


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

# RULE REVIEW CHECKLIST

File No. 1397 Docket No. 05.0009.0480

DATE RECEIVED 9/18/87 ADOPTED W/O HEARING _____

REVIEW DATE 9/27/87 EMERGENCY RULE _____

DUE DATE 10/2/87

REVISOR APPROVED _____

APPROVED 10.2.87 mjc REVISOR DISAPPROVED _____

DISAPPROVED _____ FIELD W/SEC.STATE 10/05

WITHDRAWN _____ RETURNED TO AGENCY _____

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✓ 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 + 146.13 Statutory Authority

yes Small Business Statement

yes Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

yes Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

6/25/87 Date (30)/25 days before adoption

✓ Publication in State Register

June 29, 1987 Date (30)/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

9/12/87 Date

___ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

John A. Brevig Name of SAAG representing agency

✓ ~~Notice of Submission to Attorney General~~ order for notice

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

SF-00006-05 (4/86)

STATE OF MINNESOTA

# Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : October 10, 1987

TO : JOHN A. BREVIU
Assistant Attorney General

FROM : MARTHA CASSERLY
Special Assistant
Attorney General

PHONE : 6-6204

SUBJECT : In the Matter of the Adopted Rule Relating to Board of Medical Examiners - Fees

The above-referenced rule has been approved as to its legality by the Attorney General on October 2, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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:nah
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

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, full exam, $425;

B. physician examination fee, Part I only, $250;

C. physician examination fee, Part II only, $300;

D. physician application fee, $200;

E. physician annual registration, $115;

F. physician certification to other states, $10;

G. physician verification to institutions, $5;

H. physician endorsement to other states, $40;

I. physician emeritus license, $50;

J. physician temporary licenses, $60;

K. physician late fee, $60;

L. physical therapist application fee, $40;

M. physical therapist examination fee, $90;

N. physical therapist annual registration, $20;

O. physical therapist late fee, $10;

P. physical therapist certification to other states, $10; and

Q. physical therapist verification to institutions, $5.



STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 5 – 1987

Joan Anderson Growe
Secretary of State

11:27 AM

APPROVED AS TO FORM AND LEGALITY
October 2 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Caosely
SPECIAL ASSISTANT ATTORNEY GENERAL



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 10th day of June, 1987, 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

DAVID ZIEGENHAGEN
Executive Director

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Melvin E. Sigel, MD, do hereby certify that I am a member and the Vice 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 14th day of March, 1987, 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, Executive Director of the Board of Medical Examiners, is hereby granted the authority and directed to sign and to give the Notice of Intent to Adopt 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 of Medical Examiners 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 14th day of March, 1987.

Melvin Sigel MD.

MELVIN E. SIGEL, MD
Vice President

Mary Hartmann

Attest by one other Board member

Board of Medical Examiners

Proposed Permanent Rules Relating to Fees

Rules as Proposed

5600.2500 ANNUAL FEES.

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

A. physician examination fee, full exam, $425;

B. physician examination fee, Part I only, $250;

C. physician examination fee, Part II only, $300;

~~B.~~ D. physician application fee, ~~$100~~ $200;

~~C.~~ E. physician annual registration, ~~$55~~ $115;

~~D.~~ F. physician certification to other states, $10;

G. physician verification to institutions, $5;

H. physician endorsement to other states, $40;

I. physician emeritus license, $50;

~~E.~~ J. physician temporary licenses, ~~$40~~ $60;

~~F.~~ K. physician late fee, ~~$40~~ $60;

~~G.~~ L. physical therapist application fee, $40;

~~H.~~ M. physical therapist examination fee, $90;

~~I.~~ N. physical therapist annual registration, ~~$15~~ $20;

~~J.~~ O. physical therapist late fee, ~~$7~~ $10; ~~and~~

~~K.~~ P. physical therapist certification to other states, $10; and

Q. physical therapist verification to institutions, $5.



Approved by Revisor

# Office of the Revisor of Statutes

## Administrative Rules

**TITLE:** Proposed Permanent Rules Relating to Fees

**AGENCY:** Board of Medical Examiners

**MINNESOTA RULES:** Chapter 5600

The attached rules are approved for publication
in the State Register

David S. Niss
Assistant Revisor

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 (1986) and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1986).

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 THOSE AFFECTED BY THE CHANGE 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 (1986).

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 (1986), 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: June 10, 1987

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

David Ziegenhagen

DAVID ZIEGENHAGEN
Executive Director




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 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 stautory 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 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 1988 and found that if its revenue is derived from existing fees, the Board's expenditures would exceed revenue by more than $848,000. 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 Practices Act (Chapter 147) was amended to substantially increase the Board's statutorily mandated activities in licensing of physicians. The largest increase in cost resulting from these changes is in the area of enforcement actions involving physicians who violate the Medical Practices Act. In addition to increased numbers of consumer complaints against physicians, reports required to be submitted by medical organizations, insurers and individual licensed health professionals have resulted in substantially increased legal and enforcement activities. The investigation and discipline of problem physicians, and physicians with problems, has a direct cost impact on Board staffing, space requirements, specialist consultation, administrative hearings and data processing requirements.

Two changes in the Minnesota Medical Practices Act enacted in 1985 account for a dramatic increase in complaint, report and discipline activity.

M.S. 147.111 requires all medical institutions and societies and all licensed health care professionals to report to the Board any knowledge of any breach of the grounds for disciplinary action specified in M.S. 147.021, Subd. 1. It further requires institutions and societies to report any internal discipline, sanction or reductions in privileges which they impose on a physician. Reports of this type now account for approximately twelve percent of the Board's

discipline case load. The number of such reports is expected to increase as this portion of the law becomes better known in the health care industry.

M.S. 147.02, Subd. 6, also accounts for a portion of the increased activity. This section requires the Board to publish all disciplinary actions. This has dramatically increased the visibility of the Board to the general public. As a result, the number of consumer complaints has risen.

Recent changes in federal laws and regulations are also affecting the Board. Beginning in November 1987, the Board will receive reports from other states concerning malpractice judgements and settlements against Minnesota-licensed physicians, as well as any change in hospital privileges affecting Minnesota-licensed physicians. The Board will also receive increased reports from Minnesota hospitals and insurance carriers and will be required to transmit those reports to the federal government, as well as taking action in this state. Because of these changes, the Board expects to receive approximately 150 additional complaints and reports annually. Most of these complaints will involve competency issues, which are much more complex and much more expensive to investigate and prosecute.

Because of the sharp increase in complaint load, the amount of staff work for pre-disciplinary case preparation has also rised sharply. In addition, there has been an increase in staff work required to follow-up and monitor disciplinary orders. In order to enable the Board to cope with increasing needs and pressures, the 1987 legislature authorized increase in the Board's staff component from 13 to 17. Three of the new positions will be in the discipline area.

During FY 1987, approximately 800 new license applications were received. The Board anticipates processing approximately the same number during FY 1988. In additions, the Board anticipates receiving approximately 150 applications

for registration 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, Physical Therapy Advisory Council and full Board, and investigating and verifying any adverse legal information concerning malpractice suits and disciplinary actions in other jurisdiction. Total staff and Board time per application averages nearly three hours for physical therapists and six hours for physicians. A new staff position, approved by the legislature this year, will provide an Assistant Director who will oversee all license application processing and investigation.

Physical therapist applications are processed and investigated by Board staff, and 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, including testing, are approximately $65,000 per year, an amount which must be covered by application, testing and renewal fees.

Costs directly related to the testing of physician licensure applicants are paid to the Federation of State Medical Boards. Recent changes in national standards allow the physician examination to be given in one sitting or in two separate parts. The Board's fee for the full exam will remain the same. Since Part I and Part II may now be taken separately, new fees are required. The proposed fees include the amount charged to the Board by the Federation, plus administrative costs for processing the application and administering the examination. The fee for Part I will be $250, the fee for Part II will be $300. The fee for the total examination will be unchanged.

The Board applied to the Legislature in 1987 for an increased appropriation

and staff authorization to carry out statutorily mandated activities. The Governor and the Legislature approved an appropriation of $1,323,100 for F.Y. 88 and $1,353,000 for F.Y. 89. In addition, authorization was obtained for four new staff positions. Two professional and one clerical will be in the area of physician discipline, and one professional position will be licensure investigation and verification.

For the foregoing reasons, the fee increases being sought are wholly reasonable. See also Attachments 1 and 2 which detail current and proposed fees, plus estimated receipts. Attachment 3 is the Biennial Budget Request Detail and Justification, which was approved by the legislature when the appropriation was adopted as requested.

**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. 2a.

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 the notice and proposed amendments to persons registered with the Minnesota Board of Medical Examiners pursuant to Minnesota Statutes, §14.14, Subd. 1a. 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. 2a, unless 20 percent of those affected request a hearing in writing within the 30 day comment period; c) that the rule may be modified if modifications are supported by data and the 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 persons 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 the impact on the rules on small businesses 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: June 2, 1987

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

David M. Ziegenhagen
Executive Director

ATTACHMENT 1

BOARD OF MEDICAL EXAMINERS FEE REVISION

| TYPE | ESTIMATED NUMBER | CURRENT FEE | ESTIMATED RECEIPTS |
|---|---|---|---|
| Physician application | 800 | $ 100 | $ 80,000 |
| Physician exam (entire FLEX) | 60 | 425 | 25,500 |
| Part I only | ------ | ------ | -------- |
| Part II only | ------ | ------ | -------- |
| Physician annual renewal | 13,100 | 55 | 720,500 |
| Physician late fees | 655 | 40 | 26,200 |
| Physician temporary license | 200 | 40 | 8,000 |
| Physician verification to other states | 180 | 10 | 1,800 |
| Physician verification to institutions | ------ | ------ | -------- |
| Physician endorsement to other states | ------ | ------ | -------- |
| Physician emeritus license | 10 | 5 | 50 |
| Physical therapist application fee | 150 | 40 | 6,000 |
| Physical therapist examination | 150 | 90 | 13,500 |
| Physical therapist annual registration | 2,100 | 15 | 31,500 |
| Physical therapist late fee | 105 | 7 | 735 |
| Physical therapist certification to other states | 20 | 10 | 200 |
| Physical therapist verification to institutions | ------ | ------ | -------- |
| Physician assistant application | 150 | 100 | 15,000 |
| Physician assistant annual registration | 150 | 20 | 3,000 |
| Physician assistant supervisory agreement | 150 | 20 | 3,000 |
| Medical Corporation application | 25 | 100 | 2,500 |
| Medical corporation annual registration | 700 | 25 | 17,500 |
| Civil penalties | 20 | 1,000 | 20,000 |
| TOTAL ESTIMATED RECEIPTS | | | $974,985 |

ATTACHMENT 2

BOARD OF MEDICAL EXAMINERS FEE REVISION

| TYPE | ESTIMATED NUMBER | PROPOSED FEE | ESTIMATED RECEIPTS |
|---|---|---|---|
| Physician application | 800 | $ 200 | $ 160,000 |
| Physician exam (entire FLEX) | 60 | 425 | 25,500 |
| Part I only | 10 | 250 | 2,500 |
| Part II only | 10 | 300 | 3,000 |
| Physician annual renewal | 13,100 | 115 | 1,506,500 |
| Physician late fees | 400 | 60 | 24,000 |
| Physician temporary license | 200 | 60 | 12,000 |
| Physician certification to other states | 180 | 10 | 1,800 |
| Physician verification to institutions | 3,000 | 5 | 15,000 |
| Physician endorsement to other states | 100 | 40 | 4,000 |
| Physician emeritus license | 10 | 50 | 500 |
| Physical therapist examination fee | 150 | 90 | 13,500 |
| Physical therapist application fee | 150 | 40 | 6,000 |
| Physical therapist annual registration | 2,100 | 20 | 42,000 |
| Physical therapist late fee | 105 | 10 | 1,050 |
| Physical therapist certification to other states | 20 | 10 | 200 |
| Physical therapist verification to institutions | 15 | 5 | 65 |
| Physician assistant application | 5 | 100 | 500 |
| Physician assistant annual registration | 150 | 20 | 3,000 |
| Physician assistant supervisory agreement | 15 | 20 | 300 |
| Medical corporation application | 25 | 100 | 2,500 |
| Medical corporation annual registration | 700 | 25 | 17,500 |
| Civil penalties | 20 | 1,000 | 20,000 |
| TOTAL ESTIMATED RECEIPTS | | | $1,861,415 |

ESTIMATED COSTS FY 1988

| | |
|---|---|
| *Appropriation | $1,343,100 |
| Attorney General estimate | 500,000 |
| | $1,843,100 |

*Includes estimated salary supplement and SWA/MDH indirect costs

AGENCY PURPOSE:

To protect the citizens by ensuring that all practitioners meet state competency standards through enforcement of M.S. 146, 147, 148 and 319.

OPERATION AND CLIENTELE:

To protect the citizens through enforcement of Minnesota statutes by: 1) testing and interviewing each candidate for licensure or registration as a physician, physical therapist, mid-wife, physician assistant or corporation, 2) registering annually every physician, surgeon, osteopathic physician, physical therapist, mid-wife, physician assistant or corporation, 3) receiving and taking action on every complaint or report of malpractice alleging a violation of the statutes, investigating allegations, conducting hearings, and taking disciplinary action as indicated, 4) endorsing applications of Minnesota residents to other states for licensure; certify status of licenses and registration to the public, drug enforcement agencies, state licensing boards, hospitals and clinics, specialties boards, medical societies, etc., and 5) enforcing continuing medical education requirements.

| ACTIVITY STATISTICS: | F.Y. 1985 | F.Y. 1986 | F.Y. 1987 | F.Y. 1988 | F.Y. 1989 |
|---|---|---|---|---|---|
| Examinations Administered | 60 | 46 | 60 | 60 | 60 |
| Licenses Issued: | | | | | |
| New | 805 | 872 | 900 | 900 | 900 |
| Renewals | 13,113 | 13,503 | 13,100 | 13,100 | 13,100 |
| Complaints: | | | | | |
| Received | 304 | 735 | 845 | 1,047 | 1,268 |
| Resolved | 208 | 650 | 608 | 707 | 820 |

RECENT DEVELOPMENTS:

In 1985, the Medical Practices Act (Chapter 147) was amended to substantially increase the board's statutorily mandated activities in licensing of physicians. The largest increase in cost resulting from these changes is in the area of enforcement actions involving physicians who violate the Medical Practices Act. In addition to increased numbers of consumer complaints against physicians, reports required to be submitted by medical organizations, insurers and individual licensed health professionals have resulted in substantially increased legal and enforcement activities. The investigation and discipline of problem physicians, and physicians with problems, has a direct cost impact on board staffing, space requirements, specialist consultation, administrative hearings and data processing requirements. The attached CHANGE request shows the budgetary impact of this change in Minnesota law.

A major gap in complaint data available to the board has been in the area of Peer Review Organizations (PROs). Federal regulations currently prohibit PROs from sharing information concerning incompetent physicians. These regulations have been changed, however, and the board will begin receiving competency investigation and discipline records from the Minnesota PRO during F.Y. 1987. The attached CHANGE request describes the impact of receiving this important new information concerning problem physicians.

| ACTIVITY GENERATES NON-DEDICATED REVENUE | ACTUAL F.Y. 1985 | ACTUAL F.Y. 1986 | ESTIMATE F.Y. 1987 | ESTIMATE F.Y. 1988 | ESTIMATE F.Y. 1989 |
|---|---|---|---|---|---|
| ☒ Yes ☐ No | $ 437.2 | $ 739.1 | $ 967.5 | $1,893.1 | $2,060.7 |

EXPLANATION OF BUDGET REQUEST:

The board is requesting an increase of $708.5 in F.Y. 1988 and $738.9 in F.Y. 1989.

Increased costs are directly related to increased board activity in identifying and disciplining problem physicians.

All appropriations and costs related to board activities are recovered through fees.

GOVERNOR'S RECOMMENDATION:

The Governor concurs with the agency's request to achieve the 1987-89 objectives.

# BUDGET ACTIVITY FISCAL SUMMARY - BIENNIAL BUDGET

BUDGET ACTIVITY: BD OF MEDICAL EXAM

PROGRAM: HEALTH BOARDS

AGENCY: MEDICAL EXAMNRS,BD OF

* * * DOLLARS IN THOUSANDS (137,522 = 137.5) * * *

| SUMMARY OF EXPENDITURES AND REQUEST | ACTUAL F.Y. 1985 | ACTUAL F.Y. 1986 | ESTIMATED F.Y. 1987 | F.Y. 1988 REQUEST LEVELS SAME | CHANGE | TOTAL | GOV. RECOMMEND F.Y. 1988 | F.Y. 1989 REQUEST LEVELS SAME | CHANGE | TOTAL | GOV. RECOMMEND F.Y. 1989 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| EXPENDITURES BY CATEGORY: | | | | | | | | | | | |
| STATE OPERATIONS | 520.6 | 619.8 | 604.8 | 614.6 | 708.5 | 1,323.1 | 1,323.1 | 614.1 | 738.9 | 1,353.0 | 1,353.0 |
| LOCAL ASSISTANCE | | | | | | | | | | | |
| AIDS TO INDS. | | | | | | | | | | | |
| TOTAL EXPENDITURES | 520.6 | 619.8 | 604.8 | 614.6 | 708.5 | 1,323.1 | 1,323.1 | 614.1 | 738.9 | 1,353.0 | 1,353.0 |
| STATE OPERATIONS - DETAIL: | | | | | | | | | | | |
| PERSONAL SERVICES | 269.5 | 376.1 | 369.4 | 390.7 | 136.6 | 527.3 | 527.3 | 390.2 | 136.6 | 526.8 | 526.8 |
| EXPENSES & CONTRAC. SERV | 243.4 | 200.3 | 214.3 | 194.3 | 556.7 | 751.0 | 751.0 | 194.3 | 593.1 | 787.4 | 787.4 |
| SUPPLIES & MATERIALS | 5.1 | 19.4 | 7.6 | 7.6 | 7.6 | 15.2 | 15.2 | 7.6 | 4.6 | 12.2 | 12.2 |
| EQUIPMENT | 2.6 | 17.6 | 5.0 | 5.0 | 7.6 | 12.6 | 12.6 | 5.0 | 4.6 | 9.6 | 9.6 |
| OTHER EXPENSE ITEMS | | 6.4 | 8.5 | 17.0 | | 17.0 | 17.0 | 17.0 | | 17.0 | 17.0 |
| TOTAL STATE OPERATIONS | 520.6 | 619.8 | 604.8 | 614.6 | 708.5 | 1,323.1 | 1,323.1 | 614.1 | 738.9 | 1,353.0 | 1,353.0 |
| SOURCES OF FINANCING | | | | | | | | | | | |
| DIRECT APPROPRIATIONS: | | | | | | | | | | | |
| GENERAL | 520.6 | | | | | | | | | | |
| SP REV DIRECT APPROP | | 619.8 | 604.8 | 614.6 | 708.5 | 1,323.1 | 1,323.1 | 614.1 | 738.9 | 1,353.0 | 1,353.0 |
| DEDICATED APPROPRIATIONS: | | | | | | | | | | | |
| TOTAL FINANCING | 520.6 | 619.8 | 604.8 | 614.6 | 708.5 | 1,323.1 | 1,323.1 | 614.1 | 738.9 | 1,353.0 | 1,353.0 |
| POSITIONS BY FUND | | | | | | | | | | | |
| GENERAL | 10.0 | | | | | | | | | | |
| SP REV DIRECT APPROP | | 13.0 | 13.0 | 13.0 | 4.0 | 17.0 | 17.0 | 13.0 | 4.0 | 17.0 | 17.0 |
| TOTAL POSITIONS | 10.0 | 13.0 | 13.0 | 13.0 | 4.0 | 17.0 | 17.0 | 13.0 | 4.0 | 17.0 | 17.0 |

CHANGE REQUEST
[X] Agency [ ] Program [ ] Activity

1987-89 Biennial Budget

ACTIVITY: MEDICAL EXAMINERS, BOARD OF
PROGRAM: MEDICAL EXAMINERS, BOARD OF
AGENCY: MEDICAL EXAMINERS, BOARD OF

Request Title: Increased Discipline and Licensing Responsibilities

| | F.Y. 1988 | | F.Y. 1989 | |
|---|---|---|---|---|
| Agency Request | Amount | Positions | Amount | Positions |
| Direct Appropriated Special Revenue Fund-12 | $ 708.5 | 4.0 | $ 738.9 | 4.0 |
| Governor's Recommendation | | | | |
| Direct Appropriated Special Revenue Fund-12 | $ 708.5 | 4.0 | $ 738.9 | 4.0 |

Request requires statutory change: [ ] Yes [X] No
Statutes Affected:

STATEMENT OF REQUEST/OBJECTIVE:

The Medical Examiners Board requests the above funds to meet the increased disciplinary caseload projected for the 1988-89 biennium and to ensure proper monitoring of the licensure activity.

DESCRIPTION/BACKGROUND:

The board needs an additional professional position in its licensure unit to prevent fraudulent licensure activities. The board is also facing a substantial increase in disciplinary cases in the coming biennium due to two causes:

1. Recent changes in Minnesota law.
2. Recent changes (1-1-87) in federal regulations.

The following table indicates the significant impact these 2 changes will have on the board's workload.

| STATISTICS: | F.Y. 1985 | F.Y. 1986 | F.Y. 1987 | F.Y. 1988 | F.Y. 1989 |
|---|---|---|---|---|---|
| Complaints received | 304 | 735 | 845 | 1,268 | 1,268 |
| Resolved | 208 | 650 | 608 | 820 | 820 |
| Referred for AGO Investigation | 96 | 175 | 237 | 448 | 448 |

1. Discipline Activity Increase - Minnesota Law:

Two changes in the Minnesota Medical Practices Act enacted in 1986 account for a dramatic increase in complaint activity between F.Y. 1985 and F.Y. 1986 (304 to 735). These are M.S. 147.111 and 147.02, Subd. 6.

M.S. 147.111 requires all medical institutions and societies and all licensed Health Care Professionals to report to the board any knowledge of any breach of the grounds for disciplinary action specified in M.S. 147.021, Subd. 1. It further requires institutions and societies to report any internal discipline, sanction or reductions in privileges which they impose on a physician. Reports of this type now account for approximately 12% of the board's discipline caseload. The number of such reports is expected to increase as this portion of the law becomes better known in the health care industry.

M.S. 147.02, subd. 6, will account for by far the largest portion of the increased activity. This section requires the board to publish all disciplinary actions. This has dramatically increased the visibility of the board to the general public. As a result, the numbers of consumer complaints has risen.

Because of the publication and reporting requirements of the new statutes, it is estimated that the board will see an annual increase in complaint activity from public complaints and professional reports of approximately 15%. This 15% annual increase forms the basis for the projected figures for F.Y. 1987-89.

For F.Y. 1985 and F.Y. 1986 the board has referred an average of 28% of its complaints to the Attorney General for investigation. This 28% forms the basis for the projections on referrals for F.Y. 1987-89.

Because of recent changes in federal regulations discussed in another section, the board expects to receive an additional 150 complaint reports in F.Y. 1988, and expects to refer 135 of these to the Attorney General's Office. For F.Y. 1989 the added complaints are expected to be 150, 135 of which will be referred. These numbers have been added to the projected 15% increases for F.Y. 1988 and F.Y. 1989.

Because of the sharp increase in complaint load, the amount of staff work for predisciplinary case preparation has also risen sharply. Historically, it was more or less assumed that, once a disciplinary order was issued, it was self enforcing. Experience, however, has shown that this is far from true, and that extensive post order followup and monitoring are necessary. The present staffing level of 2 professional and 1 clerical position is inadequate to handle the workload.

CHANGE REQUEST 1987-89 Biennial Budget

☒Agency ☐Program ☐Activity
(Continuation)

ACTIVITY: MEDICAL EXAMINERS, BOARD OF
PROGRAM: MEDICAL EXAMINERS, BOARD OF
AGENCY: MEDICAL EXAMINERS, BOARD OF

The board is therefore requesting the following increases to meet these Minnesota law changes.

- 1 professional position for discipline at the 8I level @ $26,392 annually + $4,751 fringes = $31,143 for both fiscal years.

- 1 clerical position at the CT 3 level at $19,418 annually + $3,495 fringes = $22,913 for both fiscal years.

The normal caseload (excluding that resulting from federal changes) which the board encounters requires an outside Medical Specialist on approximately 20% of the cases. Current consultant fees average $1,200 per case. The board thus anticipates consultant costs for normal caseload of:

| F.Y. 1988 | F.Y. 1989 |
|---|---|
| 195 cases x $1,200 = $234,000 | 224 cases x $1,200 = $268,800 |

The normal caseload for F.Y. 1985 resulted in 1 contested case hearing. F.Y. 1986 resulted in 2. We estimate 3 contested case hearings for both F.Y. 1988 and F.Y. 1989.

The Chief Administrative Law Judge (ALJ) provided us estimates of $11,970 and $12,484 per case for F.Y.s 1988 and 1989 respectively.

The CHANGE level request for Minnesota law changes, therefore, is:

| | F.Y. 1988 | F.Y. 1989 |
|---|---|---|
| 1 professional position | $ 31.1 | $ 31.1 |
| 1 clerical position | 22.9 | 22.9 |
| Equipment, supplies and office space for new positions | 7.6 | 4.6 |
| Consulting fees for case reviews | 234.0 | 268.8 |
| 3 contested case hearings | 35.9 | 37.5 |
| TOTAL | $ 331.5 | $ 364.9 |

2. Discipline Activity Increase - Federal Regulations:

Release of Peer Review Organizations competency reports. Because of imminent changes in the federal regulations governing the Peer Review Organization program, operated by the Health Care Finance Administration (CFR Title 42, Sect. 466 ff), state Boards of Medical Examiners can expect to be the recipient of investigation and review data regarding physician competence and quality of care as it is developed by designated Peer Review Organizations. Under current federal regulations, this information is inaccessible to boards. However, effecive 1/1/87, state boards, including Minnesota's, will not only be mandated to receive this information, but are directed to act on it.

In Minnesota, the designated Peer Review Organization is presently the Foundation for Health Care Evaluation. Initial estimates of the number of competency cases which the board would review under the federal change is approximately 150 annually.

Competency cases require the following activities:

- Board staff review
- Board committee review
- Consultant's review
- Attorney General's Office review
- Contested case hearings

Estimates for the number of cases at each step for F.Y. 1988-89 are as follows:

| | F.Y. 1988 | F.Y. 1989 |
|---|---|---|
| - Board staff review | 150 | 150 |
| - Board committee review | 150 | 150 |
| - Consultant's review | 135 | 135 |
| - Attorney General's Office review | 135 | 135 |
| - Contested case hearings | 10 | 10 |

To accomplish the board staff review, the board will have to add one full professional staff position at approximately the 10I level @ $28,251 annually + $5,099 fringes = $33,350.

Board Committee Review would be at a per diem rate of $35 x 3 reviewers x 1 day for an estimated cost of $105 per day for 150 days = $15,800 for 1988 and 1989.

Currently, consultants' review costs are approximately $1,200 per case.

CHANGE REQUEST
(X)Agency ☐Program ☐Activity
(Continuation)
ACTIVITY: MEDICAL EXAMINERS, BOARD OF
PROGRAM: MEDICAL EXAMINERS, BOARD OF
AGENCY: MEDICAL EXAMINERS, BOARD OF

Information supplied by Chief Administrative Law Judge indicates that cases from our Board of this type should average $11,970 for F.Y. 1988 and $12,484 for F.Y. 1989.

The CHANGE level request for federal regulations changes, therefore, is:

| | F.Y. 1988 | F.Y. 1989 |
|---|---|---|
| 1 professional position 10I | $ 33.4 | $ 33.4 |
| Equipment, supplies and office space for new position | 3.8 | 2.3 |
| Board Committee review | 15.8 | 15.8 |
| Consultants review | 162.0 | 162.0 |
| Contested case hearings - ALJ | 124.8 | 124.8 |
| TOTAL | $ 339.8 | $ 338.3 |

3. Fraud Prevention and Malpractice Monitoring in Licensure

Existing licensure staff lacks a professional component. As the board has gained experience in the areas of detecting fraudulent licensure applications, evaluating malpractice histories of applicants and verifying the credentials of foreign medical graduates, it has become obvious that the board staff must be augmented. It currently lacks the analytical reporting, writing and supervisory skills of a professional position in licensure. As a result, the board is requesting a professional position at the 10I level to serve this function in the licensure unit.

The CHANGE level request for the licensure activity, therefore, is:

| | F.Y. 1988 | F.Y. 1989 |
|---|---|---|
| 1 professional position 10I | $ 33.4 | $ 33.4 |
| Equipment, supplies & rent | 3.8 | 2.3 |
| TOTAL | $ 37.2 | $ 35.7 |

RATIONALE:

It is essential that the board meet its statutory responsibilities in the area of licensure and enforcement of professional standards and discipline. If the board is unable to meet these responsibilities, the public health is impaired and the board is vulnerable to tort claims by aggrieved patients.

All costs will be recovered through fee adjustments.

SUMMARY:

| | F.Y. 1988 | F.Y. 1989 |
|---|---|---|
| CHANGE level - Licensure | $ 37.2 | $ 35.7 |
| CHANGE level - State Law | 331.5 | 364.9 |
| CHANGE level - Federal Regulations | 339.8 | 338.3 |
| GRAND TOTAL | $ 708.5 | $ 738.9 |
| Biennial request | $1,447.4 | |

GOVERNOR'S RECOMMENDATION:

The Governor concurs with the agency's request to achieve the 1987-89 objectives.

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 )

Lois Kauppila, being first duly sworn, deposes and says:

That on the 25th day of June, 1987, in the City of St. Paul, County of Ramsey, State of Minnesota, she 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.

Lois Kauppila

Subscribed and sworn to before me
this 25th day of June, 1987

Betty L. Messervey



CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Jack Bert, 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 12th day of September, 1987, 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 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 (1986), 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 12th day of September, 1987.

JACK BERT, MD
President

Meredith Hart
Attest by one other Board member

regulatory text and the preamble published as part of the standard and also corrects errors and inaccurate citations. The corrections do not substantively change the requirements or the intent of the standard.

By this notice, Minnesota OSHA proposes to adopt the corrections as published in the *Federal Register* on May 4, 1987.

C) "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Corrections and Information Collection Requirements Approval." When Federal OSHA published the final rules for occupational exposure to asbestos, tremolite, anthophyllite, and actinolite on June 20, 1986, the information collection requirements of those rules had not been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. The May 12, 1987 *Federal Register* notice announced that OMB had approved the general industry standard (29 CFR 1910.1001) on October 2, 1986 and the construction standard (29 CFR 1926.58) on November 14, 1986. Therefore, the information collection requirements of 1910.1001 and 1926.58 are now in effect. Minnesota OSHA adopted 29 CFR 1910.1001 and 1926.58 on November 10, 1986.

The May 12, 1987 publication also amends and corrects all the substantive and typographical errors in the regulatory text and in the preamble to the standard as published on June 20, 1986. One of the amendments is to the respirator selection tables found in Table 1 of 29 CFR 1910.1001 and Table D-4 of 29 CFR 1926.58. These tables have been amended by adding the phrase "other than a disposable respirator" to the description of the class of respirator allowed to be worn in airborne concentrations not in excess of 2 f/cc. While this explicit prohibition on the use of disposable respirators was not included in the regulatory text issued on June 20, 1986, Federal OSHA intended to prohibit their use. The preamble to the standards indicates that disposable respirators were not allowed and had stated in the appendices to the standards that "disposable respirators or dust masks are not permitted to be used for asbestos, tremolite, anthophyllite and actinolite work." The clarifying phrase was omitted from the tables because the purpose of the respirator selection tables is primarily to state which respirators are permitted in specific air concentrations, not to list explicitly those which are not allowed. To ensure that the respirator selection tables, when read alone, are clear, they are being amended to specifically state that disposable respirators are not permitted.

By this notice, Minnesota OSHA proposes to adopt the corrections and amendments as published in the *Federal Register* on May 12, 1987.

D) "Field Sanitation, Final Rule." On May 1, 1987, Federal OSHA published the final *Field Sanitation Standard* (29 CFR 1928.110). The *Field Sanitation Standard* covers those agricultural establishments hiring 11 or more workers for hand-labor, including work done by hand or with hand tools during cultivation, weeding, planting, and harvesting of vegetables, nuts, fruits, seedlings or other crops, and the packing of produce in the field into containers, whether performed on the ground, on moving machinery, or in a shed. The standard requires these employers to provide potable drinking water that is suitably cool and in sufficient amounts, dispensed in single-use drinking cups or by fountains and located so as to be readily accessible to all employees. It also requires one toilet and handwashing facility for each 20 employees, located within a quarter mile walk or, if not feasible, at the closest point of vehicular access. Facilities are not required for employees who do field work for three hours or less each day. Premoistened towelettes are prohibited.

In addition, the standard requires maintenance in accordance with public health sanitation practices including upkeep of water quality through daily change or as often as needed; toilets being kept clean, sanitary and operational; handwashing facilities being refilled with potable water as necessary and kept clean and sanitary; and the prevention of unsanitary conditions through proper waste disposal. The employer must also notify each employee of the location of the drinking water and facilities and must allow reasonable opportunities during the workday for employees to use them. The employer must also inform employees of the relevant health hazards in the field and practices necessary to minimize exposure to them.

By this notice, Minnesota OSHA proposes to adopt the final *Field Sanitation Standard* (29 CFR 1928.110) as published by Federal OSHA on May 1, 1987.

# 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 *Minnesota Statute* § 16A.128 (1986) and has elected to follow the procedures set forth in *Minnesota Statute* § 14.22 to 14.28 (1986).

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 THOSE AFFECTED BY THE CHANGE 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 *Minnesota Statute* §§ 16A.128 and 146.13 (1986).

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 *Minnesota Statute* § 14.115 (1986), 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 shoud submit a written statement of such request to David Ziegenhagen.

Dated: 10 June 1987

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, full exam, $425;

B. physician examination fee, Part I only, $250;

C. physician examination fee, Part II only, $300;

~~B.~~ D. physician application fee, ~~$100~~ $200;

~~C.~~ E. physician annual registration, ~~$55~~ $115;

~~D.~~ F. physician certification to other states, $10;

G. physician verification to institutions, $5;

H. physician endorsement to other states, $40;

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.

I. physician emeritus license, $50;

~~E.~~ J. physician temporary licenses, ~~$40~~ $60;

~~F.~~ K. physician late fee, ~~$40~~ $60;

~~G.~~ L. physical therapist application fee, $40;

~~H.~~ M. physical therapist examination fee, $90;

~~I.~~ N. physical therapist annual registration, ~~$15~~ $20;

~~J.~~ O. physical therapist late fee, ~~$7~~ $10; ~~and~~

~~K.~~ P. physical therapist certification to other states, $10; and

Q. physical therapist verification to institutions, $5.


# MAILING LISTS GALORE

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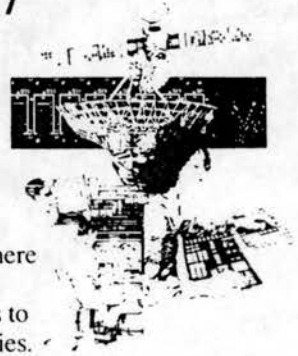
# Minnesota Manufacturer's Directory 1986-87



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, $68.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.





REVISED: There are more than 7,000 changes to the 7,068 entries.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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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 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 June 29, 1987, and was sent by United States mail to all persons on the list maintained by the Board of Medical Examiners pursuant to Minn. Stat. § 14.14, subd. 1.a (1986) on June 25, 1987. 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 affected by this change 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 12th day of September, 1987, pursuant to authority vested in the Board of Medical Examiners by Minn. Stat. §§ 16A.128 and 146.13 (1986).

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
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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

FINDINGS OF FACT
AND CONCLUSIONS

The above-entitled matter was considered by the Minnesota Board of Medical Examiners (hereinafter "Board") at its meeting on September 12, 1987. Notice of the Board's proposed amendment of the above-entitled rule was published in the State Register on June 29, 1987, 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 (1986) on June 25, 1987. 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% of the persons affected by this change.

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:

The above-captioned rule is both needed and reasonable.

JACK BERT, MD
President

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

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, 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
Assistant Attorney General

Dated: September 14, 1987

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 (1986), 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 25th day of June, 1987.

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

Steven Carter
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
117 West 5th Street
Blue Earth, MN 56013

Minnesota State Pharmaceutical Association
2469 University Avenue
St. Paul, MN 55114

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

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

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Minneapolis, MN 55414

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Minneapolis, MN 55402

Margo Struthers
Moss & Barnett
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Minneapolis, MN 55402

Mary Probst
Doherty Rumble & Butler
East 1500 First National Bank Bldg.
332 Minnesota St.
St. Paul, MN 55101

Group Health, Inc.
2829 University Ave. S.E.
Minneapolis, MN 55414

Physicians Health Plan
5601 Smetana Dr.
Minneapolis, MN 55440

SHARE
3600 W. 80th Street
Suite 700
Bloomington, MN 55431

Blue Cross & Blue Shield
3535 Blue Cross Rd.
St. Paul, MN 55122

John Hibbs
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, MN 55402

Rep. Lee Greenfield
223 State Office Bldg.
St. Paul, MN 55155

Sen. Linda Berglin
323 State Capitol
St. Paul, MN 55155

Ruth A. Michaelson
Rider, Bennett, Egan & Arundel
2500 First Bank Place W.
Minneapolis, MN 55402

Sally Sjogren
811 Norwest Center
Duluth, MN 55802


RECEIVED
JUN 1987
ATTORNEY
GENERAL
HEALTH

SF-00006-05 (4/86)

STATE OF MINNESOTA

# Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

DATE : September 16, 1987

TO : Martha Casserly
Special Assistant
Attorney General

FROM : John A. Breviu
Assistant Attorney General

RECEIVED
ATTORNEY GENERAL'S OFFICE

SEP 18 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

PHONE : 341-7272

SUBJECT : In the Matter of a Proposed Rule Amendment 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 a 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).

Thank you.

JAB:tmr

Enclosures

cc: David Ziegenhagen

SF-00006-05 (4/86)

STATE OF MINNESOTA

# Office Memorandum

DEPARTMENT : of Finance

DATE : June 8, 1987

TO : David Ziegenhagen, Executive Director
Board of Medical Examiners

FROM : Bruce J. Reddemann, Director
Budget Operations and Support BJR

PHONE : 6-5188

SUBJECT : Fee Adjustment Request

Your June 2, 1987 fee adjustment proposal (copy attached) is approved as submitted with the exception of the fee for physician's annual renewal. The proposed fee of $120 has been reduced to $115 in order to comply with M.S. 16A.128, Subd. 1a. The statute states that fees must be set or fee adjustments must be made so that the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs and Attorney General costs attributable to the fee function. Reduction of this fee is necessary so that projected revenue will approximate the estimated costs of this fee function.

TL/BJR/BN/KB/569T

Attachment

cc: Brian Roherty
John Schorn
Bart Nelson

ATTACHMENT 2

BOARD OF MEDICAL EXAMINERS FEE REVISION

| TYPE | ESTIMATED NUMBER | PROPOSED FEE | ESTIMATED RECEIPTS |
|---|---|---|---|
| Physician application | 800 | $ 200 | $ 160,000 |
| Physician exam (entire FLEX) | 60 | 425 | 25,500 |
| Part I only | 10 | 250 | 2,500 |
| Part II only | 10 | 300 | 3,000 |
| Physician annual renewal | 13,100 | ~~120~~ 115 | ~~1,572,000~~ 1,506,500 |
| Physician late fees | 400 | 60 | 24,000 |
| Physician temporary license | 200 | 60 | 12,000 |
| Physician certification to other states | 180 | 10 | 1,800 |
| Physician verification to institutions | 3,000 | 5 | 15,000 |
| Physician endorsement to other states | 100 | 40 | 4,000 |
| Physician emeritus license | 10 | 50 | 500 |
| Physical therapist examination fee | 150 | 90 | 13,500 |
| Physical therapist application fee | 150 | 40 | 6,000 |
| Physical therapist annual registration | 2,100 | 20 | 42,000 |
| Physical therapist late fee | 105 | 10 | 1,050 |
| Physical therapist certification to other states | 20 | 10 | 200 |
| Physical therapist verification to institutions | 15 | 5 | 65 |
| Physician assistant application | 5 | 100 | 500 |
| Physician assistant annual registration | 150 | 20 | 3,000 |
| Physician assistant supervisory agreement | 15 | 20 | 300 |
| Medical corporation application | 25 | 100 | 2,500 |
| Medical corporation annual registration | 700 | 25 | 17,500 |
| Civil penalties | 20 | 1,000 | 20,000 |
| TOTAL ESTIMATED RECEIPTS | | | ~~$1,926,915~~ 1,861,415 |

ESTIMATED COSTS FY 1988

| | |
|---|---|
| *Appropriation | $1,343,100 |
| Attorney General estimate | 500,000 |
| | $1,843,100 |

*Includes estimated salary supplement and SWA/MDH indirect costs

STATE OF MINNESOTA
OFFICE MEMORANDUM

DEPARTMENT of Human Services

TO: Bruce Reddemann, Director
Budget Support

DATE: 6-3-87

FROM: John Schorn
Executive Budget Officer

PHONE: 296-7694

SUBJECT: Medical Examiners Board Fee
Fee Adjustment Request

I have reviewed the enclosed fee increase request by the Board of Medical Examiners. Based upon the 88/89 legislative appropriations and the estimates for salary supplements, Attorney Generals fees and indirect costs, I believe the fee structure, as requested will meet the provisions of MS 214.06 and MS 16A.128.

cc: Nancy Feldman
David Ziegenhagen
File

Fees: Dept of Finance Approval. Letter from Bruce Reddeman (Dept of Finance) is attached to Stmnt of need + reasonableness. However Mr Reddeman is not the Commissioner of Finance.

Does Bruce ~~have~~ authority to sign on ~~behalf~~ behalf of the Commissioner? yes, it's on file with the Secretary of State.

Rule: See proposed: Not all new material.

Authority

146.13

16A.128

I did not find authority in either cite.

Notice of Intent

Statements nos. 6 & 7 under MN Rule 2010.0200 E, are not mentioned in the Notice.