

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Jal

RULE REVIEW CHECKLIST

File No. 1591

Docket No. 05.0009.0600

DATE RECEIVED 4-18-89

ADOPTED W/O HEARING X

REVIEW DATE 4-27-89

EMERGENCY RULE _____

DUE DATE 5-2-89

REVISOR APPROVED _____

APPROVED 4/28/89 JA

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WITHDRAWN _____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~~

_____ ~~Date adopted~~

_____ Proposed Rule

_____ Revisor's Certificate

✓ Notice of Intent to Adopt Rule

176.102 Subd 14 Statutory Authority

yes Small Business Statement

no 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

2/17/89 Date 30/25 days before adoption

OL Notice attached

_____ ~~Copy of rule or summary attached~~

✓ Publication in State Register

2/21/89 Date 30/25 days before adoption

_____ 180-day deadline from:

n/A Effective date of law requiring rule (14.12) (both rules)

3/23/89 end of comment period (§ 14.26) (rules without hearing)

_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

3/31/89 Date

_____ ~~Written requests, submissions or comments~~

X Declaration of attorney

S. Gunn 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)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : MAY 1, 1989

TO : STEVEN M. GUNN
Special Assistant Attorney General

FROM : JULIE A. LEPPINK
Special Assistant Attorney General

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Permanent Rules
Relating to

The above-referenced rule has been approved as to its legality by the Attorney General on April 28, 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.

JAL:klk
Enclosures

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

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Qualified Rehabilitation Consultant Registration Fees

Rules as Adopted

5220.1500 PROCEDURE FOR QUALIFYING AS REHABILITATION CONSULTANT.

Subpart 1. **Application.** An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

A. to F. [Unchanged.]

G. the annual registration fee of $100 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

The commissioner shall issue a notice of acceptance or rejection to the applicant within 60 days of receipt of the completed application. Acceptance will be provisional until the completion of an introductory training session.

Subp. 2. to 5. [Unchanged.]

5220.1600 PROCEDURE FOR APPROVAL AS A FIRM.

Subpart 1. [Unchanged.]

Subp. 2. **Application.** A private or public entity desiring to be approved as a firm shall submit to the commissioner a complete application consisting of the following:

A. to C. [Unchanged.]

D. the annual registration fee of $200 per firm.

Subp. 3. to 5. [Unchanged.]

5220.1700 PROCEDURE FOR APPROVAL AS REGISTERED REHABILITATION VENDOR.

Subpart 1. **Application.** A private or public entity desiring to be approved as a registered rehabilitation vendor shall submit to the commissioner a complete application consisting of all of the following:

A. to C. [Unchanged.]

D. The annual registration fee of $200 for each registered vendor.

Subp. 2. to 4. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 1 1989
Secretary of State
APPROVED AS TO FORM AND LEGALITY
By
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 1 1989

Joan Anderson Growe

Secretary of State

2:08PM

APPROVED AS TO FORM AND LEGALITY

April 28 19 89

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Qualified Rehabilitation Consultant Registration Fees

Rules as Proposed

5220.1500 PROCEDURE FOR QUALIFYING AS REHABILITATION CONSULTANT.

Subpart 1. **Application.** An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

A. to F. [Unchanged.]

G. the annual registration fee of ~~$50~~ $100 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

The commissioner shall issue a notice of acceptance or rejection to the applicant within 60 days of receipt of the completed application. Acceptance will be provisional until the completion of an introductory training session.

Subp. 2. to 5. [Unchanged.]

5220.1600 PROCEDURE FOR APPROVAL AS A FIRM.

Subpart 1. [Unchanged.]

Subp. 2. **Application.** A private or public entity desiring to be approved as a firm shall submit to the commissioner a complete application consisting of the following:

A. to C. [Unchanged.]

D. the annual registration fee of ~~$100~~ $200 per firm.

Subp. 3. to 5. [Unchanged.]

5220.1700 PROCEDURE FOR APPROVAL AS REGISTERED REHABILITATION VENDOR.

Subpart 1. **Application.** A private or public entity desiring to be approved as a registered rehabilitation vendor shall submit to the commissioner a complete application consisting of all of the following:

Approved by Revisor JCF

A. to C. [Unchanged.]

D. The annual registration fee of ~~$100~~ $200 for each registered vendor.

Subp. 2. to 4. [Unchanged.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Workers' Compensation; Qualified Rehabilitation Consultant Registration Fees

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5220

The attached rules are approved for publication in the State Register

John C. Fuller
Assistant Deputy Revisor

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of Amendments to the Rules of the State of Minnesota Governing Annual Registration Fees for Qualified Rehabilitation Consultants, QRC Interns, QRC firms and Rehabilitation Vendors

NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Labor and Industry intends to adopt the above-entitled rule amendments 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 (1986). The Department's authority to adopt the rule amendments is set forth in Minnesota Statute 176.102, subd. 14 and Minnesota Statute 16A.128.

All persons have 30 days in which to submit comments 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 (1986).

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

Debra Caswell
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-6889

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

A copy of the proposed rule amendments is attached to this notice. A free copy of the rules is available upon request from Debra Caswell at the above address or by calling (612) 296-6889.

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 Debra Caswell at the above address or by calling (612) 296-6889.

The QRC registration fee applies to individuals rather than business entities and thus the proposed increase should not have a direct impact on small business in most instances. The QRC firm and vendor registration fee will have an impact on small business, however, the impact will be minimal as the proposed increase does not exceed $100.00 per firm and administrative procedures are already in place for the submission of a fee. Distinguishing between variably sized QRC firms and/or vendors would not be cost-effective and would possibly inhibit the development of a comprehensive rehabilitation service.

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 a written request to Ms. Caswell.

Dated: 1-31-89

Ken Peterson
Commissioner

SK/cj

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In The Matter of the Proposed Adoption of Amendments to the Rules of the State of Minnesota Governing Annual Registration Fees for Qualified Rehabilitation Consultants, QRC Interns, QRC Firms and Rehabilitation Vendors

STATEMENT OF NEED AND REASONABLENESS

M.S. 176.102, subd. 14 states that "The Commissioner shall impose fees under section 16A.128 sufficient to cover the cost of approving and monitoring qualified rehabilitation consultants, consultant firms, and vendors of rehabilitation services." M.S. 16A.128 requires that fee adjustments be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function. Registration fees have not been increased since their inception in 1984. As a result, revenues generated for the past several years have been insufficient to cover even basic operating costs. As reflected by the Department of Finance fee review dated September 20, 1988, (incorporated herein) fee increases are essential to maintain even a minimal level of service and meet the statutory mandate. The Department proposes a $50.00 increase in the registration fee for QRC's and QRC interns, and a $100.00 increase in the registration fee for QRC firms and rehabilitation vendors.

The QRC registration fee applies to individuals rather than business entities and thus the proposed increase should not have a direct impact on small business in most instances. Further, the hourly fees being charged by QRC's and rehabilitation vendors have increased over the years mitigating any adverse impact that the Department's proposed increase would have. Moreover, the fee proposed by the Department is consistent with that imposed by other bodies similarly charged with responsibility for approving, monitoring, and disciplining a professional group such as the State Board of Medical Examiners (physician license $115.00) and the Minnesota Supreme Court (full time attorney $102.00). With the proposed fee increase, the Department should be able to monitor more effectively the conduct of rehabilitation professionals, thereby enhancing the quality of services provided and reducing the costs to the workers' compensation system as a whole.

The QRC firm and vendor registration fee will have an impact on small business, however, the impact will be minimal as the proposed increase does not exceed $100.00 per firm and administrative procedures are already in place for the submission of a fee. Distinguishing between variably sized QRC firms and/or vendors would not be cost-effective and would possibly inhibit the development of a comprehensive rehabilitation service.

Approved by the Commissioner of Finance

Date 1-17-89

Signature

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: September 30, 1988

Department/Agency: LABOR AND INDUSTRY	Budget Activity: Rehabilitation and Medical Affairs
Fee Name: Qualified Rehabilitation Consultants, Firms and Vendors Fees	
Legal Citation: M.S. 176.83	Fee Set By: [ ] Law [X] Agency
Purpose of Fee: To cover the cost of approving and monitoring consultants, consultant firms and vendors of rehabilitation services.	
[ ] Dedicated [X] Non-Dedicated	Revenue Code: 310
APID: 21400:99 / Fund: 10 / Accumulated Difference Thru 1986: (28)	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	47	45	48	49	50
Less Actual/ Anticipated Costs	79	79	83	86	87
Current Difference	(32)	(34)	(35)	(37)	(37)
Accumulated Difference	(32)	(66)	(101)	(138)	(175)
Number Paying Fee	744	681	750	760	770
Present Fee	Remarks Below				
Date Fee Last Changed	February, 1984				

Remarks:

QRC License (Consultant) - $50.00/year
QRC Firm License - $100.00/year
QRC Vendor License - $100.00/year

The agency is proposing a 100% increase in these fees for the coming bienniumn.

Department Authorized Signature:

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00195-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: September 30, 1988

Department/Agency: LABOR AND INDUSTRY

Budget Activity: Rehabilitation and Medical Affairs

Fee Name: Qualified Rehabilitation Consultant, Firm, and Vendor Fees

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	61	66	68	68	68
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	3	4
Attorney General	1	1	1	1	1
Statewide Indirect	4	3	3	3	3
Agency Indirect	13	9	11	11	11
Totals – must agree with cost on Fee Review Form	79	79	83	86	87

Remarks:

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

In the Matter of the Proposed Adoption of Amendments to the Rules of the State of Minnesota Governing Annual Registration Fees for Qualified Rehabilitation Consultants, QRC Interns, QRC Firms and Rehabilitation Vendors

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)

Kathleen A. Hagen, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Workers' Compensation/Rehabilitation rulemaking mailing list is accurate, complete, and current as of this 17th day of February, 1989.

That on the 17th day of February, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Amend 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.

Kathleen A. Hagen

Subscribed and sworn before me
this 29 day of March, 1989

Rosemary L. LaRue

ROSEMARY L. LARUE
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 11, 1990

WORKERS' COMP. - COMMISSIONER LIST

12-23-88

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Minnesota Power & Light Company
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James N. Denn, President
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St. Paul, MN 55104

Minnesota Workers' Compensation
Court of Appeals
775 Amhoist Tower
345 St. Peter Street
St. Paul, MN 55102

Minnesota Workers' Compensation
Insurers Association, Inc.
Attn: J. Hildebrandt
7760 France Avenue South - #640
Minneapolis, MN 55435

Moore, Costello & Hart
Attn: Timothy C. Cook
1400 Norwest Center
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St. Paul, MN 55101-1792

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Coon Rapids, MN 55433

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of Publications & Special Projects
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Arne Stern
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Twin City Bottle Company
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Minneapolis, MN 55414

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820 Pedersen
St. Paul, MN 55119

Underwriters Adjusting Company
P.O. Box 9369
Minneapolis, MN 55440

Local 4108
United Steelworkers of America
Box 10
Aurora, MN 55705

Upper Midwest, Inc.
Attn: Floyd Robertson
626 Plymouth Building
Minneapolis, MN 55402

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Workers' Compensation Unit
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Ann ~~Clayton~~
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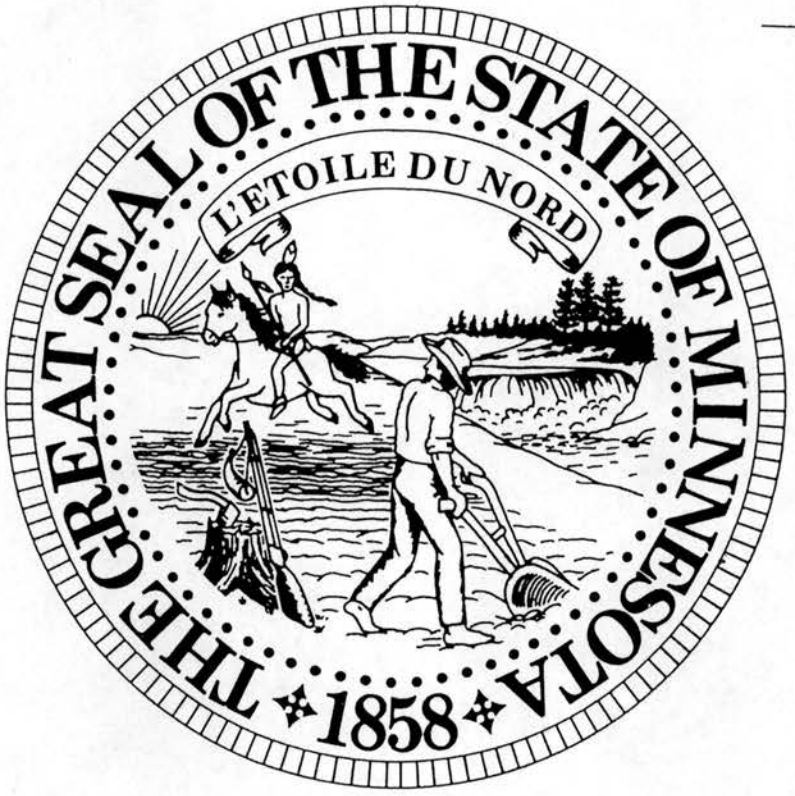
Mary Miller
Penny Johnson
✓ Gary Hall
✓ Shawn Kerns
✓ Kate Berger
Linda L. ~~Debra Statz~~
Jason Yetter
return to ~~Cherie Bauer~~ Kathy
✓ Debbie Caswell

State of Minnesota

STATE REGISTE

Department of Administration—Print Communication



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E. failure to pay the required license or application fee; and

F. conviction of a felony.

Subp. 3. **Suspension of license.** The board may suspend an assessor's license for the following offenses:

A. cheating on a test given in conjunction with an assessment education course;

B. plagiarism of an appraisal narrative of any kind submitted to the board under the license requirements in part 1950.1020;

C. preparing or writing an appraisal narrative for another person's signature, or contracting with another person to prepare or write a narrative appraisal that will be submitted to the board under the license requirements in part 1950.1020; and

D. inefficiency of office or neglect of the statutory duties of assessors in *Minnesota Statutes,* chapters 272, 273, and 274, the result of which is an adverse or injurious impact on the taxpayers of the assessor's jurisdiction.

The length of suspension is at the discretion of the board. In determining the length of time an assessor's license may be suspended, the board shall consider such factors as the assessor's previous record, the severity and impact of the offense on the assessment community, and the consequence of the assessor's action on the taxpayers of the assessment jurisdiction. Upon completion of the suspension, the assessor's license may be reinstated at the same level held before suspension if the assessor pays the necessary fees and has completed the required continuing education.

Subp. 4. **Revocation of license.** The board may revoke an assessor's license for the following offenses:

A. conviction of a felony while holding a current assessor's license;

B. giving preferential treatment to a taxpayer by knowingly and intentionally listing property on the tax list at substantially less than its market value, or misclassifying property to gain favor or benefit from the taxpayer; and

C. unprofessional conduct caused by knowingly and willingly failing to comply with the duties of assessors in *Minnesota Statutes,* chapters 272, 273, and 274, the result of which is an adverse or injurious impact on the taxpayer of the assessor's jurisdiction.

The board may specify that the revocation is permanent, or it may specify a period of time after which the assessor may reapply for a license. If an assessor's license has been revoked, all assessor education credits and designations authorized by the board are also revoked and the assessor must meet all educational requirements of the level of license being applied for anew. The board shall consider the same factors in license revocation proceedings as are considered in matters of license suspension.

Subp. 5. **Investigations and proceedings.** An action of the board taken in conjunction with the suspension or revocation of an assessor's license must be conducted in accordance with *Minnesota Statutes,* sections 214.04 and 214.10. An action of the board taken in conjunction with refusal to grant, renew, suspend, or revoke an assessor's license is subject to review under *Minnesota Statutes,* chapter 14. A contested case concerning a board action with regard to the issuance, suspension, or revocation of an assessor's license is subject to the provisions of *Minnesota Statutes,* chapter 14.

REPEALER. *Minnesota Rules,* parts 1950.0100 and 1950.0200, are repealed.

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Qualified Rehabilitation Consultant Registration Fees

Notice of Intent to Adopt Rules Without Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry intends to adopt the above-entitled rule amendments 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 (1986). The Department's authority to adopt the rule amendments is set forth in *Minnesota Statute* 176.102, subd. 144 and *Minnesota Statute* 16A.128.

All persons have 30 days in which to submit comments 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.

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.

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 (1986).

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

Debra Caswell
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-6889

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

A copy of the proposed rule amendments is attached to this notice. A free copy of the rules is available upon request from Debra Caswell at the above address or by calling (612) 296-6889.

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 Debra Caswell at the above address or by calling (612) 296-6889.

The QRC registration fee applies to individuals rather than business entities and thus the proposed increase should not have a direct impact on small business in most instances. The QRC firm and vendor registration fee will have an impact on small business, however, the impact will be minimal as the proposed increase does not exceed $100.00 per firm and administration procedures are already in place for the submission of a fee. Distinguishing between variably sized QRC firms and/or vendors would not be cost-effective and would possibly inhibit the development of a comprehensive rehabilitation service.

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 a written request to Ms. Caswell.

Dated: 31 January 1989

Ken Peterson
Commissioner

Rules as Proposed

5220.1500 PROCEDURE FOR QUALIFYING AS REHABILITATION CONSULTANT.

Subpart 1. **Application.** An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

A. to F. [Unchanged.]

G. the annual registration fee of ~~$50~~ $100 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

The commissioner shall issue a notice of acceptance or rejection to the applicant within 60 days of receipt of the completed application. Acceptance will be provisional until the completion of an introductory training session.

Subp. 2. to 5. [Unchanged.]

5220.1600 PROCEDURE FOR APPROVAL AS A FIRM.

Subpart 1. [Unchanged.]

Subp. 2. **Application.** A private or public entity desiring to be approved as a firm shall submit to the commissioner a complete application consisting of the following:

A. to C. [Unchanged.]

D. the annual registration fee of ~~$100~~ $200 per firm.

Subp. 3. to 5. [Unchanged.]

5220.1700 PROCEDURE FOR APPROVAL AS REGISTERED REHABILITATION VENDOR.

Subpart 1. **Application.** A private or public entity desiring to be approved as a registered rehabilitation vendor shall submit to the commissioner a complete application consisting of all of the following:

A. to C. [Unchanged.]

D. The annual registration fee of ~~$100~~ $200 for each registered vendor.

Subp. 2. to 4. [Unchanged.]

Board of Psychology

Proposed Amendments to Proposed Permanent Rules Relating to Licensing and Fees

Notice of Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Psychology (hereinafter "Board") will hold a public hearing in the above-captioned matter pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986), in the ground floor conference room of the Minnesota Board of Medical Examiners, 2700 University Avenue West, St. Paul, Minnesota 55114, on March 29, 1989, commencing at 9:00 A.M. This public hearing is being held pursuant to the Report of the Administrative Law Judge in the above-captioned matter, dated December 29, 1988, which concluded that the Board has failed to comply with the small business considerations in rulemaking statute, *Minnesota Statutes* § 14.115, in its initial proposed adoption of these rule amendments.

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 George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 5th Floor Flour Exchange Building, 310 Fourth Avenue S., Minneapolis, Minnesota 55415, telephone (612) 341-7601. 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 to any new information submitted within three business days after the submission period ends. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Rules* §§ 14.131 to 14.20 (1986) and by *Minnesota Statutes* pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule amendments would amend the requirements for licensure, including education and renewal requirements, amend the rules of conduct, and otherwise simplify and clarify the existing rules. The proposed rule amendments were initially published in the *State Register* on October 3, 1988. All modifications proposed by the Board to the rule amendments as initially published are attached hereto and will be published in the *State Register* on February 21, 1989. Additional free copies of the proposed rule amendments may be obtained from the Board by writing or telephoning Lois E. Mizuno, Executive Director, Minnesota Board of Psychology, Suite 101, 2700 University Avenue West, St. Paul, Minnesota 55114, telephone: (612) 642-0587.

The statutory authority of the Board to adopt the proposed amendments is contained in *Minnesota Statutes* §§ 148.90, subd. 2(4), 148.98,and 214.06, subd. 2 (1986).

The proposed rule amendments 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 amendments 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

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
DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry, Workers' Compensation Division, Governing Annual Registration Fees for Qualified Rehabilitation Consultants, QRC Interns, QRC Firms, and Rehabilitation Vendors

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

Notice of the Commissioners's intent to adopt the above-entitled rule was published in the State Register on February 21, 1989 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 February 17, 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 of intent to adopt rules was submitted to the State Register, a copy of the notice and the proposed rule was sent to the chairs of the house appropriations committee and the senate finance committee.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency received no requests for a public hearing, no written comments or submissions required to be submitted to the attorney general, and no requests for notice of submission to the attorney general.

Based on the evidence in the record before the agency, I find the following:

1. That the Department gave proper notice of the proposed amendments to all interested persons and groups.

2. That the Department has fully complied with all procedural requirements of the law or rule in adopting the proposed amendments.

3. That the Department has acted within its statutory authority in adopting these proposed amendments.

4. That the proposed amendments are needed and reasonable and fully comply with substantive requirements imposed by law or rule.

NOW, THEREFORE, IT IS ORDERED that the rule identified as part 5220.1500-5220.1700 is adopted this 31st day of March, 1989, pursuant to authority vested in me by Minnesota Statutes, sections 176.102, subd. 14 (1988) and 16A.128 (1988).

Ken Peterson
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Workers' Compensation Division, Governing Annual Registration Fees for Qualified Rehabilitation Consultants, QRC Interns, QRC Firms, and Rehabilitation Vendors

DECLARATION OF COUNSEL

I, STEVEN M. GUNN, 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. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is ____

Assistant Attorney General

Dated: 4/7/89

KB/kh

Minnesota
Department of Labor and Industry

Labor and Industry Building
443 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-6107
TDD (612) 297-4198

4/18/89
JK PMD

April 17, 1989

The Office of the Attorney General
Public Finance Division
515 Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota Department of Labor and Industry, Workers' Compensation Division, Governing Annual Registration Fees for Qualified Rehabilitation Consultants, QRC Interns, QRC Firms and Rehabilitation Vendors.

Dear Sir or Madam:

Enclosed please find the following rulemaking documents in the above-captioned matter for your review and submission for final approval:

1. A copy of the rule as proposed (Revisor's draft dated January 9, 1989).

2. Notification letter to the chairs of the House Appropriations and Senate Finance Committees.

3. The Notice of Intent to Adopt Amendments to Rules Without a Public Hearing as mailed.

4. The Statement of Need and Reasonableness, including the approval of the Commissioner of Finance.

5. The Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing and Certificate of Mailing List.

6. A copy of the Notice of Intent to adopt Rules Without a Public Hearing as published in the State Register on February 21, 1989.

7. Four copies of the Rules as Adopted (Revisor's draft dated February 21, 1989).

8. The Findings of Fact, Conclusions, and Order Adopting Rule without Public Hearing.

9. The Declaration of Counsel.

If you need anything else, please do not hesitate to contact me at 297-3313.

Sincerely,

Kathryn Berger

Kathryn Berger
Compensation Attorney

KB/kh

Enclosures

cc: Gloria Gebhard
David Sherwood Gabrielson