

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC

RULE REVIEW CHECKLIST

File No. 1583 Docket No. OS-0089-0485

DATE RECEIVED 3-30-89 ADOPTED W/O HEARING X

REVIEW DATE 4-10-89 EMERGENCY RULE _____

DUE DATE 4-13-89 REVISOR APPROVED _____

APPROVED 4.11.89 mjC REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~
- _____ ~~Date published in State Register~~
- _____ ~~Comments~~

_____ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
- 12/1/88 Date adopted

✓ Proposed Rule
- yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- ~~153.02 214.06~~ Statutory Authority
- yes Small Business Statement
- yes Expenditure of public money statement
- yes Signature

✓ Statement of Need and Reasonableness (if applicable)
- yes Small Business Statement
- ~~yes~~ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 2/2/89 Date (30)/25 days before adoption
- yes Notice attached
- ~~yes~~ Copy of rule or summary attached

✓ Publication in State Register
- 2/6/89 Date (30)/25 days before adoption

_____ 180-day deadline from:
- n/a Effective date of law requiring rule (14.12) (both rules)
- 3/8/89 end of comment period (§ 14.26) (rules without hearing)
- _____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting
- 3/25/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 3/25/89 Date

_____ Written requests, submissions or comments

✓ Declaration of attorney
- C. Avina Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : April 12, 1989

TO : CATHERINE E. AVINA
Special Assistant Attorney General

FROM : MARTY CASSERLY
Special Assistant Attorney General

PHONE : 6-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to License Renewal Fees for Podiatrists

The above-referenced rule has been approved as to its legality by the Attorney General on April 12, 1989.

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 accoradance 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:klk
Enclosures

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

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Board of Podiatric Medicine

Adopted Permanent Rules Relating to License Renewal Fees for Podiatrists

Rules as Adopted

6900.0250 FEES.

Subpart 1. **Amounts.** Fees for podiatrists are as follows:

A. licensure, $200;

B. reexamination by the board under an original application for licensure, $200;

C. renewal of a license, $225;

D. late renewal of a license, an additional $50;

E. temporary permit, $200; and

F. replacement of an original license or renewal certificate, $10.

Subp. 2. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 12 1989
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 12 1989

Joan Anderson Growe
Secretary of State

10:10 AM JH

APPROVED AS TO FORM AND LEGALITY,
April 11 1989
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF THE

MINNESOTA BOARD OF

PODIATRIC MEDICINE

AUTHORIZING RESOLUTION

I, Michael L. Stone, do hereby certify that I am a member and the president of the Minnesota Board of Podiatric Medicine (hereinafter "Board"), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 1st day of December, 1988, 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 Lois Mizuno, 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 a Rule Amendment Without a Public Hearing governing licensure fees to all persons who have registered their names with the Board for that purpose, to publish the notice and rule amendment in the State Register, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of December, 1988.

Michael L. Stone

MICHAEL L. STONE
President

Board of Podiatric Medicine

Proposed Permanent Rules Relating to License Renewal Fees for Podiatrists

Rules as Proposed

6900.0250 FEES.

Subpart 1. **Amounts.** Fees for podiatrists are as follows:

A. licensure, $200;

B. reexamination by the board under an original application for licensure, $200;

C. renewal of a license, ~~$75~~ $225;

D. late renewal of a license, an additional $50;

E. temporary permit, $200; and

F. replacement of an original license or renewal certificate, $10.

Subp. 2. [Unchanged.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to License Renewal Fees for Podiatrists

AGENCY: Board of Podiatric Medicine

MINNESOTA RULES: Chapter 6900

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PODIATRIC MEDICINE

In the Matter of the Proposed Adoption of the Rule Amendment of the Board of Podiatric Medicine Relating to Licensure Renewal Fees for Podiatrists

ALTERNATIVE NOTICES

NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Podiatric Medicine (hereinafter "Board") is hereby giving notice of its intent to adopt a rule amendment without a public hearing under the noncontroversial rulemaking procedure of Minn. Stat. §§ 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rule amendment pursuant to Minn. Stat. §§ 14.131 to 14.20 (1988). The hearing will be cancelled if 25 or more people do not request that one be held. The comment period will close on March 8, 1989. There will be 16 days before the scheduled hearing date. This 16-day period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Podiatric Medicine (hereinafter "Board") proposes to adopt the above-captioned rule amendment without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rule amendment. The 30 days will expire on March 8, 1989. 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 to the rule amendment by the comment. The proposed rule amendment may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule amendment. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any changes to the proposed rule amendment. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof by March 8, 1989. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Lois E. Mizuno, Executive Director
Minnesota Board of Podiatric Medicine
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0588

The statutory authority of the Board to adopt the proposed rule amendment is contained in Minn. Stat. §§ 153.02 and 214.06 (1988).

If adopted, the proposed rule amendment would increase renewal licensure fee for podiatrists to $225. The proposed rule amendment will be published in the State Register issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

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 change has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under Minn. Stat § 14.11 (1988).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1988), for reducing the impact of the proposed rule

amendment, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rule amendment without a public hearing, the rule amendment as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule amendment as adopted, and a statement explaining any differences between the rule amendment as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Lois E. Mizuno at the address listed above.

III.

NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE AMENDMENT WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON MARCH 24, 1989, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to Minn. Stat §§ 14.131 to 14.20 (1988), in the office of the Board of Podiatric Medicine, Suite 101, 2700 University Avenue West, St. Paul, Minnesota 55114, on March 24, 1989, commencing at 9:00 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included

in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7645. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new informaton submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1988) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule amendment would increase renewal licensure for podiatrist fees to $225. The proposed rule amendment will be published in the State Register issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rule amendment is contained in Minn. Stat. §§ 153.02 and 214.06 (1988).

The proposed rule amendment may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule amendment are therefore advised to participate in the process.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendment. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rule amendment for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule amendment was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendment is filed. If you want to be so notified, you may so

indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendment with the Secretary of State.

Promulgation of this proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under Minn. Stat. § 14.11 (1988).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1988) regarding small business considerations in rulemaking. Although the proposed rules will affect small businesses, because most podiatrists are self-employed and employ less than 50 full-time employees, the Board has considered each of the methods proposed in Minnesota Statutes, section 14.115, subd. 2, for reducing the impact of the rules on small businesses. It finds that the rules focus on the individual licensee and his/her practice, not on business operation. Because one cannot easily make a distinction between the podiatrist's practice and the business's practice, the Board has rejected each of the methods listed in the statute. If they were implemented, the objectives of the podiatric medicine practice act would need to be disregarded, an unacceptable circumstance which the Board believes is contradictory to legislative intent.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before March 8, 1989, and leave your name, address, and telephone number. You will be notified after March 8, 1989, if the hearing has been

cancelled. You may also call the Board after March 8, 1989, for oral confirmation regarding the scheduled hearing.

Dated: January 23, 1989

Lois E. Mizuno
LOIS E. MIZUNO
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PODIATRIC MEDICINE

In the Matter of a Proposed New Rule Part Relating to Fees for Renewal of License

STATEMENT OF NEED

AND REASONABLENESS

The above captioned rule part is an amendment to the existing rules of the Minnesota Board of Podiatric Medicine (hereinafter "Board").

The legal authority for promulgating this amendment to existing rules is contained in Minn. Stat. SS 153.02 and 214.06 (1988), which grant the Board the authority to make rules necessary to effectuate the provisions of the licensing law and to set fees.

The Board has proposed this change to Chapter 6900 to ensure that the Board has sufficient revenue to meet its expenses.

It has been determined by the Board that Minn. Stat. SS 14.11, subd. 2, and 14.115 do not apply to this proposed rule because (a) the rule does not require the expenditure of moneys by public bodies, (b) the rule does not have a direct and substantial adverse effect on agricultural land, and (c) any service businesses owned by licensees of the Board are regulated by government bodies as to standards and costs. However, in the event that it should be determined that section 14.115 does apply, the rule as it may relate to small businesses is discussed in the Statement of Need and Reasonableness.

Further need is set forth in the Statement of Need and Reasonableness which is attached hereto and made a part thereof.

Dated: December 30, 1988

Lois E. Mizuno

Lois E. Mizuno
Executive Secretary

MINNESOTA BOARD OF PODIATRIC MEDICINE

STATEMENT OF NEED AND REASONABLENESS

Proposed Fee Increase, Amending Rule Part 6900.0250

INTRODUCTION

Health-related licensing boards are required by law to generate sufficient revenue from fees to cover budgeted expenses and extra-budget expenses, such as fees for legal services provided by the Attorney General's office, administrative services provided by the Department of Health, and the agency's share of statewide administrative costs. No tax revenues are used to fund their operations.

The fees set by rule part 6900.0250 are deemed to be insufficient to cover the costs outlined above for fiscal year 1989 and the projected costs for fiscal years 1990 and 1991. There are two major causes of the shortfall: provision of administrative services to the Board, and increased legal fees due to greater Board activity regarding complaints. Therefore, there is a pressing need to generate additional income through an increase in fees.

THE PROBLEM

Prior to January 1, 1986, administrative services were provided to the Board by personnel of the Department of Health, for which no compensation was made.

In January, 1986, the health-related boards moved out of the Health Department Building and occupied separate quarters. The Commissioner of Health decided that the Board of Podiatry should move with the other boards. The Executive Director of the Board of Nursing agreed to provide administrative services for the Board, absorbing the cost for the first year or so into the budget of the Board of Nursing. Although $3,000 was budgeted for FY 1988 for reimbursing the Board of Nursing, the amount was never paid because other expenditures exhausted the budget. In any case, the amount was insufficient to cover the level of services provided.

In July, 1988, due to an additional group about to be regulated by the Board of Nursing, the Executive Director could no longer provide services to the Board. The only "home" which could be found for the Board was with the Board of Psychology, which had a staff consisting of an Executive Director on four-fifths of full-time, two full-time support persons, and one half-time support person. With this small a staff, services could not be provided without increasing staff time, and the Psychology Board's budget was too small to absorb the costs associated with services to the Board. An agreement was reached between the two boards that the Board would pay for an additional one-fourth time for the half-time employee and that any services provided by the Executive Director would be over and above the time devoted to the Board of Psychology and paid for by the Board. Services were to be provided through an interagency agreement. The amount of additional funds needed for staff services, including prorated FICA, retirement, and insurance costs, is approximately $15,000. For a Clerk Typist II,

base salary plus benefits (insurance, retirement, FICA) for one-fourth time approaches $6,000. For the Executive Director, base salary plus benefits for up to one-fifth time will amount to no more than $9,000.

The current budget (without any deficiency appropriation) is also insufficient to cover anticipated costs related to professional-technical services, which is borne out by the fact that the budgeted amount of $400 in this account has been exceeded in five months by $430. It is anticipated that such expenditures will approach $1,000 over the amount budgeted by the end of the fiscal year.

THE RESOLUTION

To finance the expenses outlined above, a fee increase becomes a necessity. The renewal fee, because of its being the major source of Board income, is the only fee for which an increase is proposed. It is necessary to increase the renewal fee from present $75 per year to $225 to generate the $16,000 needed.

A renewal fee of $225 is reasonable because the present permit to practice in a preceptorship (prior to licensure) and the present license application are each $200. The permit is for one year and the license fee covers the right to practice during the first year before the first renewal. The proposed renewal fee is reasonable because it is very close in amount to the permit and licensure fees and confers essentially the same right to practice.

EFFECT ON SMALL BUSINESSES

The proposed rule increasing the renewal fee may be considered to affect small businesses to the extent that it affects licensees who may be owners of small businesses. The Board considered each of the methods proposed in Minn. Stat. S 14.115, subd. 2, for reducing the impact on small businesses. The Board finds that the rule focuses on the individual licensee, not on the business operation. Because a distinction cannot easily be made between the podiatrist's professional practice and his or her business practice, the Board has rejected each of the methods listed in the statute. If they were implemented, the objectives of the podiatric medicine practice act would need to be disregarded, an unacceptable outcome which the Board believes to be contradictory to legislative intent.

SUPPORTING DOCUMENTS

Attached are the documents which support the need for the fee increase:

1. Deficiency Appropriation Request
2. Department of Finance Approval of Increase
3. Fee Review
4. Fee Review - Details of Costs
5. Estimated Receipts Detail - FY 1989
6. Notification to Senate Finance Chairman, House Appropriations Chairman

DEFICIENCY APPROPRIATION REQUEST F[illegible] 1989 NOV 17 19[illegible]

AGENCY: Podiatric Medicine, Board of

AMOUNT: $16,000

FUND: Special Revenue - 12
APID: 215050012

Request is made for a deficiency appropriation of $16,000 for F.Y. 1989 to fund the cost of administrative services provided to the Board by the staff of the Board of Psychology.

To fund this request, the Board of Podiatric Medicine is raising its license renewal fee from $75 annually to $225 annually. The change will be effective in January 1989, so an additional $20,000 will be raised as revenue in F.Y. 1989.

Prior to January, 1986, the Department of Health provided services to the Board and absorbed the costs of doing so. From January, 1986, until July, 1988, the Board of Nursing provided administrative services and was supposed to be reimbursed $3,000 for its work. However, not only was the $3,000 inadequate to pay for the administrative expense, it was never paid because other expenses of the Board consumed the entire $10,000 budget. On July 15, 1988, therefore, the Board of Psychology took over the responsibility of providing services for the Board. In order to cover the additional expenses incurred by the Board of Psychology, the Board of Podiatric Medicine is increasing its revenue as described above.

The appropriation is needed in order to pay for the services of a Clerk Typist 2 for one-fourth time and for the services of an Executive Director for one-fifth time. The staff services are provided through an inter-agency agreement between the Board and the Psychology Board.

Board of Podiatric Medicine - Statement of Need and Reasonableness

Attachment # 1

SF-00006-05 (4/86)

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : October 31, 1988

TO : Lois E. Mizuno, Executive Director
Board of Podiatric Medicine

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



PHONE : 296-5188

SUBJECT : Proposed Fee Schedule

The following fee schedule is approved as proposed:

FEES FOR PODIATRISTS

	PRESENT FEE	APPROVED PROPOSED FEE
Licensure	$ 200	$ 200
Reexamination by the board under an original application for licensure	$ 200	$ 200
Renewal of a license	$ 75	$ 225
Late renewal of a license, an additional	$ 50	$ 50
Temporary Permit	$ 200	$ 200
Replacement of an original license or renewal certificate	$ 10	$ 10

BOBN488T

cc: Rob Super
Bart Nelson

Board of Podiatric Medicine - Statement of Need and Reasonableness

Attachment # 2

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: 12/14/88 (9/6/88)

Department/Agency: BOARD OF PODIATRIC MEDICINE	Budget Activity:
Fee Name:	
Legal Citation: Minn. Stat. S 153.01-153.25	Fee Set By: [ ] Law [x] Agency
Purpose of Fee: To maintain operations of the Board.	
[ ] Dedicated [x] Non-Dedicated	Revenue Code: 310
APID: 21505:00 / Fund: 12 / Accumulated Difference Thru 1986: 13	Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Actual/Anticipated Receipts	14	14	33	33	33
Less Actual/ Anticipated Costs	8	17	31	33	35*
Current Difference	6	[3]	2	0	[2]
Accumulated Difference	6	3	5	5	3
Number Paying Fee	See below				
Present Fee	See below				
Date Fee Last Changed			anticipated 5/31/88		

Remarks:

Fee Name	Fee Amount	Number Paying		
Examination - Licensure	200	4	4	4
Reciprocity - Licensure	200	4	4	4
License Renewal	225 (Anticip)	144	143	143
Late Renewal	50	6	6	6
* Corporation Registration	100	0	0	0
* Corporation Re-registration	25	16	16	16
Permit for Residency	200	4	4	4

* Fee set by law.

Current fees appear to be adequate to cover requested biennial costs.

Department Authorized Signature: Lois E Mujano

Finance Department Recommendation:

Board of Podiatric Medicine - Statement of Need and Reasonableness

Attachment # 3

FI-00195-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: 12/14/88 (9/6/88)

Department/Agency: BOARD OF PODIATRIC MEDICINE	Budget Activity:
Fee Name:	

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06				Dollars in Thousands (137.522 = 137.5)	
Agency Direct Expenditures	6	10	25	26	26
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX		
Attorney General	1	5	3	2	2
Statewide Indirect	1	2	3	5	7
Agency Indirect	0	0	0	0	0
Totals – must agree with cost on Fee Review Form	8	17	31	33	35

Remarks:

The large increase in expenditures beginning with 1989 is the result of the Board having to pay for staff services provided to the Board by the Board of Psychology, at the rate of one-fourth of full-time for a Clerk Typist II and up to one-fifth of full-time for an Executive Director. Prior to July, 1988, the Board was staffed by Nursing Board personnel, for which services the Board was budgeted to pay the Nursing Board $3,000, for FY 1988. The payment was never made because other expenses consumed the allowable appropriations.

Board of Podiatric Medicine - Statement of need and Reasonableness

Attachment # 4

Board of Podiatric Medicine - Statement of Need and Reasonableness

Attachment # 5

STATE OF MINNESOTA

ESTIMATED RECEIPTS DETAIL

- - - WORKSHEET - - -

Department: Board of Podiatric Medicine

Division: _____

Fiscal Year: 1989

Amended 9/6/88 4/13/89

FOR MONTH OF	SOURCE CODE # 001 Amount	SOURCE CODE # 002 Amount	SOURCE CODE # 003 Amount	SOURCE CODE # 004 Amount	SOURCE CODE # 005 Amount	SOURCE CODE # 006 Amount	SOURCE CODE # 007 Amount	SOURCE CODE # Total Amount
July			1,500	300				
Aug.								
Sept.								
Oct.								
Nov.								
Dec.								
Jan.							400	
Feb.								
March								
April								
May	600	600						
June	200	200	29,250					
TOTAL	$ 800	$ 800	$ 30,750	$ 300	$ --	$ --	$ 400	$ 33,050

EXPLANATION

Source Code #	Name	No. Paying	Unit Cost	Total
001	Licensure by exam & re-exam	4	200	800
002	Licensure by endorsement	4	200	800
003	Renewal	20	75	1,500
003	Renewal	130	225	29,250
004	Late renewal	6	50	300
005	Miscellaneous fees	8	10	8
006	Corporation registration	8	100	8
007	Corporation renewal	16	25	400
				33,050

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT Board of Podiatric Medicine

Office Memorandum

TO: The Honorable Glen Anderson
Chair, House Appropriations Committee

DATE: Ocotber 26, 1988

The Honorable Gene Merriam
Chair, Senate Finance Committee

FROM: Lois E. Mizuno
Executive Director

PHONE: 612/642-0588

SUBJECT: Fee Increase

Attached are copies of a memo to Bruce Reddemann, the proposed rule re a fee increase, the Budget Request for Fiscal Year 1990-91, and the Deficiency Appropriation Request for Fiscal Year 1989.

It is my understanding that you are to receive notice of intent to adopt a rule increasing fees prior to publication in the State Register. We anticipate publication around January, 1989.

If you have any questions, please contact me.

LEM:gcn

Board of Podiatric Medicine - Statement of Need and Reasonableness

Attachment # 6

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT Board of Podiatric Medicine

Office Memorandum

TO: Bruce Reddemann
Department of Finance

DATE: October 26, 1988

FROM: Lois E. Mizuno
Executive Director

PHONE: 612/642-0588

SUBJECT: Fee Increase

Attached is a copy of the proposed amendment to the rules of the Board of Podiatric Medicine, increasing the license renewal fee from present $75 to $225. A copy of the 1990-91 Budget Request and 1989 Deficiency Appropriation Request is attached by way of explanation for the need to increase the fee.

In a nutshell, administration of the Board of Podiatric Medicine was transferred in July, 1988, from the Board of Nursing to the Board of Psychology. In order to provide administrative services, the half-time Clerk Typist I was put on three-quarter time, and the Executive Director provides service above the eight-tenths time now spent serving the Board of Psychology , up to no more than fulltime for both boards. There is obviously not enough income from the present fee schedule to finance the cost of providing staff.

I would appreciate your formal approval of the increase so that the necessary administrative procedures can be completed and the rule adopted before May 1, 1989, when the renewal notices are prepared.

Thank you in advance for your prompt attention to this matter. If you have any questions, please call.

LEM:gcn

xc: Rob Super, Controller
The Honorable Glen Anderson, Chair, House Appropriations Committee
The Honorable Gene Merriam, Senate Finance Committee

Board of Podiatric Medicine - Statement of Need and Reasonableness

Attachment # 7

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PODIATRIC MEDICINE

In the Matter of the Proposed Adoption of the Rule Amendment of the Board of Podiatric Medicine Relating to Licensure Rewewal Fees for Podiatrists

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lois E. Mizuno, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. la, and 14.22 or 14.30, that their names be placed on the Board of Podiatric Medicine rulemaking mailing list is accurate, complete, and current as of this 2nd day of February, 1989.

That on the 2nd day of February, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Amendment Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Lois E. Mizuno

LOIS E. MIZUNO
Executive Director

Subscribed and sworn to before me this

3rd day of Feb., 1989.

Betty L. Messerey

BETTY L. MESSERVEY
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires Apr. 7, 1989

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PODIATRIC MEDICINE

In the Matter of the Proposed Adoption of the Rule Amendment of the Board of Podiatric Medicine Relating to Licensure Renewal Fees for Podiatrists

ALTERNATIVE NOTICES

NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Podiatric Medicine (hereinafter "Board") is hereby giving notice of its intent to adopt a rule amendment without a public hearing under the noncontroversial rulemaking procedure of Minn. Stat. SS 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. S 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rule amendment pursuant to Minn. Stat. SS 14.131 to 14.20 (1988). The hearing will be cancelled if 25 or more people do not request that one be held. The comment period will close on March 8, 1989. There will be 16 days before the scheduled hearing date. This 16-day period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Podiatric Medicine (hereinafter "Board") proposes to adopt the above-captioned rule amendment without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. SS 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rule amendment. The 30 days will expire on March 8, 1989. 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 to the rule amendment by the comment. The proposed rule amendment may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule amendment. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any changes to the proposed rule amendment. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof by March 8, 1989. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. SS 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Lois E. Mizuno, Executive Director
Minnesota Board of Podiatric Medicine
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0588

The statutory authority of the Board to adopt the proposed rule amendment is contained in Minn. Stat. §§ 153.02 and 214.06 (1988).

If adopted, the proposed rule amendment would increase renewal licensure fee for podiatrists to $225. The proposed rule amendment will be published in the State Register issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

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 change has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under Minn. Stat § 14.11 (1988).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1988), for reducing the impact of the proposed rule amendment, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rule amendment without a public hearing, the rule amendment as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule amendment as adopted, and a statement explaining any differences between the rule amendment as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Lois E. Mizuno at the address listed above.

III.

NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE AMENDMENT WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON MARCH 24, 1989, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to Minn. Stat §§ 14.131 to 14.20 (1988), in the office of the Board of Podiatric Medicine, Suite 101, 2700 University Avenue West, St. Paul, Minnesota 55114, on March 24, 1989, commencing at 9:00 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7645. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and

interested persons may respond in writing within three business days after the submission period ends to any new informaton submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minn. Stat. SS 14.131 to 14.20 (1988) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule amendment would increase renewal licensure for podiatrist fees to $225. The proposed rule amendment will be published in the State Register issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rule amendment is contained in Minn. Stat. SS 153.02 and 214.06 (1988).

The proposed rule amendment may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule amendment are therefore advised to participate in the process.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. S 10A.01, subd. 11 as any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
>
> (b) Who spends more than $250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendment. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rule amendment for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule amendment was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendment is filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendment with the Secretary of State.

Promulgation of this proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under Minn. Stat. S 14.11 (1988).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1988) regarding small business considerations in rulemaking. Although the proposed rules will affect small businesses, because most podiatrists are self-employed and employ less than 50 full-time employees, the Board has considered each of the methods proposed in Minnesota Statutes, section 14.115, subd. 2, for reducing the impact of the rules on small businesses. It finds that the rules focus on the individual licensee and his/her practice, not on business operation. Because one cannot easily make a distinction between the podiatrist's practice and the business's practice, the Board has rejected each of the methods listed in the statute. If they were implemented, the objectives of the podiatric medicine practice act would need to be disregarded, an unacceptable circumstance which the Board believes is contradictory to legislative intent.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before March 8, 1989, and leave your name, address, and telephone number. You will be notified after March 8, 1989, if the hearing has been cancelled. You may also call the Board after March 8, 1989, for oral confirmation regarding the scheduled hearing.

Dated: January 24, 1989

Lois E. Mizuno
LOIS E. MIZUNO
Executive Director

11/29/88 [REVISOR] PMM/NM RD1412

Board of Podiatric Medicine

Proposed Permanent Rules Relating to License Renewal Fees for Podiatrists

Rules as Proposed

6900.0250 FEES.

Subpart 1. Amounts. Fees for podiatrists are as follows:

A. licensure, $200;

B. reexamination by the board under an original application for licensure, $200;

C. renewal of a license, ~~$75~~ $225;

D. late renewal of a license, an additional $50;

E. temporary permit, $200; and

F. replacement of an original license or renewal certificate, $10.

Subp. 2. [Unchanged.]

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5000.2250 PRESERVATION OF RECORDS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Records at educational institutions.** An educational institution shall not make inquiries; or create, maintain, or use records that are prohibited in *Minnesota Statutes*, section 363.03, subdivision 5, paragraph (3), except for meeting the requirements of an affirmative action plan; or meeting the reporting requirements of federal or state agencies. When these exceptions do occur, all material or information that identifies the race, color, creed, religion, national origin, sex, age, marital status, or disability of a student or person seeking to be admitted as a student to the institution, when received, must be kept secure and private. The material or information must be available only to authorized personnel for meeting affirmative action requirements or reporting requirements of federal or state agencies.

Board of Podiatric Medicine

Proposed Permanent Rules Relating to License Renewal Fees for Podiatrists

Notice of Intent to Adopt a Rule Amendment Without a Public Hearing, Notice of Intent to Adopt a Rule Amendment With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Podiatric Medicine (hereinafter "Board") is hereby giving notice of its intent to adopt a rule amendment without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rule amendment pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988). The hearing will be cancelled if 25 or more people do not request that one be held. The comment period will close on March 8, 1989. There will be 16 days before the scheduled hearing date. This 16-day period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Podiatric Medicine (hereinafter "Board") proposes to adopt the above-captioned rule amendment without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule amendment. The 30 days will expire on March 8, 1989. 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 to the rule amendment by the comment. The proposed rule amendment may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule amendment. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any changes to the proposed rule amendment. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof by March 8, 1989. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

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.

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

Lois E. Mizuno, Executive Director
Minnesota Board of Podiatric Medicine
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0588

The statutory authority of the Board to adopt the proposed rule amendment is contained in *Minnesota Statutes* §§ 153.02 and 214.06 (1988).

If adopted, the proposed amendment would increase renewal licensure fee for podiatrists to $225. The proposed rule amendment will be published in the *State Register* issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

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 change has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988), for reducing the impact of the proposed rule amendment, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rule amendment without a public hearing, the rule amendment as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule amendment as adopted, and a statement explaining any differences between the rule amendment as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments should submit a written request to Lois E. Mizuno at the address listed above.

III. NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE AMENDMENT WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON MARCH 24, 1989, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988), in the office of the Board of Podiatric Medicine, Suite 101, 2700 University Avenue West, St. Paul, Minnesota 55114, on March 24, 1989, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7645. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule amendment would increase renewal licensure for podiatrist fees to $225. The proposed rule amendment will be published in the *State Register* issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rule amendment is contained in *Minnesota Statutes* §§ 153.02 and 214.06 (1988).

The proposed rule amendment may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule amendment are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendment. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rule amendment for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule amendment was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendment is filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendment with the Secretary of State.

Promulgation of this proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. Although the proposed rules will affect small businesses, because most podiatrists are self-employed and employ less than 50 full-time employees, the Board has considered each of the methods proposed in *Minnesota Statutes*, section 14.115, subd. 2, for reducing the impact of the rules on small businesses. It finds that the rules focus on the individual licensee and his/her practice, not on business operation. Because one cannot easily make a distinction between the podiatrist's practice and the business's practice, the Board has rejected each of the methods listed in the statute. If they were implemented, the objectives of the podiatric medicine practice act would need to be disregarded, an unacceptable circumstance which the Board believes is contradictory to legislative intent.

IV. NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before March 8, 1989, and leave your name, address, and telephone number. You will be notified after March 8, 1989, if the hearing has been cancelled. You may also call the Board after March 8, 1989, for oral confirmation regarding the scheduled hearing.

Dated: 23 January 1989

Lois E. Mizuno
Executive Director

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

Rules as Proposed

6900.0250 FEES.

Subpart 1. **Amounts.** Fees for podiatrists are as follows:

A. licensure, $200;

B. reexamination by the board under an original application for licensure, $200;

C. renewal of a license, ~~$75~~ $225;

D. late renewal of a license, an additional $50;

E. temporary permit, $200; and

F. replacement of an original license or renewal certificate, $10.

Subp. 2. [Unchanged.]

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to Vocational Teacher Licenses; Business and Office, and Health Occupations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Tuesday, March 7, 1989, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the rule 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 rule 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 either:

Glenda Moyers, Supervisor
Minnesota Technical Institute System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-5707

Georgia Pomroy, License Revision Specialist
Minnesota Technical Institute System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-0680

The proposed rule 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 rule as noticed.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Glenda Moyers or Georgia Pomroy at the above address and phone, upon request.

If no hearing is required, upon adoption of the rule, the rule 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 rule must submit the written request to either:

CERTIFICATE OF THE

BOARD OF PODIATRIC MEDICINE

RESOLUTION ADOPTING RULE AMENDMENT

I, Michael L. Stone, DPM, do hereby certify that I am a member and the president of the Minnesota Board of Podiatric Medicine (hereinafter "Board"), 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 10th day of March, 1989, 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 permanent rule relating to license renewal fees for podiatrists is approved and adopted pursuant to authority vested in the Board by Minn. Stat. §§ 153.02 and 214.06. Lois E. Mizuno, 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 25th day of March, 1989.

MICHAEL L. STONE, DPM
President

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PODIATRIC MEDICINE

In the Matter of the
Proposed Adoption of the
Rule Amendment of the
Board of Podiatric Medicine
Relating to Licensure
Renewal Fees for Podiatrists

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

Notice of the Board of Podiatric Medicine (hereinafter "Board") intent to adopt the above-entitled rule was published in the State Register on February 6, 1989, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. la and 14.22 on February 2, 1989. 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, and the proposed rule amendment 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 request for a public hearing on the rule were received by the Board. 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 on the record before the Board, including the statement of need and reasonableness which is incorporated herein as the Board's findings, the Board concludes that the above-captioned rule amendment is both needed and reasonable.

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule identified as a permanent rule relating to license renewal fees is adopted this 25th day of March, 1989, pursuant to authority vested in the Board by Minn. Stat. §§ 153.02 and 214.06.

Lois E. Mizuno

LOIS E. MIZUNO
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PODIATRIC MEDICINE

In the Matter of the
Proposed Adoption of
the Rule Amendment of
the Board of Podiatric
Medicine Relating to
Licensure Renewal Fees
for Podiatrists

DECLARATION OF COUNSEL

I, Catherine E. Avina, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule amendment and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 50.7X61.0485.

Dated: March 28, 1989

Catherine E. Avina

CATHERINE E. AVINA
Special Assistant
Attorney General

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

RECEIVED
MAR 30 89
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

DATE : March 29, 1989

TO : Christie Eller
Assistant Attorney General

FROM : Catherine E. Avina
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : In the Matter of Licensure Renewal Fees for Podiatrists

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1988) and Minn. Rules pt. 2010.0300 (1987), are the following documents to support the above-referenced rule amendment:

1. Certificate of Board's Authorizing Resolution dated December 1, 1988;
2. Rule as proposed with a certificate of approval as to form by the Revisor of Statutes;
3. Notice of Intent to Adopt a Rule Amendment Without a Public Hearing, Notice of Intent to Adopt a Rule Amendment With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing;
4. Statement of Need and Reasonableness;
5. Affidavit of Mailing the Notice of Intent to Adopt a Rule Amendment Without a Public Hearing;
6. Notice of Intent to Adopt a Rule Amendment Without a Public Hearing, Notice of Intent to Adopt a Rule Amendment With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing as published in the State Register at 13 SR 1901;
7. Rule as adopted (original and three copies);
8. Certificate of Board's Resolution Adopting Rule;
9. Findings of Fact, Conclusions, and Order Adopting A Rule Without a Public Hearing;
10. Declaration of Counsel;

CEA:dsc

Enclosures