upon renewal receipts of the conversion from four different two year renewal cycles to 24 different two year cycles. Conversion will be completed by FY 90 and income will be stabilized.

The attached Fee Review form shows that the anticipated receipts will cover the estimated expenditures.

The estimated expenditures for FY 87 are as follows:

Appropriation to be spent	$ 773.8	(includes $ 6.2 statewide
Salary supplement	60.0	indirect costs)
Attorney general	82.2	
	915.8	
General support (MDH)	9.2	
	925.0	

We request approval of the proposed fee changes. If you have any questions, please do not hesitate to call me at 642-0567.

Approved: _____ 8-7-86
Bruce Reddemann Date

cc: John Schorn
Executive Finance Officer

Encl.

Table 1

MINNESOTA BOARD OF NURSING

Estimated/Actual Renewal Receipts FY 86-91

	FY 86		FY 87		FY 88		FY 89		FY 90		FY 91	
Group	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount
RN Odd	0	$ 0	11,000	$214,500[A]	1,840[C]	$ 36,800	5,520[E]	$110,400	5,520	$110,400	5,520	$110,400
Even	25,500	408,000	4,500	72,000	30,000[B]	435,900	12,500[F]	250,000	15,000	300,000	15,000	300,000
LPN Odd	0	0	9,840	196,800	9,800[B]	142,394	2,050[D]	41,000	4,920	98,400	4,920	98,400
Even	9,830	157,300	9,840	142,975[B]	2,050[D]	41,000	4,920[G]	98,400	4,920	98,400	4,920	98,400
		$565,300		$626,275		$656,094		$499,800		$607,200		$607,200

FY 86 & 87 = $1,191,575

FY 88 & 89 = $1,155,894

FY 90 & 91 = $1,214,400

A. $20 fee @ $.83/month. Average renewal period 23.5 months @ $.83 = $19.50 each

B. $20 fee @ $.83/month. Average renewal period 17.5 months @ $.83 = $14.53 each.

C. 4 groups of 460 @ $20.

D. 5 groups of 410 @ $20.

E. 12 groups of 460 @ $20.

F. 10 groups of 1250 @ $20.

G. 12 groups of 410 @ $20.

JMS 7/86

Fi-00194-02

Department of Finance

Fee Review

Department/Agency: Nursing, Board of

Fee Name: See Below

Legal Citation: Minnesota Statute section 148.171-148.299

Fee Set By: Corp. [X] Law Others [X] Agency

Purpose of Fee: To license registered nurses and licensed practical nurses, approve nursing programs, discipline licensees, verify licenses to other states, register nursing businesses and operate the agency

[ ] Dedicated [X] Non-Dedicated

Revenue Code: 310

APID: 21513:00-12

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 83	Actual F.Y. 84	XXXXXXXAct F.Y. 85	XXXXXXXEst F.Y. .86	XXXXXXXEst F.Y. 87
Actual/Anticipated Receipts	584.5	857.9	562.5	766.6	921.1
Less Actual/ Anticipated Costs	662.5	639.8	623.6	763.7	925.0
Current Difference	(78.0)	218.1	(61.1)	2.9	(3.9)
Accumulated Difference*	337.1	555.2	494.1	497.0	493.1
Number Paying Fee					See back
Present Fee					See back
Date Fee Last Changed					See back

*Accumulated from F.Y. 75.

Remarks:

Please see back

Department Authorized Signature:

7/31/86

Agency Controller Signature:

MINNESOTA BOARD OF NURSING

Estimated Receipts - Fiscal Year 1987

Code	Category	Number	Current Fee	Proposed Fee	FY 87 Income	Date Last Changed
09	Nsg. Corporation (RN)	8	25	25	200	--
10	Misc. Fees incl.	350	5	10	3,500	1984
	Late filing fee (RN)	2	20	50	100	
11	Endorsement (RN)	800	40	55	44,000	1982
12	Examination (RN)	1,700	50	75	127,500	1983
13	Re-Examination (RN)	175	25	50	8,750	1983
14	Verification (RN)	2,300	10	15	34,500	1982
15	Renewal (RN)	11,000	16	19.50	214,550	1982
15	Renewal (RN)	4,500	16	20	7,200	1982
16	Late Renewal (RN)	800	5	15	12,000	1982
	Total RN				517,100	
20	Misc. Fees incl.	240	5	10	2,400	1984
	Late filing fee (LPN)	2	20	50	100	
21	Endorsement (LPN)	175	30	55	9,625	1982
22	Examination (LPN)	700	35	50	35,000	1983
23	Re-Examination (LPN)	70	10	40	2,800	1983
24	Verification (LPN)	450	10	15	6,750	1982
25	Renewal (LPN)	9,840	16	20	196,800	1983
25	Renewal (LPN)	9,840	16	14.53	142,975	1982
26	Late Renewal (LPN)	500	5	15	7,500	1982
	Total LPN				403,950	
	TOTAL ESTIMATED RECEIPTS				$ 921,050	

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

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

FINDINGS OF FACT
AND CONCLUSIONS

The above-entitled matter was considered by the Minnesota Board of Nursing (Board) at its meeting on December 5, 1986. Notice of the Board's proposed amendment of the above-entitled rule was published in the State Register on September 8, 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 22, 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 cost estimations and anticipated expenditures will exceed the amount of revenue generated by the current fee structure. The Department of Finance advised the Board that the proposed fees would be sufficient to meet the Board's anticipated expenditures during the fiscal biennium. The Department of Finance approved the fee increases on August 8, 1986. The need and reasonableness

for the fee increases were further detailed in the statement of need and reasonableness. The Board therefore concludes that the fees as proposed are reasonable.

IT IS HEREBY ORDERED that they be adopted.

Dated: Dec. 15, 1986

BEFORE THE MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Permanent Rules
Relating to Fees

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on Monday, September 8, 1986 and was sent by United States mail to all persons on the list maintained by the Board of Nursing pursuant to Minnesota Statutes, section 14.14, subdivision 1 on August 22, 1986. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving from fewer than 20 percent of those persons interested and affected a written request for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules, identified as Minn. Rules pt. 6310.2800, subps. 3 and 5, Minn. Rules pt. 6310.3400, subps. 1 and 2, Minn. Rules pt. 6310.7600, subp. 3, Minn. Rules pt. 6310.7700 as modified, Minn. Rules pt. 6310.8000, subps. 1 and 2, Minn. Rules 6310.8100, subps. 1 and 2, Minn. Rules pt. 6315.0400, subps. 10 A, C and D, and Minn. Rules pt. 6315.0500, subp. 3, which amend their designated counterparts are adopted this fifth day of December, 1986, pursuant to the authority vested in the Minnesota Board of Nursing by Minnesota Statutes, sections 16A.128 and 148.191.

STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Permanent Rules
Relating to Fees

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STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Director

Notice of Intent - ok.

148.191 (subd 2) ok
16A.128 ok

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Permanent Rules
Relating to Fees

CERTIFICATE OF
AUTHORIZING RESOLUTION

I, Kathleen F. Manahan, RN, do hereby certify that I am a member and the President of the Minnesota Board of Nursing, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 1st day of August, 1986, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> RESOLVED, that Joyce M. Schowalter, the Executive Director of the Board, is hereby granted the authority and directed to sign and to give notice of the Board's proposed intent to adopt a rule without a public hearing governing registration renewal, licensure and related fees to all persons who have registered their names with the Board for that purpose and 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 25th day of September, 1986.

Kathleen F. Manahan

KATHLEEN F. MANAHAN, RN
President
Minnesota Board of Nursing

Laura L. Rimsky

Attest

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

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

NOTICE OF INTENT TO
AMEND A RULE WITHOUT
A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Nursing (hereinafter "Board") proposes to amend Minn. Rules parts 6310.2800, 6310.3400, 6310.3500, 6310.7600, 6310.7700, 6310.8000, 6310,8100, 6315.0400 and 6315.0500 without a public hearing. A copy of the proposed amendments is attached to this Notice. If adopted, the proposed rule amendment would set the fees for licensure, endorsement, renewal of license, verification of license and late fees. The Board has determined that the proposed changes will be noncontroversial in nature pursuant to Minn. Stat. § 16A.128 and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28.

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 25 OR MORE OF THE PERSONS REQUIRED TO PAY THESE FEES SUBMIT TO THE BOARD DURING THE 30 DAY COMMENT PERIOD, A WRITTEN REQUEST FOR A PUBLIC HEARING ON THE PROPOSED RULE.

Persons who wish to should submit comments or requests to:

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
2700 University Avenue West, #108
St. Paul, Minnesota 55114
Telephone: (612) 642-0567

The statutory authority of the Board to make the proposed rule amendment is contained in Minn. Stat. §§ 16A.128 and 148.191.

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, 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 Ms. Schowalter at the above address.

Dated: August 4, 1986

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Permanent Rules
Relating to Fees

AFFIDAVIT OF MAILING
THE NOTICE OF INTENT TO
ADOPT A RULE WITHOUT A
PUBLIC HEARING AND CERTIFICATE
OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Catherine E. Passer, being first duly sworn and deposes and says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Board of Nursing rulemaking mailing list is accurate, complete, and current as of the 22nd day of August, 1986.

That on the 22nd day of August, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Catherine E. Passer

Subscribed and sworn to before me

this 18th day of September, 1986.

Marilyn A. Wolner

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

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

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PLEASE NOTE THAT NO PUBLIC HEARING WILL BE HELD ON THIS RULE AMENDMENT UNLESS 20 PERCENT OF THE PERSONS REQUIRED TO PAY THESE FEES SUBMIT TO THE BOARD DURING THE 30 DAY COMMENT PERIOD, A WRITTEN REQUEST FOR A PUBLIC HEARING ON THE PROPOSED RULE.

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Dated: August 4, 1986

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Director

Board of Nursing

Proposed Permanent Rules Relating to Fees

Rules as Proposed

6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Renewal fee. The renewal fee shall be ~~$16~~ $20 per renewal period, effective ~~August~~ November 1, ~~1982~~ 1986.

Subp. 4. [Unchanged.]

Subp. 5. Penalty fee. An applicant for registration renewal shall pay a penalty fee of $5 $15, effective ~~June~~ November 1, ~~1982~~ 1986, as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31 of the year in which it was due.

Subp. 6. to 8. [Unchanged.]

6310.3400 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. License. A duplicate license shall not be issued. A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is $5 $10, effective November 1, 1986.

Subp. 2. Renewal certificate. A duplicate renewal certificate shall not be issued. If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation. Upon written request of the licensee, a verification of current registration shall be issued for a fee of $5 $10, effective ~~January~~ November 1, ~~1982~~ 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be

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OFFICE BY:

issued without a fee.

6310.3500 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. Verification. A registered nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~$10~~ $15 effective ~~July~~ November 1, ~~1982~~ 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of $5 $10 effective ~~January~~ November 1, ~~1982~~ 1986, may be charged.

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be ~~$15~~ $20 per ~~24-month~~ renewal period, effective January 1, ~~1982~~ 1987. ~~The fee shall be $16 effective January 1, 1983. Licensees whose registrations expire December 31, 1982, shall pay $7.50.~~

Subp. 4. and 5. [Unchanged.]

6310.7700 PENALTY FEE.

An applicant for renewal of registration shall pay a late penalty fee of $5 $15 effective April 1, ~~1982~~ 1987, as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

6310.8000 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. License. A duplicate license shall not be issued.

A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated.

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The fee for a replacement license is ~~$5~~ $10, effective November 1, 1986.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued.

If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation.

Upon written request of the licensee, a verification of current registration shall be issued for a fee of ~~$5~~ $10, effective ~~January~~ November 1, ~~1982~~ 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.8100 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A licensed practical nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~$10~~ $15 effective ~~July~~ November 1, ~~1982~~ 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~$5~~ $10 effective ~~January~~ November 1, ~~1982~~ 1986, may be charged.

6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is ~~$50~~ $75 for an applicant for registered nurse licensure and ~~$35~~ $50 for an applicant for licensed practical nurse licensure, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

B. [Unchanged.]

C. The reexamination fee is ~~$25~~ $50 for an applicant for registered nurse licensure and ~~$10~~ $40 for an applicant for licensed practical nurse licensure, effective November 1, 1986. The fee must be paid to the board.

D. Effective November 1, 1986, a late filing fee of ~~$20~~ $50 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

(1) licensure application and fee;

(2) examination application and fee;

(3) reexamination application and fee.

E. and F. [Unchanged.]

Subp. 11. and 12. [Unchanged.]

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Fee. The fee for licensure is ~~$40~~ $55 for registered nurse applicants and ~~$30~~ $55 for licensed practical nurse applicants, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. to 13. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Nursing

MINNESOTA RULES: Chapters 6310 and 6315

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

Rules Hearing
Mailing List Bd. of Nsg. 9/22/86

Acting Director
Faribault Area Voc-Tech Institute
Practical Nursing Program
c/o District One Hospital
Faribault, Minnesota 55021

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Jola Amundsen, RN
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Hennepin Technical Centers - South
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Eden Prairie, Minnesota 55344

Kathleen P. Burek, Executive Director
Legislative Commission to Review
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Minnesota LPN Association
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St. Paul, Minnesota 55113

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Coordinator
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Highway 53
Eveleth, Minnesota 55734

Kent J. Erickson, D.C.
Chiropractic Board
2700 University Avenue W.
St. Paul, Minnesota 55114

Sharon Erickson
Practical Nursing Coordinator
Area Vocational Technical Institute
Thief River Falls, Minnesota 56701

Adella Espelien, Chairperson
Department of Nursing
College of St. Benedict
St. Joseph, Minnesota 56374

Julie Eszlinger-Jensen
State Bd. of Vocational-Technical Ed.
550 Cedar Street
St. Paul, Minnesota 55101

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Grand Rapids, Minnesota 55744

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District A Nursing Service Administrators
Roseau Area Hospital
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Roseau, Minnesota 56751

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East Grand Forks, Minnesota 56721

Dorothy Hahn
St. Joseph's Hospital
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2004 Randolph Avenue
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Metropolitan Medical Center
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Minneapolis, Minnesota 55404

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Anoka County Community Health
and Social Services Department
Fourth Floor, Courthouse
Anoka, Minnesota 55303

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Faribault, Minnesota 55021

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Senior Staff Specialist
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Phelps Hall
Winona, Minnesota 55987

Nanette Suzanne Lind
101 South 66th Avenue West
Duluth, Minnesota 55807

Bevelyn D. Lindle
Minnesota Department of Health
Health Systems - Survey & Compliance
RR 6, Box 290
Bemidji, Minnesota 56601

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Director of Nursing
Rochester Community College
Highway 14 East
Rochester, Minnesota 55904

Dave Locey
MN Association of Nurse Anesthetists
2353 Rice Street, #220
Roseville, Minnesota 55113

Ruth Coats, Director
Practical Nursing Program
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Lynn Dykema
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Duluth, Minnesota 55811

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Nursing Program Director
Normandale Community College
9700 France Avenue South
Bloomington, Minnesota 55431

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St. Luke's Hospital
915 East 1st Street
Duluth, Minnesota 55805

Peggy Martin
Director of Education
St. Gabriel's Hospital
815 Southeast Second Street
Little Falls, Minneosta 56345

Jean M. Matter
1230 - 17th Avenue NW #1
Rochester, MN 55901

Gayle S. Mattson
3531 Harriet Avenue South, #3
Minneapolis, Minnesota 55408

Janice Brand
Northland Community College
Highway 1 East
Thief River Falls, MN 56701

Dr. Marilyn Molen
Metropolitan State University
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St. Paul, Minnesota 55101

Sylvia M. Mertens
St. Cloud AVTI Practical Nursing
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St. Cloud, Minnesota 56301

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Department of Nursing
Gustavus Adolphus College
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St. Paul, Minnesota 55103

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Worthington, Minnesota 56187

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701 Park Avenue
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St. Paul, Minnesota 55103

Julie M. Pomeroy
Group Health, Inc.
2500 Como Avenue
St. Paul, Minnesota 55108

Donna M. Poupore
3622 Stebner Road
Duluth, Minnesota 55811

Public Health Nursing Director
Minnesota Department of Health
717 Delaware Street SE, Room 416B
Minneapolis, Minnesota 55414

Robert M. Pringle, Jr.
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Jean Radtke, RNP
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Dakota County AVTI
Practical Nursing Program
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Good Samaritan Center
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Nursing Department
Moorhead State University
Moorhead, Minnesota 56560

Kathy Wagle
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Eden Prairie, Minnesota 55344

Jackie Watten
5370 Eureka Road
Excelsior, Minnesota 55331

Marilyn Wigness
Northwestern Hospital Services
120 South Labree Avenue
Thief River Falls, Minnesota 56701

Doris E. Yokie
Gustavus Adolphus College
Department of Nursing
5636 Girard Avenue South
Minneapolis, Minnesota 55419

Ignore
This
Labe/

Board of Nursing

Proposed Permanent Rules Relating to Fees

Notice of Intent to Amend a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Nursing (hereinafter "Board") proposes to amend Minn. Rules parts 6310.2800, 6310.3400, 6310.3500, 6310.7600, 6310.7700, 6310.8000, 6310.8100, 6315.0400 and 6315.0500 without a public hearing. A copy of the proposed amendments is attached to this Notice. If adopted, the proposed rule amendment would set the fees for licensure, endorsement, renewal of license, verification of license and late fees. The Board has determined that the proposed change will be noncontroversial in nature pursuant to Minn. Stat. § 16A.128 and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28.

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 PERCENT OF THE PERSONS REQUIRED TO PAY THESE FEES SUBMIT TO THE BOARD DURING THE 30 DAY COMMENT PERIOD, A WRITTEN REQUEST FOR A PUBLIC HEARING ON THE PROPOSED RULE.

Persons who wish to should submit comments or requests to:

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
2700 University Avenue West, #108
St. Paul, Minnesota 55114
Telephone: (612) 642-0567

The statutory authority of the Board to make the proposed rule amendment is contained in Minn. Stat. §§ 16A.128 and 148.191.

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, 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 change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the final rule amendment as proposed for adoption, should submit a written statement of such request to Ms. Schowalter at the above address.

Dated: 4 August 1986

STATE OF MINNESOTA
BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Director

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.

Rules as Proposed

6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be ~~$16~~ $20 per renewal period, effective ~~August~~ November 1, ~~1982~~ 1986.

Subp. 4. [Unchanged.]

Subp. 5. **Penalty fee.** An applicant for registration renewal shall pay a penalty fee of ~~$5~~ $15, effective ~~June~~ November 1, ~~1982~~ 1986, as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31 of the year in which it was due.

Subp. 6. to 8. [Unchanged.]

6310.3400 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued. A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is ~~$5~~ $10, effective November 1, 1986.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued. If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation. Upon written request of the licensee, a verification of current registration shall be issued for a fee of ~~$5~~ $10, effective ~~January~~ November 1, ~~1982~~ 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.3500 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A registered nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~$10~~ $15 effective ~~July~~ November 1, ~~1982~~ 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~$5~~ $10 effective ~~January~~ November 1, ~~1982~~ 1986, may be charged.

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be ~~$15~~ $20 per ~~24-month~~ renewal period, effective January 1, ~~1982~~ 1987. ~~The fee shall be $16 effective January 1, 1983. Licensees whose registrations expire December 31, 1982, shall pay $7.50.~~

Subp. 4. and 5. [Unchanged.]

6310.7700 PENALTY FEE.

An applicant for renewal of registration shall pay a late penalty fee of ~~$5~~ $15 effective April 1, ~~1982~~ 1987, as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

6310.8000 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued.

A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is ~~$5~~ $10, effective November 1, 1986.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued.

If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation.

Upon written request of the licensee, a verification of current registration shall be issued for a fee of ~~$5~~ $10, effective ~~January~~ November 1, ~~1982~~ 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.8100 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A licensed practical nurse wishing to be licensed in another United States jurisdiction or foreign

country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~$10~~ $15 effective ~~July~~ November 1, ~~1982~~ 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~$5~~ $10 effective ~~January~~ November 1, ~~1982~~ 1986, may be charged.

6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is ~~$50~~ $75 for an applicant for registered nurse licensure and ~~$35~~ $50 for an applicant for licensed practical nurse licensure, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

B. [Unchanged.]

C. The reexamination fee is ~~$25~~ $50 for an applicant for registered nurse licensure and ~~$10~~ $40 for an applicant for licensed practical nurse licensure, effective November 1, 1986. The fee must be paid to the board.

D. Effective November 1, 1986, a late filing fee of ~~$20~~ $50 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

(1) licensure application and fee;

(2) examination application and fee;

(3) reexamination application and fee.

E. and F. [Unchanged.]

Subp. 11. and 12. [Unchanged.]

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Fee.** The fee for licensure is ~~$40~~ $55 for registered nurse applicants and ~~$30~~ $55 for licensed practical nurse applicants, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. to 13. [Unchanged.]

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.

SUPREME COURT DECISIONS

A public employer who wishes to remove a veteran from his position of employment must notify the veteran, in writing, of its intent, must set forth the charges against the veteran, and must inform the veteran of his rights under the Act. The veteran must serve upon the employer a written request for a hearing within 60 days of the veteran's receipt of the employer's notice. Following the hearing, both the veteran and the employer can seek review, in the district court, of the decision of the hearing board. In reviewing a decision of a veterans preference hearing board, the question for the reviewing court is whether the hearing board abused its discretion.

When conducting a hearing pursuant to the Veterans Preference Act, the job of the hearing board is twofold: (1) to determine whether the employer acted reasonably; (2) to determine whether extenuating circumstances exist justifying a modification of the disciplinary sanction.

Affirmed in part, reversed in part. Amdahl, C.J.

Concurring specially, Simonett, J.

C2-86-370 State of Minnesota v. Jeff Litzinger, petitioner, Appellant. Court of Appeals.

Record does not justify upward durational departures from presumptive concurrent sentences obtained using so-called *Hernandez* method of computing defendant's criminal history score.

Affirmed as modified. Amdahl, C.J.

C2-85-2013 Simin Y. Hickman and Chris A. Hickman, individually and as parents and natural guardians of Jessica Hickman v. Group Health Plan, Inc., et al., Appellants, State of Minnesota. Hennepin County.

Minn. Stat. § 145.424, subd. 2 (1984) does not involve state action such as would make applicable the due process and equal protection clauses of the Fourteenth Amendment.

Minn. Stat. § 145.424 subd. 2 (1984) does not violate constitutional due process.

Minn. Stat. § 145.424 (1984) does not violate constitutional equal protection.

Article 1, section 8 of the Minnesota Constitution only assures remedies for rights that vested at common law.

Reversed. Yetka, J.

Dissenting, Amdahl, C.J., Wahl, and Scott, JJ.

Concurring specially, Simonett, Kelley and Coyne, JJ.

ERRATA

Minnesota Board of Nursing

Modification to Proposed Permanent Rules Relating to Fees

The Notice that appeared in Volume 11 of the *State Register*, Monday, September 8, 1986, at page 430 (11 S.R. 430) pertaining to Minn. Rules pt. 6310.7700, the proposed rule amendment which would set the penalty fee for late registration renewal, is hereby modified to be effective January 1, 1987.

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Kathleen Manahan, do hereby certify that I am a member and the President of the Minnesota Board of Nursing, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Nursing, duly and properly called and held on the fifth day of December, 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 relating to the fees charged by the board be and they hereby are approved and adopted, pursuant to the authority vested in this board by Minnesota Statutes, sections 16A.128 and 148.191 and that Joyce M. Schowalter, the Executive Director of the Board of Nursing, 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 fifth day of December, 1986.

Kathleen Manahan

KATHLEEN MANAHAN, RN, President
Minnesota Board of Nursing

Attested to by:

Laura Trimble

Board Member

SEP 1986
MN BOARD
OF NURSING

September 16, 1986

Saint Marys Hospital
OF ROCHESTER
MINNESOTA
55902

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
2700 University Ave. West #108
St. Paul, MN 55114

RE: Proposed Rule Amendment Relating to Fees Charged

Dear Ms. Schowalter:

I would personally be opposed to the proposed rule amendment changes related to fees charged for nursing licensure. Although it appears that changes have not been made for some years, I believe public hearings should be conducted to present why fees need to be increased.

I feel moving ahead will represent a form of "taxation without representation." Therefore, I would encourage a greater degree of participation by the nurses of Minnesota. Incidently, the notice was dated August 4, 1986, with your signature and received in my office on August 25, 1986. I do hope my comments are not too late.

Thank you for taking these comments into consideration.

Sincerely,

Bruce Frederick

Bruce J. Frederick, RN, MN
Assistant Administrator - Nursing

BJF/dd

SEP 1986
MN BOARD
OF NURSING

September 16, 1986

Saint Marys Hospital

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
2700 University Ave. West #108
St. Paul, MN 55114

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Sincerely,

Bruce Frederick

Bruce J. Frederick, RN, MN
Assistant Administrator - Nursing

BJF/dd

SEP 1986
MN BOARD
OF NURSING

September 16, 1986

Saint Marys Hospital
OF ROCHESTER
MINNESOTA
55902

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
2700 University Ave. West #108
St. Paul, MN 55114

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Sincerely,

Bruce Frederick

Bruce J. Frederick, RN, MN
Assistant Administrator - Nursing

BJF/dd

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Permanent Rules
Relating to Fees

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Rory H. Foley, Special Assistant Attorney General, 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. For Attorney General billing purposes, the four-digit client code is 0481.

Dated: December 15, 1986

RORY H. FOLEY
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Permanent Rules
Relating to Fees

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

IT IS ORDERED this 2nd day of August, 1986, that a Notice of Intent to Adopt 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 Nursing for that purpose and be published in the State Register.

STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
the Proposed Rules
Relating to Fees

AFFIDAVIT

Joyce M. Schowalter, having first been duly sworn, does hereby state and declare:

I hereby certify that no persons requested notification of the submission of the above-entitled rules. I further declare that no person requested a hearing on these rules.

JOYCE M. SCHOWALTER
Executive Director

Subscribed and sworn to before me
this 15th day of December, 1986.

Shelley J. Lindemyer

SHELLEY LINDEMYER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSON EXPIRES APRIL 19, 1991