

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1438
DATE RECEIVED 1/11/88
REVIEW DATE 1/20/88
DUE DATE 1/25/88

APPROVED 1/20/88 JJ2
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0483
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED ✓
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)
✓ Notice to Solicit Outside Information/Opinion
6/17/85 Date published in State Register
Yes - 1 Comments
— Petition for Adoption of a Rule
✓ Board's Authorizing Resolution
✓ Proposed rule
Yes Revisor's Certificate
✓ Notice of Intent to Adopt Rule Second Notice Nec. Pub 11/30
14B.53; 214.06; 16A.128 Statutory Authority
No Small Business Statement
No 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
9/24/87 Date 30/25 days before adoption
✓ Publication in State Register
11/30/87 Date 30/25 days before adoption
✓ Resolution Adopting
✓ Findings of Fact, Conclusions & Order Adopting
12/31/87 Date
✓ Written requests, submissions or comments
✓ Declaration of attorney
Catherine Auliya Name of SAAG representing agency
— Notice of Submission to Attorney General
— Affidavit of Mailing Notice to Attorney General

ATTORNEY GENERAL

January 21, 1988

CATHERINE AVINA
Special Assistant
Attorney General

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to
Board of Optometry - Fees

The above-referenced rule has been approved as to its legality by the Attorney General on January 20, 1988.

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, submissions 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
Duane Harves

A6 Copy

09/29/87 [REVISOR] DSN/JC AR1111

Board of Optometry



Adopted Permanent Rules Relating to Fees

Rules as Adopted

6500.1800 LICENSE EXAMINATION FEE.

All applications for licensure by examination in this state shall be accompanied by a $75 fee. In the event the applicant fails to pass a part of the examination, upon application and the payment of an additional fee of $50, the applicant may retake the examination at the time for which the board next schedules examinations.

6500.1900 LICENSE CERTIFICATE ISSUANCE FEE.

Each applicant who meets all applicable requirements for licensure under the act and these rules shall be issued a license certificate by the board. The fee for this license certificate shall be $12. Upon proof of loss or damage of an original license certificate and payment of an additional $12 fee, a replacement certificate may be issued by the board.

Each applicant who meets all applicable requirements for use of drugs in patient care shall be issued a certificate by the board. The fee for this certificate is $10. A replacement certificate may be issued by the board.

6500.2100 RECIPROCITY.

Subpart 1. [Unchanged.]

Subp. 2. **Equivalency of state requirements.** In accordance with Minnesota Statutes, section 148.57, subdivision 2, another state's licensure requirements shall be deemed to be equivalent to Minnesota's if the state requires that each applicant:

A. to D. [Unchanged.]

A fee of $75 shall accompany every application for licensure by reciprocity.

6500.2700 OPTOMETRIST EMERITUS REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Renewal cycle or fees.** Being registered as an emeritus optometrist will not subject the person to the annual license renewal cycle or renewal fee.

Each applicant who meets all requirements for registration as emeritus optometrist shall be issued a certificate. The fee for this certificate is $10. A replacement certificate may be issued by the board.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 25 1988
Joan Anderson Growe
Secretary of State
8:29 AM

APPROVED AS TO FORM AND LEGALITY
January 20, 1988
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Julie A. Zeppenk
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF THE

Board of Optometry

RESOLUTION ADOPTING THE RULE

I, Mary K. Laconic, OD, do hereby certify that I am a member and the President of the Board of Optometry, 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 31st day of December, 1987, 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 the rule relating to fees is approved and adopted, pursuant to authority vested in the Board of Optometry by Minnesota Statutes, section 148.53, 214.06, and 16A.128. Burton H. Skuza, OD, the executive director of the Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31 day of Dec, 1987.

Mary K. Laconic O.D.
MARY K. LACONIC, OD
President

Roy V. Stensrud, O.D.
Attest

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

CERTIFICATE OF
AUTHORIZING RESOLUTION

I, Mary K. Laconic, OD, do hereby certify that I am a member and the President of the Minnesota Board of Optometry, 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 19th day of August, 1987, 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 Burton H. Skuza, OD, the executive director of the Board, is hereby granted the authority and directed to sign and to give the notice of the Board's intent to adopt rules without a public hearing governing the term of licenses, their renewal or expiration, the recovery of the costs of disciplinary proceedings, and various licensure fees to all persons who have registered their names with the Board for that purpose and publish the notice and rules in the State Register, and to peform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15 day of September, 1987.

Mary K. Laconic O.D.
MARY K. LACONIC, OD
President

Mary W. Stewart OD
Attest by

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Terms and Renewal of License

AGENCY: Board of Optometry

MINNESOTA RULES: Chapter 6500

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

Board of Optometry

Proposed Permanent Rules Relating to Terms and Renewal of License

Rules as Proposed (all new material)

6500.2800 TERMS AND RENEWAL OF LICENSE.

Subpart 1. **Terms.** An initial license issued by the board is valid from the date issued until renewed or terminated according to this part. An annually renewed license issued by the board is valid from January 1 of the year for which it is issued until renewed or terminated according to this part.

Subp. 2. **Renewal of application including information regarding continuing education and fees.** An optometrist shall submit an application for renewal of license together with the necessary fee no later than December 31 of the year preceding that for which the license renewal is requested. Application for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office by United States first class mail on the first workday after December 31. The application form must provide a place for the renewal applicant's signature and must solicit information to include but not be limited to the applicant's office address or addresses, the number of the applicant's license, and any other information that may be reasonably requested by the board.

For those licensees who have not submitted evidence of compliance with their three-year continuing education requirement or special course requirement in parts 6500.0900 and 6500.1700, the board will include in its written notice relating to annual renewal that the licensee shall submit verified evidence of having taken the required number of continuing education credit hours listed in part 6500.0900 or specified under part 6500.1700 in order to have the license renewed.

Approved

Subp. 3. **Failure to submit renewal application.** The following procedures will be followed by the board for all licensees who have failed to submit the annual application under subpart 2, including information about continuing education and applicable fees as provided in subpart 5.

A. Any time after January 1, the board will send to the last address on file with the board, a notice to all licensees who have not made application for renewal of their license. The notice will state that the licensee has failed to make application for renewal; the amount of renewal and late fees and the information required about continuing education as specified in subpart 2 which must be submitted in order for the license to be renewed; that the licensee may voluntarily terminate the license by notifying the board; and that failure to respond to notice by the date specified, which date must be at least 30 days after the notice is sent by the board, either by submitting the renewal application and applicable fees and information required about continuing education or by notifying the board that the licensee has voluntarily terminated the license, will result in expiration of the license and terminating the right to practice.

B. If the application for renewal, including required information about continuing education and the applicable annual and late fees or notice of voluntarily termination is not received by the board by the dates specified in the notice, the license will expire and the licensee's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee.

C. Notwithstanding items A and B, the expiration date shall be extended six months when a licensee fails to meet the continuing education requirements in parts 6500.0900 and 6500.1700. The license will expire at the end of the six-month extension if the licensee does not submit within that time evidence of having complied with the required continuing education. In those cases where a licensee was physically

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by Revisor _____

incapable at the end of the three-year reporting cycle of taking continuing education courses, the expiration date shall be extended for six months for the purpose of giving the person the opportunity to take the necessary number of continuing education course hours. The licensee must submit clear and convincing evidence of physical incapability. The license expires at the end of the six-month extension if the licensee does not submit within that time evidence of taking a number continuing education course hours necessary to comply with parts 6500.0900 and 6500.1700.

In either instance referenced above, a licensee may submit a request for extension of the six-month period. The board will grant the extension only in cases of extreme hardship or compelling reasons. Financial hardship caused by loss of license shall not meet the standards. The burden rests on the licensee to prove that the extension should be granted which in no case shall exceed an additional six months.

Subp. 4. **Reinstatement.** A license that has expired under this part may be reinstated under part 6500.2900.

Subp. 5. **Contested case proceeding.** The board, in lieu of the process in subpart 3, may initiate a contested case hearing to revoke or suspend a license for failure to submit fees and continuing education information requested on the renewal application, at the same time it initiates disciplinary proceedings against the licensee for other grounds specified in Minnesota Statutes, sections 148.52 to 148.62 and parts 6500.0400 to 6500.1700.

6500.2900 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements.** Upon complying with the requirements in this part, the applicant's license shall be reinstated. Any person desiring the reinstatement of a license shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in

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by Revisor _____

part 6500.2000, subpart 1;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the application provisions of part 6500.2000, subpart 3. Upon reinstatement, the person shall be assigned to the continuing education cycle to which the licensee was assigned before termination of the license.

Subp. 2. **Expiration or voluntary termination of license.** Applicants whose license has expired under part 6500.2800, subpart 3, or who voluntarily terminate their license must:

A. Submit evidence of having successfully completed the continuing education requirements that would have applied to them had their license not expired. If the license had expired because of failure to meet the continuing education requirements or if the applicant's continuing education cycle concluded during the time that the license was in expired status and all the requirements had not been complied with, the applicant must successfully complete this cycle of continuing education.

B. On filing a reinstatement application, pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of the license and the year in which the application is filed.

Subp. 3. **Revoked or suspended license.** No license that has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action was based in part on failure to meet continuing education requirements, the license may not be reinstated until the applicant has successfully completed the requirements in subpart 2. The board may require the licensee to pay all costs of the proceedings resulting in the suspension or revocation of a license under part 6500.2800 or pursuant to its disciplinary authority and the reinstatement or issuance of a new license. A

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by Revisor _____

licensee who has been disciplined by the board in a manner other than by suspension or revocation may be required by the board to pay all costs of the proceedings resulting in the disciplinary action.

Subp. 4. **Licensure application not precluded.** Nothing in this part prohibits an optometrist from applying for licensure under Minnesota Statutes, section 148.57, subdivisions 1 and 2.

Subp. 5. **Exemptions.** A licensee who pays an annual license renewal fee and meets any of the following conditions is exempt from complying with the continuing education requirements if the licensee files an affidavit with the board specifying the condition applicable to the licensee:

A. resides permanently outside the state and does not practice within the state;

B. is retired from practice and does not perform any optometric services on a voluntary or free basis; or

C. is permanently disabled and unable to practice optometry.

Subp. 6. **Expiration of exemption.** A licensee claiming exemption under subpart 5 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed the continuing education requirements equivalent to what requirements would have been without the exemption immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee has not complied with the continuing education requirements, the licensee must comply with part 6500.2900, subpart 2; if the licensee has been exempt from complying with the continuing education requirements, the licensee may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee will be placed in the continuing education cycle that would have applied if the exemption had not been claimed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Optometry

MINNESOTA RULES: Chapter 6500

The attached rules are approved for publication
in the State Register

DSN

David S. Niss
Assistant Revisor

Board of Optometry



Proposed Permanent Rules Relating to Fees

Rules as Proposed

6500.1800 LICENSE EXAMINATION FEE.

All applications for licensure by examination in this state shall be accompanied by a ~~$50~~ $75 fee. In the event the applicant fails to pass a part of the examination, upon application and the payment of an additional fee of ~~$35~~ $50, ~~he~~ the applicant may retake the examination at the time for which the board next schedules ~~such~~ examinations.

6500.1900 LICENSE CERTIFICATE ISSUANCE FEE.

Each applicant who meets all applicable requirements for licensure under the act and these rules shall be issued a license certificate by the board. The fee for this license certificate shall be $12. Upon proof of loss or damage of an original license certificate and payment of an additional $12 fee, a replacement certificate may be issued by the board.

Each applicant who meets all applicable requirements for use of drugs in patient care shall be issued a certificate by the board. The fee for this certificate is $10. A replacement certificate may be issued by the board.

6500.2100 RECIPROCITY.

Subpart 1. [Unchanged.]

Subp. 2. **Equivalency of state requirements.** In accordance with Minnesota Statutes, section 148.57, subdivision 2, another state's licensure requirements shall be deemed to be equivalent to Minnesota's if the state requires that each applicant:

A. to D. [Unchanged.]

A fee of ~~$50~~ $75 shall accompany every application for licensure by reciprocity.

6500.2700 OPTOMETRIST EMERITUS REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Approved by Revisor DSN/

Subp. 5. **Renewal cycle or fees.** Being registered as an emeritus optometrist will not subject the person to the annual license renewal cycle or renewal fee.

Each applicant who meets all requirements for registration as emeritus optometrist shall be issued a certificate. The fee for this certificate is $10. A replacement certificate may be issued by the board.

Approved
by Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

SECOND NOTICE OF
INTENT TO ADOPT
THE RULE WITHOUT
A PUBLIC HEARING

In order to comply with the requirements of Minnesota Statutes, section 16A.128, subdivision 2a, the Minnesota Board of Optometry hereby republishes the Notice of Intent to Adopt Rules Without a Public Hearing, and the proposed rules regarding fees. The Notice and the copy of the rules, which appeared at 12 State Register 560 (September 28, 1987) are incorporated herein by reference.

Dated: November 18, 1987

STATE OF MINNESOTA

BOARD OF OPTOMETRY

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

Board of Optometry

Proposed Permanent Rules Relating to Fees

Rules as Proposed

6500.1800 LICENSE EXAMINATION FEE.

All applications for licensure by examination in this state shall be accompanied by a ~~$50~~ $75 fee. In the event the applicant fails to pass a part of the examination, upon application and the payment of an additional fee of ~~$35~~ $50, ~~he~~ the applicant may retake the examination at the time for which the board next schedules ~~such~~ examinations.

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Each applicant who meets all applicable requirements for use of drugs in patient care shall be issued a certificate by the board. The fee for this certificate is $10. A replacement certificate may be issued by the board.

6500.2100 RECIPROCITY.

Subpart 1. [Unchanged.]

Subp. 2. **Equivalency of state requirements.** In accordance with Minnesota Statutes, section 148.57, subdivision 2, another state's licensure requirements shall be deemed to be equivalent to Minnesota's if the state requires that each applicant:

A. to D. [Unchanged.]

A fee of ~~$50~~ $75 shall accompany every application for licensure by reciprocity.

6500.2700 OPTOMETRIST EMERITUS REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Approved by Revisor DSN/LY

Subp. 5. **Renewal cycle or fees.** Being registered as an emeritus optometrist will not subject the person to the annual license renewal cycle or renewal fee.

Each applicant who meets all requirements for registration as emeritus optometrist shall be issued a certificate. The fee for this certificate is $10. A replacement certificate may be issued by the board.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Optometry

MINNESOTA RULES: Chapter 6500

The attached rules are approved for publication
in the State Register

DSN

David S. Niss
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

NOTICE OF INTENT
TO ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the State Board of Optometry intends to adopt permanent rules relating to the term and renewal of licenses, the recovery of the costs of disciplinary proceedings and fees. The Board intends to adopt these rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes, sections 148.53, 214.06, and 16A.128.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Burton H. Skuza, OD
Executive Director
Suite 103
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0594

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. Skuza upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rules, must submit the written request to Dr. Skuza at the above address.

Dated: August 28, 1987

STATE OF MINNESOTA

BOARD OF OPTOMETRY

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

STATEMENT OF NEED AND REASONABLENESS OF AMENDENTS REGARDING FEES

Pursuant to Minnesota Statutes 14.23 (1986) the Minnesota Board of Optometry (hereafter "Board"), hereby affirmatively presents the facts establishing the need and reasonableness of proposed amendments and additions to Minnesota Rules, parts 6500.1800, 6500.1900, 6500.2100 and 6500.2700 relating to fees.

In order to adopt the proposed amendments the Board must demonstrate that it has complied with all the procedural and substantive requirements of rulemaking. Those requirements are as follows: 1) there is statuary authority to adopt the rule; 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

Minnesota Statutes section 148.53 (1986) authorizes the Board to make any rules and to do any and all things not inconsistant with the law which it may deem necessary or expedient for the effective enforcement of sections 148.52 to 148.62 or for the full and efficient performance of its duties.

Minnesota Statutes, sections 16A.128 and 214.06 (1986), require the Board to adjust any fee which the Board is empowered to assess a sufficient amount so that the total fees collected will as closely as possible equal anticipated expenditures during the fiscal biennium, including support costs and statewide indirect costs attributable to the fee function.

2. STATEMENT OF NEED

The Board has reviewed its anticipated expenditures and its revenue derived from existing fees for the 1988-1989 bienium. The Board has found that expenditures will exceed income. The Board, therefore, would not be in compliance with Minnesota Statutes, sections 16A.128 and 214.06 (1986). Thus, there is need for the Board to adjust its fees so that the Board can comply with the statute.

The Board is proposing the amendments to cover the Board's costs to process an application for licensure in the State of Minnesota, to issue of a drug certificate, and to issue an Optometrist Emeritus Registration Certificate. The present application fee for licensure, as a line item, does not cover the cost of processing an application and examining an applicant. Currently, the Board does not have a fee to cover costs for issuing of a drug or emeritus registration certificate.

3. STATEMENT OF REASONABLENESS

Before submitting its 1988-1989 biennial budget request to the Legislature, the Board carefully scrutinized all expenses anticipated over the next biennium and found it was not being adequately compensated for examinations and for issuing certificates. When the legislature approved the Board's budget, it reduced it by 3%, or approximately $1500. The Board reviewed its anticipated expenditures for the next biennium and found that further reductions cannot be made to meet anticipated revenue from the current fee schedule. Therefore, it is reasonable to raise the application fee on and to add a fee for issuing certificates.

4. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minnesota Statutes, sections 14.05 to 14.12 and 14.22 14.28, specify certain procedures which must be followed when an agency adopts or amends rules without a public hearing. Procedures applicable to all rules, Minnesota Statutes, sections 14.05 to 14.12, have been complied with by the Board as noted below. Procedural Rulemaking Requirements of the Administrative Procedure Act.

The adoption of these rules will not require the expenditure of public money by local public bodies, nor do the rules have impact on agricultural land, Minnesota Statutes, sections 14.11 (1986).

Pursuant to Minnesota Statutes, section 14.23, the Board has prepared this Statement of Need and Reasonableness which is available to the public. The Board will publish a Notice of Intent to amend 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 Optometry pursuant to Minnesota Statutes, section 14.14, subdivision 1.a. The notice will include the following information: a) that the public have 30 days in which to submit comments on the proposed amendments and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held on the amendments relating to fees pursuant to Minnesota Statutes, section 16A.128, subdivison 2.a (1986); c) that the rule may be modified if modifications are supported by data and the views submitted; c) that notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person requesting to receive the notice, and giving information on how to request the notice.

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

5. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance.

Pursuant to Minnesota Statutes, section 16A.128, subdivision. 1, if 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 Reasonablness. The Commissioner's approval of the proposed amendments to part 6500.1800, 6500.1900, 6500.2100 and 6500.2700 is contained in the attached document entitled "Commissioner of Finance."

Small Business Consideration. In preparing these proposed amendments, the Board considered the impact of the amendments on small businesses set forth in Minnesota Statutes, section 14.115, subdivision 2 (1986). Since the proposed amendments merely raise fees charged by the Board for licensure and other administrative functions, the impact on small businesses would negligible.

Small businesses effected by the proposed amendments will have an opportunity to participate in the rulemaking process. A notice of the proposed rulemaking will be mailed to the following organizations which will likely represent small businesses affected by the amendments: Minnesota Optometric Association, Minnesota Association of Optometrists and Opticians, Minnesota Society of Opticians and Contact Lens Technicians and other interested parties.

Dated: August 28, 1987

STATE OF MINNESOTA

BOARD OF OPTOMETRY

Burton H. Skuza, O.D.

Burton H. Skuza, O.D.
Executive Director

STATE OF MINNESOTA
OFFICE MEMORANDUM

DEPARTMENT of Finance

TO: Bruce Reddemann

DATE: 9-16-87

FROM: John Schorn
Executive Budget Officer

PHONE: 6-7694

SUBJECT: Optometry Board Fee Adjustment

Enclosed is an analysis of the Optometry Boards request for fee adjustment. Based upon this analysis, I recommend approval of this requested adjustment.

cc: Dr. Skuza
D. Weinfurtner
File

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Board of Optometry



TO: Bruce A. Reddemann
Department of Finance

DATE: August 28, 1987

FROM: Burton H. Skuza, O.D.
Executive Director

PHONE: 612 -642-0594

SUBJECT: Ammendments to Fees 6500.1800 and
Certificate issuance fees

Attached is a copy of proposed Rules, Statement of Need and Reasonableness and request by the Finance Department to approve the proposed Rules.

BHS

Approved 9-17-87
B.J. Reddemann, Director
Budget Operations & Support

See Attachment:



OPTOMETRY BOARD-FEE INCREASE REQUEST- SEPT 1987

ESTIMATED COSTS	1988	1989
Appropriation	$46,900	$47,000
Attorney General Costs	3,600	3,600
Salary Supplement Estimate (3%)	1,300	2,700
Indirect Costs (State)	4,540	3,730
Indirect Costs (MHD)	560	570
Estimated Total Costs	$56,900	$57,600

ESTIMATED RECEIPTS	No. Paying Fee	Current Fee Amount	Proposed Fee Amount
Fee Explanation			
Examinations	50	$ 50.00	$ 75.00
Registrations	50	12.00	
Professional Corp. Registrations	3	100.00	
Professional Corp. Renewals	65	25.00	
Penalies	74	25.00	
Annual License Renewals	700	65.00	
Copies of Lists of Licensees	8	25.00	
Copies of List of Applicants	11	5.00	
Copies of Manual	4	3.00	
Certificate Authorizing use of drugs (new)	400	0.00	10.00
Certificate of Emeritus Registration (new)	50	0.00	10.00
Estimated Total Receipts		$52,642	$58,392

SUMMARY

	1988	1989
Estimated Costs	$ 56,900	$ 57,600
Estimated Receipts with new fees	58,400	58,400
Difference	$ 1,500	$ 800

Approved [signature] 9-17-87
B.J. Reddemann, Director
Budget Operations & Support

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Burton H. Skuza, OD, being sworn 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 state Board of Optometry rulemaking mailing list is accurate, complete, and current as of this 24 day of September, 1987.

That on the 24 day of September, 1987, 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 mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

Subscribed and sworn to before me
this 24th day of Sept., 1987.

Alice D. Hummer

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

STATE OF MINNESOTA

DEPARTMENT BOARD OF OPTOMETRY

Office Memorandum

TO: Catherina Avina, S.A.A.G.

DATE: September 16, 1986

FROM: Burton H. Skuza, O.D.
Executive Director

PHONE: 642-0594

SUBJECT: Interested Parties

As per your request, listed below are the organizations that have requested copies of minutes and other documents from the Board of Optometry.

Marvin Lundin, A.D.
Minnesota Optometric Association
207 S. Griggs Midway Building
St. Paul, MN 55104

Sue Ladwig
Minnesota Association of Optometrists & Opticians
114 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Brad Hoven
Midwest Vision Centers
Box 456
East Highway 23
St. Cloud, MN 56302

Joseph Zweber
Pearle Vision Center Divisional Office
10925 Valley View Road
Suite 204
Eden Prairie, MN 55344

Emery Barrette
Minnesota Opticians Society
815 McKusick Road Circle North
Stillwater, MN 55082

Sue Peterson
Vision World
2375 Fairview North
Roseville, MN 55113

Zona DeWitt (Minutes only - no agenda)
State Documents
Legislative Reference Library
645 State Office Building
St. Paul, MN 55155

5140000603

DEPARTMENT

STATE OF MINNESOTA

Office Memorandum

TO:

DATE:

FROM:

PHONE:

SUBJECT:

Don Knudsen
Minnesota Contact Lens Society
Northwest Eye Clinic Suite 402
3366 Oakdale North
Minneapolis, MN 55422

Joe Sokierka
Minnesota Opticians Society
2500 W. 95th Street
Bloomington, MN 55431

Duane J. Broe
Park Nicollet Clinic
5000 W. 39th Street
Minneapolis, MN 55416

Vickie McCormick (no agenda)
Physicians Health Plan
300 Opus Center
9000 Bren Road East
Minnetonka, MN 55343

William Brooks, Jr.
Chestnut & Brooks
900 Norwest Midland Building
Minneapolis, MN 55401

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

NOTICE OF INTENT
TO ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the State Board of Optometry intends to adopt permanent rules relating to the term and renewal of licenses, the recovery of the costs of disciplinary proceedings and fees. The Board intends to adopt these rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes, sections 148.53, 214.06, and 16A.128.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Burton H. Skuza, OD
Executive Director
Suite 103
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0594

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. Skuza upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rules, must submit the written request to Dr. Skuza at the above address.

Dated: August 25, 1987

STATE OF MINNESOTA

BOARD OF OPTOMETRY

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

B. License holders who do not make academic instruction available through the local school district, as specified in item A, must provide an academic program for adolescent clients that meets the Minnesota Department of Education requirements for private schools. Documentation that these requirements have been met must be included in the application for licensure.

Subp. 5. **Individual treatment plan requirements.** In addition to the requirements specified under part 9530.4410, subpart 2, individual treatment plans for adolescent clients must include the following:

A. objectives for improving the client's academic performance, including at least ten hours per week of supervised academic instruction; and

B. objectives for learning leisure activities that do not include chemical use.

Subp. 6. **Aftercare plan requirements.** In addition to the requirements specified under part 9530.4410, subpart 5, the aftercare plan for an adolescent client must address the client's progress in achieving academic objectives, and must include plans for participation in a self-help group.

REPEALER. Minnesota Rules, parts 9530.0100, 9530.0200, 9530.0300, 9530.0400, 9530.0500, 9530.0600, 9530.0700, 9530.0800, 9530.0900, 9530.1000, 9530.1100, 9530.1200, 9530.1300, 9530.1400, 9530.1500, 9530.1600, 9530.1700, 9530.2500, 9530.2600, 9530.2700, 9530.2800, 9530.2900, 9530.3000, 9530.3100, 9530.3200, 9530.3300, 9530.3400, 9530.3500, 9530.3600, 9530.3700, 9530.3800, 9530.3900, and 9530.4000 are repealed.

Board of Optometry

Proposed Permanent Rules Relating to Fees

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Optometry intends to adopt permanent rules relating to the term and renewal of licenses, the recovery of the costs of disciplinary proceedings and fees. The Board intends to adopt these rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 148.53, 214.06, and 16A.128.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submited to:

Burton H. Skuza, OD
Executive Director
Suite 103
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0594

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. Skuza upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of

the date of submission to the Attorney General. 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 adopted rules, must submit the written request to Dr. Skuza at the above address.

Dated: 28 August 1987

Burton H. Skuza, OD
Executive Director

Rules as Proposed

6500.1800 LICENSE EXAMINATION FEE.

All applications for licensure by examination in this state shall be accompanied by a ~~$50~~ $75 fee. In the event the applicant fails to pass a part of the examination, upon application and the payment of an additional fee of ~~$35~~ $50, ~~he~~ the applicant may retake the examination at the time for which the board next schedules ~~such~~ examinations.

6500.1900 LICENSE CERTIFICATE ISSUANCE FEE.

Each applicant who meets all applicable requirements for licensure under the act and these rules shall be issued a license certificate by the board. The fee for this license certificate shall be $12. Upon proof of loss or damage of an original license certificate and payment of an additional $12 fee, a replacement certificate may be issued by the board.

Each applicant who meets all applicable requirements for use of drugs in patient care shall be issued a certificate by the board. The fee for this certificate is $10. A replacement certificate may be issued by the board.

6500.2100 RECIPROCITY.

Subpart 1. [Unchanged.]

Subp. 2. **Equivalency of state requirements.** In accordance with Minnesota Statutes, section 148.57, subdivision 2, another state's licensure requirements shall be deemed to be equivalent to Minnesota's if the state requires that each applicant:

A. to D. [Unchanged.]

A fee of ~~$50~~ $75 shall accompany every application for licensure by reciprocity.

6500.2700 OPTOMETRIST EMERITUS REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Renewal cycle or fees.** Being registered as an emeritus optometrist will not subject the person to the annual license renewal cycle or renewal fee.

Each applicant who meets all requirements for registration as emeritus optometrist shall be issued a certificate. The fee for this certificate is $10. A replacement certificate may be issued by the board.

Board of Animal Health

Proposed Permanent Rules Relating to Importation of Swine into Minnesota (1700.2590 to 1700.3010); Pseudorabies Control (1705.2400 to 1705.2520); Sale of Livestock at Auction Markets, Consignment, Community, and other Sales (1715.0210 to 1715.0580); State-Federal Approved Markets for Swine (1715.0590 to 1715.0770); Public Stockyards (1715.1290 to 1715.1480)

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to *Minnesota Statutes*, 1986, section 14.14, subd. 1, in the above-entitled matter in the State Office Building, Room 200, 435 Park Street, St. Paul, Minnesota, on November 13, 1987, commencing

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.

Hennepin County Library—Southdale Branch
7001 York Avenue South
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520 - 80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair
Metropolitan Council

Board of Optometry

Outside Opinion Sought Concerning Proposed Rules Governing Home Study Methods of Continuing Education, Recovery of Costs for Disciplinary Proceedings, Licensure Status for Retired Optometrists, Defining "Prescription" and "Lenses," and Delegation of Authority

Notice is hereby given that the State Board of Optometry is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing Home Study Methods of Continuing Education, Recovery of Costs for Disciplinary Proceedings, Licensure Status for Retired Optometrists, Defining "Prescription" and "Lenses," and Delegation of Authority. The adoption of these rules is authorized by Minnesota Statutes, section 148.53, which permits the agency to make any rules and regulations necessary for the effective enforcement of the Optometric Practice Act, Minnesota Statutes, sections 148.52 to 148.62.

The State Board of Optometry requests information and comments concerning the subject matter of the rules. Interested or affected persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to Burton H. Skuza, OD, Executive Secretary, Room 342, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440.

Oral statements will be received during regular business hours over the telephone at (612) 623-5544 and in person at the above address.

All statements of information and comment will be accepted until 60 days from the date of this notice. Any written material received by the Board of Optometry will become part of the rulemaking record in the event that a rule is adopted.

In addition to considering information and opinions from sources outside the Board concerning the subject matter of the proposed rules, the Board is seeking to establish a task force to assist the Board in developing the proposed rules defining "prescription," "lenses," and concerning delegation of authority. Interested or affected persons or groups who wish to participate on the task force should contact Burton H. Skuza, OD, at the above address or telephone number.

May 30, 1985

Board of Optometry,
Burton H. Skuza, O.D.,
Executive Secretary

Pollution Control Agency
Solid and Hazardous Waste Division

Outside Opinion Sought Regarding Rules for Solid Waste Management

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA for the purpose of revising the State's solid waste rules pursuant to Minnesota Statutes, Section 116.07 as amended by the 1984 legislative session.

Subp. 4. **Recovery of costs.** The municipality is required to pursue recovery of costs for the corrective action from responsible persons as a condition of the grant award.

Subp. 5. **Amendments to award.** The agency shall not amend the grant amount unless the grant amount exceeds the costs actually incurred by the municipality.

7075.1080 [Emergency] EMERGENCY PROVISIONS FOR CORRECTIVE ACTION GRANTS PROGRAM.

Subpart 1. **Eligibility for participation.** A municipality meeting the eligibility requirements in part 7075.1030 [Emergency] with an unfinished construction project seriously delayed due to major design or construction failures may apply for an emergency corrective action grant.

Subp. 2. **Eligible costs.** Costs that are eligible under part 7075.1040 [Emergency] are eligible under an emergency corrective action grant. Costs incurred before the award of an emergency corrective action grant are not eligible unless the municipality has requested and received from the commissioner written preservation of eligibility before costs are incurred. Written preservation of eligibility does not guarantee funding.

Subp. 3. **Application.** An eligible municipality may apply for an emergency corrective action grant at any time. The application must be made in accordance with part 7075.1050 [Emergency], subpart 2, and must also include a written discussion of the anticipated financial consequences if the municipality does not receive an emergency corrective action grant.

Subp. 4. **Evaluation of applications.** The commissioner shall evaluate and approve or deny applications based upon the following criteria:

A. the extent to which failure to take immediate corrective action will cause a significant increase in the total cost of the project;

B. the municipality's lack of financial ability to pay for the corrective action under part 7075.1060 [Emergency], item A; and

C. the potential for health impacts under part 7075.1060 [Emergency], item C.

Subp. 5. **Grant award.** Upon approval of an application, the commissioner may award a grant. The amount of the grant will be up to 80 percent of the total eligible costs as approved in the corrective action report. If a municipality's application for an emergency corrective action grant is denied, the municipality may then apply for a corrective action grant under part 7075.1050 [Emergency].

Subp. 6. **Report to agency board.** The commissioner shall report the award of a corrective action grant under this part to the agency board as soon as possible, but in any case within 60 days.

7075.1090 [Emergency] PAYMENTS FOR CORRECTIVE ACTION GRANTS PROGRAM.

The municipality shall make periodic payment requests for eligible costs as costs are incurred. The commissioner shall make payments based on the percentage established in the grant award. The commissioner shall withhold the final ten percent of the grant until the municipality has successfully completed all activities in the corrective action report, has affirmatively certified that the project meets the performance standards as specified in the grant agreement, and has met the recovery of cost requirement specified in the grant agreement.

7075.1095 [Emergency] RECOVERY OF COSTS FOR CORRECTIVE ACTION GRANTS PROGRAM.

Subpart 1. **Repayment.** The municipality shall pay to the state the amount of any costs recovered, through litigation or negotiated settlement, from persons responsible for the failure of the wastewater treatment facility, proportionally to the state's monetary participation in the corrective action grant project. The amount of repayment will not exceed the amount of the grant.

Subp. 2. **Approval of negotiated settlement.** The municipality shall obtain written approval from the commissioner of a negotiated settlement before entering into the settlement.

Subp. 3. **Failure to pursue recovery.** The commissioner may stop payment on or require repayment of the corrective action grant if the municipality fails to pursue recovery of costs as specified in the grant agreement or if the municipality enters into a negotiated settlement without the commissioner's written approval.

Board of Optometry

Proposed Permanent Rules Relating to Fees

Second Notice of Intent to Adopt Rules Without a Public Hearing

In order to comply with the requirements of *Minnesota Statutes*, section 16A.128, subdivision 2a, the Minnesota Board of Optometry

hereby republishes the Notice of Intent to Adopt Rules Without a Public Hearing, and the proposed rules regarding fees. The Notice and the copy of the rules, which appeared at 12 *State Register* 560 (September 28, 1987) are incorporated herein by reference.

Dated: 18 November 1987

Burton H. Skuza, O.D.
Executive Director
Board of Optometry

Department of Commerce

Proposed Rules Relating to Credit Unions

Notice of Withdrawal

The rules pertaining to Credit Unions published in the *State Register* on November 2, 1987 at 12 S.R. 928-929 are hereby withdrawn. The notice published in the *State Register* on November 23, 1987 at 12 S.R. 1104-1105 is also hereby withdrawn.

Michael A. Hatch
Commissioner of Commerce

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Board of Electricity

Adopted Permanent Rule Relating to Licenses; Expiration and Fees

The rule proposed and published at *State Register*, Volume 12, Number 10, pages 407-408, September 7, 1987 (12 S.R. 407) is adopted as proposed.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to the Low Income Persons Living Alone Housing Program

The rules proposed and published at *State Register*, Volume 12, Number 11, pages 439-441, September 14, 1987 (12 S.R. 439) are adopted as proposed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER ADOPTING A
RULE WITHOUT
PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on September 28, 1987, and November 30, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on September 24, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule or requests for notice of submission to the attorney general were received by the agency. One comment on the rule was received by the agency.

Based on the comment and evidence in the record before the agency, the Board finds the following: The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Permanent Rules Relating to Fees is adopted this 31st day of December, 1987, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.53, 214.06 and 16A.128.

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

DECLARATION OF COUNSEL

I, Catherine E. Avina, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 50.X624.0483.

Catherine E. Avina

CATHERINE E. AVINA
Special Assistant
Attorney General

Dated: January 7, 1988

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

DATE : January 7, 1988

TO : Christine Eller
Assistant Attorney General
Administration/Finance Division

RECEIVED
JAN 11 1988
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

FROM : Catherine E. Avina
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : In the Matter of Proposed Amendments to a Board of Optometry Rule Relating to Fees, Minn. Rules pts. 6500.1800, 6500.1900, 6500.2100 and 6500.2700

Pursuant to Minn. Stat. § 14.26, the attached documents in support of the above-referenced rule are submitted to your office for approval. You will note that the Board originally proposed to adopt rules relating to the term and renewal of licenses and fees. The rules relating to the term and renewal of licenses have already been adopted. The fee rule was delayed to comply with Minn. Stat. § 16A.128, subd. 2a, and is submitted now. The attached record contains the following:

1. A photocopy of the notice of intent to solicit outside information or opinions, appearing in the June 17, 1985, State Register, at 9 S.R. 2706.

2. Certificate of Authorizing Resolution, executed September 15, 1987.

3. Notice of Intent to Adopt Rules Without a Public Hearing, executed August 28, 1987, with attached copy of the proposed rule approved by the Revisor's office.

4. A photocopy of the relevant pages of the September 28, 1987, State Register, at 12 S.R. 560, in which the notice and proposed rule were published.

5. Copies of letters to the House and Senate Committees as required by Minn. Stat. § 16A.128, subd. 2a.

6. Second Notice of Intent to Adopt The Rule Without a Public Hearing, executed November 18, 1987.

7. A photocopy of 12 S.R. 1146 (November 30, 1987) at which item 6 appeared.

8. Statement of Need and Reasonableness.

9. Affidavit of mailing and certificate of agency's mailing list, executed September 24, 1987.

10. Comment received by the Board.

11. Certificate of the Board of Optometry Resolution Adopting the Rule, executed December 31, 1987.

12. Findings of Fact, Conclusions, and Order Adopting a Rule Without a Public Hearing, executed December 31, 1987.

13. The original and three copies of the rule as adopted.

14. Decalaration of Counsel.

Please call me if you have any questions concerning the attached documents or the procedures followed by the Board.

CEA:pp

Attachments

2700 UNIVERSITY AVE. W.
ROOM 103
ST. PAUL, MN 55114
(612) 642-0594

STATE OF MINNESOTA

BOARD OF OPTOMETRY



November 19, 1987

Representative Glen Anderson
Chairman
House Appropriations Committee
Room 365
State Office Building
St. Paul, MN 55155

Dear Representative Anderson:

Pursuant to Minnesota States, section 16A.128, subdivision 2a, enclosed please find a Notice of intent to Adopt Rules Without a Public Hearing and a copy of the proposed rules which fix fees of the Minnesota Board of Optometry.

Very truly yours,

Burton H. Skuza, OD

BURTON H. SKUZA, O.D.
Executive Director

BHS:hr

Enclosures

Copy: Catherine Avina, S,A,A,G,

2700 UNIVERSITY AVE. W.
ROOM 103
ST. PAUL, MN 55114
(612) 642-0594

STATE OF MINNESOTA

BOARD OF OPTOMETRY



November 19, 1987

Senator Gene Merriam
Chairman
Senate Finance Committee
Room 122
Capitol Building
St. Paul, MN 55155

Dear Senator Merriam:

Pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, enclosed please find a Notice of Intent to Adopt Rules Without a Public Hearing and a copy of the proposed rules which fix fees of the Minnesota Board of Optometry.

Very truly yours,

Burton H. Skuza, OD

BURTON H. SKUZA, O.D.
Executive Director

BHS:hr

Enclosures

Copy: Catherine Avina, S.A.A.G.