

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

JEA

RULE REVIEW CHECKLIST

File No. 1612 Docket No. 05-0009-0477

DATE RECEIVED 6-29-89 ADOPTED W/O HEARING X

REVIEW DATE 7-18-89 (mail) EMERGENCY RULE _____

DUE DATE 7-13-89 REVISOR APPROVED X

APPROVED ~~7~~ 7-10-89 JEA 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WITHDRAWN _____ RETURNED TO AGENCY _____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
- 11/13/89 Date adopted

✓ Proposed Rule
- yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 148B 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 - Finance Approval - yes - notice to House + Sen. - yes per Bob Holley

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 4/24/89 Date 30/25 days before adoption
- OK Notice attached
- _____ ~~Copy of rule or summary attached~~

✓ Publication in State Register
- 4/24/89 Date 30/25 days before adoption

_____ 180-day deadline from:
- n/a Effective date of law requiring rule (14.12) (both rules)
- 5/24/89 end of comment period (§ 14.26) (rules without hearing)
- _____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting
- 6/9/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 6/8/89 Date

✓ Written requests, submissions or comments (1)

✓ Declaration of attorney
- B. Holley 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 : July 11, 1989

TO : ROBERT T. HOLLEY
Special Assistant Attorney General

FROM : JACQUELYN E. ALBRIGHT
Special Assistant Attorney General

PHONE : 6-9715

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Unlicensed Mental Health Service Providers

The above-referenced rule has been approved as to its legality by the Attorney General on July 10, 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.

JEA: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 Unlicensed Mental Health Service Providers

Adopted Permanent Amendments to Emergency Rules Relating to Unlicensed Mental Health Service Providers

Rules as Adopted

9000.0050 [Emergency] PURPOSE.

Parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 establish filing procedures for unlicensed mental health service providers. The purpose of the filing procedures is to establish a central registry of persons who provide or purport to provide mental health services.

9000.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 9000.0100 to 9000.0190 [Emergency], and 9000.0200 the following terms have the meanings given them.

Subp. 2. to 7. [Unchanged.]

9000.0110 [Emergency] REQUIREMENT TO FILE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Requirement to file within 120 days.** A provider who is providing mental health services on the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to file with the board within 120 days after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200.

A provider who wishes to provide mental health services after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to the board and receive acknowledgment of the filing as provided in part 9000.0130 [Emergency] before providing services.

Subp. 4. **Late fees.** A provider who is providing mental health services when parts 9000.0110 to 9000.0190 [Emergency] and 9000.0200 become effective, and who fails to file within the 120-day limit in subpart 3, must pay the late filing fee and the regular filing fee specified in part 9000.0200.

9000.0120 [Emergency] PROCEDURE FOR FILING.

Subpart 1. **Application.** The application for filing must:

A. be made to the board on the forms provided by the board;

B. include an affirmation from the applicant that the statements are true and correct to the best of the applicant's knowledge and belief;

C. be accompanied by a nonrefundable application fee specified in part 9000.0200;

D. be accompanied by a written authorization for the board to make inquiries to the appropriate regulatory agency in any other state where the applicant has provided mental health service, about the applicant's malpractice history, if any;

E. be accompanied by a written authorization for the board to inquire about the malpractice history of the applicant at the National Clearing House for Licensure, Enforcement, and Regulation; and

F. be completed in sufficient detail for the board to determine if the applicant meets the requirements for filing. The board may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Subp. 2. [Unchanged.]

9000.0130 [Emergency] ACKNOWLEDGMENT OF FILING.

When an applicant has satisfied the requirements of filing, the board will issue a written "Acknowledgment of Filing" to the applicant. The "Acknowledgment of Filing" is a written statement that the applicant has met the requirements for filing under parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200. This acknowledgment is personal and is not transferable to another person. It may not be displayed or published in any way.

9000.0140 [Emergency] DENIAL OF FILING.

Subpart 1. **Grounds for denial.** An application for filing may be denied by the board if:

A. to D. [Unchanged.]

E. the applicant fails to authorize the board, as required in part 9000.0120 [Emergency], subpart 1, item D, to obtain information from the appropriate regulatory agency in any other state or foreign government where the individual has provided mental health services; or

F. [Unchanged.]

Subp. 2. [Unchanged.]

Subp. 3. **Notice of denial.** The board must notify an applicant, in writing, of a denial of an application for filing and the reasons for the denial. If the board denies an application for filing for reasons described in subpart 2, the board's notice must meet the requirements of Minnesota Statutes, section 364.05. An application submitted after a denial is a new application and must be accompanied by a new filing fee.

9000.0160 [Emergency] RENEWAL OF FILING.

Subpart 1. **Renewal notice.** At least 31 days before the date the filing ends, according to part 9000.0150 [Emergency], the board shall send a renewal notice to the last known address of the provider. The notice must inform the provider of the requirement to renew the provider's filing and pay the current renewal fee by the deadline determined in subpart 2. If the provider does not receive the notice, the provider is still obligated to complete a renewal application and pay the renewal fee specified in part 9000.0200 within the deadline in subpart 2. The renewal application must be made on the forms provided by the board.

Subp. 2. **Renewal deadline.** The provider must submit to the board the renewal application and the annual renewal fee required in part 9000.0200. The renewal application must be submitted or postmarked on or before the date the filing ends according to part 9000.0150 [Emergency]. The renewal application must include an affirmation by the provider that the statements on the form are true and correct to the best knowledge and belief of the provider.

Subp. 3. **Late fees.** A provider seeking renewal must pay the renewal fee and the late fee if the application for renewal is submitted or postmarked after the time period specified in subpart 2.

The late fee must accompany applications of practicing mental health service providers not made within 90 days of the effective date of this part.

Subp. 4. **Expiration of filing.** A filing expires if it is not renewed with the board within the deadline specified in subpart 2. A filing may be reissued following expiration only if the provider submits a new application and pays the regular and the late filing fees required in part 9000.0200.

9000.0190 [Emergency] VARIANCES.

Subpart 1. **Grounds for variance; variance application.** A filer or applicant may petition the board for a time limited variance from provisions in parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200, except for a provision that incorporates a statutory requirement. The petition must be in writing. The board shall grant a variance if the filer or applicant specifies alternative practices or measures equivalent to or superior to those in the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the filer or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. to 6. [Unchanged.]

9000.0200 FEES.

Fees for filing as a mental health provider are as follows:

A. the fee for an application is $50;

B. the fee for renewal of filing is $50; and

C. the fee for late filing is $25.

REPEALER. The permanent amendments to emergency rules contained in these rules are repealed on the date the emergency rules they amend are no longer in effect.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 7 1989
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 11 1989

Joan Anderson Growe

Secretary of State

10:40 AM

APPROVED AS TO FORM AND LEGALITY

July 10 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jacqueline G. Albright
SPECIAL ASSISTANT ATTORNEY GENERAL

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

CERTIFICATE OF THE BOARD OF
UNLICENSED MENTAL HEALTH SERVICE PROVIDERS
AUTHORIZING RESOLUTION

I, JoAnne M. Ossanna, do hereby certify that I am a member and the chairperson of the Board of Unlicensed Mental Health Service Providers, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Unlicensed Mental Health Service Providers duly and properly called and held on the 13 day of January, 1989, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting has not been rescinded or modified.

"RESOLVED, that Robert A. Sullivan, the executive director of the Board of Unlicensed Mental Health Service Providers, be and is hereby granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing the filing of unlicensed mental health service providers, including but not limited to procedures and standards relating to mental health services, the definition of mental health services, setting fees, and disciplinary procedures, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings. "

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of January, 1989.

JoAnne M. Ossanna
Chairperson

Don R. Cavalier
Board Member

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Amendments to Emergency Rules Relating to Unlicensed Mental Health Service Providers

AGENCY: Board of Unlicensed Mental Health Service Providers

MINNESOTA RULES: Chapter 9000

The attached rules are approved for publication in the State Register

Kathleen Traxler
Assistant Revisor

Board of Unlicensed Mental Health Service Providers

Proposed Permanent Amendments to Emergency Rules Relating to Unlicensed Mental Health Service Providers

Rules as Proposed

9000.0050 [Emergency] PURPOSE.

Parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 establish filing procedures for unlicensed mental health service providers. The purpose of the filing procedures is to establish a central registry of persons who provide or purport to provide mental health services.

9000.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 9000.0100 to 9000.0190 [Emergency], and 9000.0200 the following terms have the meanings given them.

Subp. 2. to 7. [Unchanged.]

9000.0110 [Emergency] REQUIREMENT TO FILE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Requirement to file within 120 days.** A provider who is providing mental health services on the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to file with the board within 120 days after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200.

A provider who wishes to provide mental health services after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to the board and receive acknowledgment of the filing as provided in part 9000.0130 [Emergency] before providing services.

Subp. 4. **Late fees.** A provider who is providing mental health services when parts 9000.0110 to 9000.0190 [Emergency] and 9000.0200 become effective, and who fails to file within the 120-day limit in subpart 3, must pay the late filing fee and the regular filing fee specified in part 9000.0200.

Approved by Revisor

9000.0120 [Emergency] PROCEDURE FOR FILING.

Subpart 1. **Application.** The application for filing must:

A. be made to the board on the forms provided by the board;

B. include an affirmation from the applicant that the statements are true and correct to the best of the applicant's knowledge and belief;

C. be accompanied by a nonrefundable application fee specified in part 9000.0200;

~~C.~~ D. be accompanied by a written authorization for the board to make inquiries to the appropriate regulatory agency in any other state where the applicant has provided mental health service, about the applicant's malpractice history, if any;

~~D.~~ E. be accompanied by a written authorization for the board to inquire about the malpractice history of the applicant at the National Clearing House for Licensure, Enforcement, and Regulation; and

~~E.~~ F. be completed in sufficient detail for the board to determine if the applicant meets the requirements for filing. The board may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Subp. 2. [Unchanged.]

9000.0130 [Emergency] ACKNOWLEDGMENT OF FILING.

When an applicant has satisfied the requirements of filing, the board will issue a written "Acknowledgment of Filing" to the applicant. The "Acknowledgment of Filing" is a written statement that the applicant has met the requirements for filing under parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200. This acknowledgment is personal and is not transferable to another person. It may not be displayed or published in any way.

9000.0140 [Emergency] DENIAL OF FILING.

Subpart 1. **Grounds for denial.** An application for filing

Approved
by Revisor _____

may be denied by the board if:

A. to D. [Unchanged.]

E. the applicant fails to authorize the board, as required in part 9000.0120 [Emergency], subpart 1, item ~~C~~ D, to obtain information from the appropriate regulatory agency in any other state or foreign government where the individual has provided mental health services; or

F. [Unchanged.]

Subp. 2. [Unchanged.]

Subp. 3. **Notice of denial.** The board must notify an applicant, in writing, of a denial of an application for filing and the reasons for the denial. If the board denies an application for filing for reasons described in subpart 2, the board's notice must meet the requirements of Minnesota Statutes, section 364.05. An application submitted after a denial is a new application and must be accompanied by a new filing fee.

9000.0160 [Emergency] RENEWAL OF FILING.

Subpart 1. **Renewal notice.** At least 31 days before the date the filing ends, according to part 9000.0150 [Emergency], the board shall send a renewal notice to the last known address of the provider. The notice must inform the provider of the requirement to renew the provider's filing and pay the current renewal fee by the deadline determined in subpart 2. If the provider does not receive the notice, the provider is still obligated to complete a renewal application and pay the renewal fee specified in part 9000.0200 within the deadline in subpart 2. The renewal application must be made on the forms provided by the board.

Subp. 2. **Renewal deadline.** The provider must submit to the board the renewal application and the annual renewal fee required in part 9000.0200. The renewal application must be submitted or postmarked on or before the date the filing ends according to part 9000.0150 [Emergency]. The renewal application must include an affirmation by the provider that the statements on the form are true and correct to the best

Approved
by Revisor _____

knowledge and belief of the provider.

Subp. 3. **Late fees.** A provider seeking renewal must pay the renewal fee and the late fee if the application for renewal is submitted or postmarked after the time period specified in subpart 2.

The late fee must accompany applications of practicing mental health service providers not made within 90 days of the effective date of this part.

Subp. ~~3.~~ 4. **Expiration of filing.** A filing expires if it is not renewed with the board within the deadline specified in subpart 2. A filing may be reissued following expiration only if the provider submits a new application and pays the regular and the late filing fees required in part 9000.0200.

9000.0190 [Emergency] VARIANCES.

Subpart 1. **Grounds for variance; variance application.** A filer or applicant may petition the board for a time limited variance from provisions in parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200, except for a provision that incorporates a statutory requirement. The petition must be in writing. The board shall grant a variance if the filer or applicant specifies alternative practices or measures equivalent to or superior to those in the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the filer or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. to 6. [Unchanged.]

9000.0200 FEES.

Fees for filing as a mental health provider are as follows:

A. the fee for an application is $50;

B. the fee for renewal of filing is $50; and

C. the fee for late filing is $25.

Approved
by Revisor _____

REPEALER. The permanent amendments to emergency rules contained in these rules are repealed on the date the emergency rules they amend are no longer in effect.

Approved
by Revisor _____

Board of Unlicensed Mental Health Providers

Robert Sullivan
Executive Director
(612) 643-2580

2700 University Avenue West
Suite 225
St. Paul, MN 55114

April 24, 1989

To Persons Requesting Notice of Rulemaking Activity of the Board of Unlicensed Mental Health Service Providers:

Please take note that:

ALTERNATIVE NOTICES OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES 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,

contained an error on the first page, the second to the last line.

The notice erroneously listed the end of the comment period as May 5, 1989. The correct citation should have closed the comment period on May 25, 1989. The error occurred on the first page, second to the last line, under Roman Numeral I.

Persons will have from the date of publication in the State Register or April 24, 1989, until May 25, 1989 to comment on the proposed rules. We are enclosing a copy of the proposed rules for your convenience. Should you have further questions or wish to comment, please call the Office at (612) 649-5490 or direct your comments to:

Robert A. Sullivan, Executive Director
Board of Unlicensed Mental Health
Service Providers
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114

Sincerely,

Robert A. Sullivan
Executive Director

An Equal Opportunity Employer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

In the Matter of the Proposed Adoption of Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Service, Setting Fees, Renewal Fees, and Late Fees for Filing.

ALTERNATIVE NOTICES

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES 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 Unlicensed Mental Health Service Providers (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of Minn. Stat. sections 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. sec. 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 rules pursuant to Minn. Stat. sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on May 25, 1989. There will be aproximately 20 days before the

should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by May 25, 1989. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. sections 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Robert A. Sullivan, Executive Director
Board of Unlicensed Mental Health Service Providers
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114
(612) 649-5490

The statutory authority of the Board to adopt the proposed rules is contained in Minn. Stat. sec. 148B.17, sec. 148B.41, subd. 4 and sec. 148B.47 (1988).

If adopted, the proposed rules would establish fees, renewal fees, and late fees for filing as a mental health service provider. The proposed rules will be published in the State Register issue of April 24, 1989, Vol. 13, issue 43, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

wish to receive a copy of the rules as adopted should submit a written request to the Board at the address listed above.

III.

NOTICE OF INTENT TO ADOPT RULES 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 RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON June 16, 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. sections 14.131 to 14.20 (1988), in Room 225, Colonial Park Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114, on June 16, 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 Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7606. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will

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. sec. 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 his 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 rules. 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.

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 or write the Board before May 31, 1989, and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: April 21, 1989.

Robert A. Sullivan
Executive Director
Board of Unlicensed Mental Health
Service Providers
(612) 649-5490

RV: 4/21/89

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

In the Matter of the Proposed Adoption of Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Service, Setting Fees, Renewal Fees, and Late Fees for Filing.

ALTERNATIVE NOTICES

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES 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 Unlicensed Mental Health Service Providers (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of Minn. Stat. sections 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. sec. 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 rules pursuant to Minn. Stat. sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on May 5, 1989. There will be aproximately 20 days before the scheduled

hearing date. This 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 RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Unlicensed Mental Health Service Providers (hereinafter "Board") proposes to adopt the above-captioned rules 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. sections 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 rules. The 30 days will expire on May 25, 1989. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules 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 period that a hearing be held on the proposed rules. 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 rules addressed, the reason for the request, and any changes they want made to the proposed rules. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by May 25, 1989. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. sections 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Robert A. Sullivan, Executive Director
Board of Unlicensed Mental Health Service Providers
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114
(612) 649-5490

The statutory authority of the Board to adopt the proposed rules is contained in Minn. Stat. sec. 148B.17, sec. 148B.41, subd. 4 and sec. 148B.47 (1988).

If adopted, the proposed rules would establish fees, renewal fees, and late fees for filing as a mental health service provider. The proposed rules will be published in the State Register issue of April 24, 1989, Vol. 13, issue 43, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules 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. sec. 14.11 (1988).

It is the position of the Board that it is not subject to Minn. Stat. sec. 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. sec. 14.115, subd. 2 (1988), for reducing the impact of the proposed rules, 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 rules without a public hearing, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules 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 rules as adopted should submit a written request to the Board at the address listed above.

III.

NOTICE OF INTENT TO ADOPT RULES 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 RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON June 16, 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. sections 14.131 to 14.20 (1988), in Room 225, Colonial Park Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114, on June 16, 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 Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7606. 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 Minn. Stat. sections 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 rules would establish fees, renewal fees, and late fees for filing as a mental health service provider. The proposed rules will be published in the State Register issue of April 24, 1989, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in Minn. Stat. sec. 148B.17, sec. 148B.41, subd. 4, and sec. 148B.47 (1988).

The proposed rules 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 rules 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. sec. 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 his 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 rules. 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 rules 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 rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are 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 rules with the Secretary of State.

Promulgation of the proposed rules 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. sec. 14.11 (1988).

It is the position of the Board that it is not subject to Minn. Stat. sec. 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. sec. 14.115, subd. 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

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 or write the Board before May 31, 1989, and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: April 6, 1989.

Robert A. Sullivan
Executive Director
Board of Unlicensed Mental Health
Service Providers
(612) 649-5490

RV: 4/5/89

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

In the Matter of the Proposed Adoption of Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Services, Setting Fees, Renewal Fees, and Late Fees for Filing

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The Minnesota Board of Unlicensed Mental Health Service Providers (Board) is proposing rules relating to filing fees, (Minnesota Rules pt. 9000.0100 to 9000.0190 [1989]).

Health related licensing boards are required by law to generate sufficient income from fees to cover budgeted expenses, fees for legal services provided by the Attorney General's office, administrative services provided by the Health Department, and the agency's share of statewide administrative costs. No tax revenues are used to fund their operation. The Board is proposing these rules to ensure that the total fees collected by the Board will meet anticipated expenditures during the fiscal biennium. The proposed fees have been approved by the Commissioner of Finance, as required by Minn. Stat. sec. 16A.128, subd. 1. See Exhibit 1, which is attached hereto and incorporated herein.

The Board has determined that Minn. Stat. sections 14.11, 17.80-17.84, 115.43, 116.07, subd. 6, and 144A.29 subd. 4 do not apply to these proposed rules. Therefore, this Statement of Need and Reasonableness does not address the topics referenced in those statutes.

II. Small Business Considerations

Minn. Stat. section 14.115 requires administrative agencies, when proposing a rule or an amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small businesses and to provide opportunity for small businesses to participate in the rulemaking process. It is the Board's position that the rules will not affect small businesses.

The rules will establish the annual filing and renewal fee, and establish late fees for mental health service providers. The filing is for individual providers, and not businesses. The filing authorizes providers to perform various professional mental health services independent of whether or not the services are performed as part of a small business.

However, should the rules in some way be construed as affecting small business, the Board reviewed the suggested methods for reducing the impact of the rules on small businesses and noted that those methods basically relate to compliance and reporting requirements and performance standards. The proposed rules do not address these matters but instead establish fees

charged by the Board for filing and for renewal. Furthermore, reducing the impact of the rules on small businesses would be contrary to the statutory objectives that are the basis for requiring the Board to set fees to meet anticipated expenditures. See Minn. Stat. sections 16A.128, subd. 1a, and 214.06, subd. 1. It would also result in placing a greater burden on those persons not considered "small businesses" when the work of the Board applies equally to all filers without regard to their small business classification. Such a distinction, if reflected in renewal fees, would be without justification.

Filers, regardless of whether they are considered as individuals or small businesses, will have an opportunity to participate in the rulemaking process. A notice of the proposed rulemaking will be mailed to all individuals and organizations who have given notice to the Board of their wish to receive notice of proposed rulemaking.

III. STATEMENT OF BOARD'S STATUTORY AUTHORITY

The Board's statutory authority to adopt rules relating to filing fees is set forth in Minn. Stat. sections 148B.17, 148B.41, subd. 4, and 148B.47 which grant the Board authority to prescribe rules as may be necessary to effectuate the provisions of the filing law, including the setting of board fees. Additional statutory authority for the Board to promulgate rules relating to fees, including renewal fees, is set forth in Minn. Stat. sec. 214.06, which provides in relevant parts:

> Notwithstanding any law to the contrary, ...all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which...the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128.

Minn. Stat. sec. 214.06, subd. 1 (1988).

> Notwithstanding any law to the contrary, each health-related and non-health-related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1.

Minn. Stat. sec. 214.06, subd. 2 (1988). Under these statutes, the Board has the authority to adopt rules to include fees.

IV. STATEMENT OF NEED

As stated in Minn. Stat. 148B.17, which reads:

> Each board shall by rule establish fees, including late fees, for licenses or filings and renewals so that the total fees collected by the board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128, plus the prorated costs of the office of social work and mental health boards. Fees must be credited to the special revenue fund.

The Board is required to establish and collect fees to equal, as closely as possible, anticipated expenditures. Rules (9000.0100 to 9000.0190), to implement the provisions of Minn. Stat. sections 148B.40 to 148B.47 (filing of mental health service providers), were adopted on January 8, 1989. Through an inadvertent error in notice requirements, required by M.S. 16A.128, the Board was not able to adopt rules relating to fees.

The proposed fees are necessary to generate sufficient income to cover expected expenditures for the biennium of $410,000.

Tables I and II, attached hereto and incorporated herein as Exhibit II, indicate projected income under the presently proposed fee schedule, details of costs, and projected income expected from the proposed fees. Exhibit II represents the fee review data required to be submitted by law. Exhibit II represents the fee detail accounting for how total expenses are reconciled, which includes types of fees, number of persons paying, and income. We are proposing to add application fees, renewal fees, and late-filing fees by adding rule 9000.0200 FEES.

V. STATEMENT OF REASONABLENESS

A. Fee for Application for Filing

The fee for filing is proposed in 9000.0200, to be established at $50. A $50 fee is sufficient to generate the Board's cost of operation during the first year of operation. The fee is based on a projection of 4100 applicants. The term of filing is proposed to be one year. This fee is reasonable to meet anticipated expenditures for filing of providers.

The initial projection of 4100 filers is at best an estimate, since no actual history of filings exist. One of the purposes of the legislation creating the Board, is to determine the number of individuals practicing mental health services who are no otherwise licensed or regulated.

In consultation with professional organizations, professionals' mailing lists, and estimates of persons knowledgeable about numbers of providers in certain defined groups, the following estimates were projected:

Chemical Dependency Counselors	3000
Professional Counselors	500
Pastoral Counselors	100
Miscellaneous Counselors, Therapists	500
Estimate Total:	4100

For the purpose of maintaining the financial integrity of the Board, and to maintain administrative costs at a minimum, it is reasonable to have the application fee accompany the application. It is also reasonable for the Board to retain the application fee, since nearly all administrative cost will be consumed in the initial processing and investigation of applications.

B. Fee for Renewal of Filing

The renewal fee is proposed in 9000.0200 to be established at $50 and to be paid at the time of renewal, one year after the initial filing was granted. Based on an anticipated 4100 filings, $50 is sufficient to meet the Board's second year budget of $205,000. It is reasonable that the renewal fee is the same as the initial filing fee since all filers will be required to renew their application and the Board's cost of operation is projected to be approximately the same. In the event that the

projected number of filers exceeds the projected 4100, action would be taken to reduce the fee commensurately.

C. Fee for Late Renewal of Filing

The proposed late fee in 9000.0200, of $25 for late renewal, is reasonable. Primarily the fee serves as an incentive for filers to renew on time. Secondarily the fee will be used to offset added legal and administrative costs incurred by the Board to initiate formal action against practicing filers who fail to renew. The purpose of this fee is not to generate surplus revenue, and it is anticipated that few filers will be so affected. It is hoped that the late fee will result in a high percentage of filers renewing on time, therefore eliminating some of the Board's added administrative and legal costs.

It was determined by the Board that a 90-day grace period is a sufficient and reasonable time in which to notify persons who are now practicing mental health services, of the requirement to file, and to provide an incentive for them to file in a timely manner.

VI. WITNESSES

Minnesota Rules p. 1400.0500 requires that an agency include in its statement of need and reasonableness a list of any witnesses to be called to testify on its behalf at hearing, together with a brief summary of the opinion to be elicited. Should a hearing be required, the Board expects to call the following:

Robert A. Sullivan, Executive Director for the Board will appear. Mr. Sullivan's testimony will consist of an oral presentation of the substance of this statement.

The Board does not expect to call any other witnesses.

VII. CONCLUSION

Based on the foregoing, the proposed rules, relating to fees, are both needed and reasonable.

Dated: April 4, 1989

Robert A. Sullivan
Executive Director

RV: 3/17/89

Exhibit I
Tab II

FI-00195-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: 2/10/89

Department/Agency: BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

Budget Activity:

Fee Name: LICENSING 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		36	148	165	165
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX		
Attorney General			10	30	50
Statewide Indirect					
Agency Indirect			2	2	2
Totals – must agree with cost on Fee Review Form		36	160	197	217

Remarks:

- AGENCY DIRECT EXPENDITURES INCLUDE A PERCENTAGE OF THE ADMINISTRATIVE (OFFICE) COSTS TO BE RECOVERED.

- ATTORNEY GENERAL'S COSTS AS WELL AS OTHER DIRECT EXPENDITURES ARE ESTIMATED AT BEST SINCE NO EXPENDITURE HISTORY EXISTS.

Exhibit II
Table I

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: 2/10/89

Department/Agency: BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

Budget Activity:

Fee Name: FILING FEES

Legal Citation: LAWS OF 1987, CHAPTER 148B

Fee Set By: [ ] Law [X] Agency

Purpose of Fee: TO RECOVER COSTS OF OPERATION OF THE BOARD

[ ] Dedicated [X] Non-Dedicated

Revenue Code: 310

APID: 21517:00 | Fund: 12 | Accumulated Difference Thru 1986: -0-

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		-0-	205	205	205
Less Actual/ Anticipated Costs		36	160	197	217
Current Difference		<36>	45	8	<12>
Accumulated Difference		<36>	9	17	5
Number Paying Fee					
Present Fee					
Date Fee Last Changed					

Remarks:

4100 UNLICENSED MENTAL HEALTH SERVICE PROVIDERS FILINGS AT $50. PER FILING (4100 @ $50 = 205,000)

10 @ $25 LATE FILING FEE (10 @ $25 =$250)

4100 RENEWALS @ $50 = $205,000

Department Authorized Signature:

Finance Department Recommendation:

Executive Budget Officer Signature:

STATE OF MINNESOTA

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

In the Matter of Proposed Adoption of Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Service, Setting Fees, Renewal Fees, and Late Fees for Filing.

AFFIDAVIT OF MAILING OF ALTERNATIVE NOTICES: NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES 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, AND CERTIFICATE OF MAILING LIST.

STATE OF MINNESOTA)
)SS.
COUNTY OF RAMSEY)

Robert A. Sullivan, Being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Board of Unlicensed Mental Health Service Providers rulemaking mailing list is accurate, complete, and current as of the 20 day of April, 1989.

That on the 20 day of April, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Public Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a 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.

Robert A. Sullivan

Executive Director
Title

Subscribed and sworn to before me this 20th day of April, 1989.

Lois Kauppila

LOIS KAUPPILA
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 28, 1992

STATE OF MINNESOTA

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

In the Matter of Proposed Adoption of Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Service, Setting Fees, Renewal Fees, and Late Fees for Filing.

AFFIDAVIT OF MAILING CORRECTED ALTERNATIVE NOTICES: NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES 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, COVER LETTER EXPLAINING THE CORRECTION, A COPY OF THE PROPOSED RULES, AND CERTIFICATE OF MAILING LIST.

STATE OF MINNESOTA)
)SS.
COUNTY OF RAMSEY)

Robert A. Sullivan, Being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Board of Unlicensed Mental Health Service Providers rulemaking mailing list is accurate, complete, and current as of the 24 day of April, 1989.

That on the 24 day of April, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Corrected Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Public Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing, a cover letter explaining the correction, and a copy of the proposed rules, by depositing in the State of Minnesota Central Mail System for United States mailing, copies thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Robert A. Sullivan

Executive Director

Title

Subscribed and sworn to before me this 24th day of April, 1989.

Lois Kauppila

LOIS KAUPPILA
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 28, 1992

Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Board of Unlicensed Mental Health Service Providers

Proposed Permanent Amendments to Emergency Rules Relating to Unlicensed Mental Health Service Providers

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules 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 Unlicensed Mental Health Service Providers (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 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* sec. 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 rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on May 5, 1989. There will be approximately 20 days before the scheduled hearing date. This 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 Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Unlicensed Mental Health Service Providers (hereinafter "Board") proposes to adopt the above-captioned rules 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 *Minnesota Statutes* sections 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 rules. The 30 days will expire on May 25, 1989. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules 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 period that a hearing be held on the proposed rules. 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 rules addressed, the reason for the request, and any changes they want made to the proposed rules. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by May 25, 1989. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* sections 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Robert A. Sullivan, Executive Director
Board of Unlicensed Mental Health Service Providers
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114
(612) 649-5490

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* sec. 148B.17, sec. 148B.41, subd. 4 and sec. 148B.47 (1988).

If adopted, the proposed rules would establish fees, renewal fees, and late fees for filing as a mental health service provider. The proposed rules will be published in the *State Register* issue of April 24, 1989, Vol. 13, issue 43, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules 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* sec. 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* sec. 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* sec. 14.115, subd. 2 (1988), for reducing the impact of the proposed rules, 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 rules without a public hearing, the rules are proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules 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 rules as adopted should submit a written request to the Board at the address listed above.

III. Notice of Intent to Adopt Rules 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 RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON June 16, 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* sections 14.131 to 14.20 (1988), in Room 225, Colonial Park Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114, on June 16, 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 Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7606. 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 buisness 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* sections 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 rules would establish fees, renewal fees, and late fees for filing as a mental health service provider. The proposed rules will be published in the *State Register* issue of April 24, 1989, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* sec. 148B.17, sec. 148B.41, subd. 4, and sec. 148B.47 (1988).

The proposed rules 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 rules 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* sec. 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 his 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 rules. 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 rules 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 rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are 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 rules with the Secretary of State.

Promulgation of the proposed rules 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* sec. 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* sec. 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* sec. 14.115, subd. 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

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 or write the Board before May 31, 1989, and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: April 6, 1989

Robert A. Sullivan
Executive Director
Board of Unlicensed Mental Health
Service Providers
(612) 649-5490

Rules as Proposed

9000.0050 [Emergency] PURPOSE.

Parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 establish filing procedures for unlicensed mental health service providers. The purpose of the filing procedures is to establish a central registry of persons who provide or purport to provide mental health services.

9000.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 9000.0100 to 9000.0190 [Emergency], and 9000.0200 the following terms have the meanings given them.

Subp. 2. to 7. [Unchanged.]

9000.0110 [Emergency] REQUIREMENT TO FILE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Requirement to file within 120 days.** A provider who is providing mental health services on the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to file with the board within 120 days after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200.

A provider who wishes to provide mental health services after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to the board and receive acknowledgment of the filing as provided in part 9000.0130 [Emergency] before providing services.

Subp. 4. **Late fees.** A provider who is providing mental health services when parts 9000.0110 to 9000.0190 [Emergency] and 9000.0200 become effective, and who fails to file within the 120-day limit in subpart 3, must pay the late filing fee and the regular filing fee specified in part 9000.0200.

9000.0120 [Emergency] PROCEDURE FOR FILING.

Subpart 1. **Application.** The application for filing must:

A. be made to the board on the forms provided by the board;

B. include an affirmation from the applicant that the statements are true and correct to the best of the applicant's knowledge and belief;

C. be accompanied by a nonrefundable application fee specified in part 9000.0200;

~~C.~~ D. be accompanied by a written authorization for the board to make inquiries to the appropriate regulatory agency in any other state where the applicant has provided mental health service, about the applicant's malpractice history, if any;

~~D.~~ E. be accompanied by a written authorization for the board to inquire about the malpractice history of the applicant at the National Clearing House for Licensure, Enforcement, and Regulation; and

~~E.~~ F. be completed in sufficient detail for the board to determine if the applicant meets the requirements for filing. The board may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Subp. 2. [Unchanged.]

9000.0130 [Emergency] ACKNOWLEDGMENT OF FILING.

When an applicant has satisfied the requirements of filing, the board will issue a written "Acknowledgment of Filing" to the applicant. The "Acknowledgment of Filing" is a written statement that the applicant has met the requirements for filing under parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200. This acknowledgment is personal and is not transferable to another person. It may not be displayed or published in any way.

9000.0140 [Emergency] DENIAL OF FILING.

Subpart 1. **Grounds for denial.** An application for filing may be denied by the board if:

A. to D. [Unchanged.]

E. the applicant fails to authorize the board, as required in part 9000.0120 [Emergency], subpart 1, item ~~C~~ D, to obtain information from the appropriate regulatory agency in any other state or foreign government where the individual has provided mental health services; or

F. [Unchanged.]

Subp. 2. [Unchanged.]

Subp. 3. **Notice of denial.** The board must notify an applicant, in writing, of a denial of an application for filing and the reasons for the denial. If the board denies an application for filing for reasons described in subpart 2, the board's notice must meet the requirements of Minnesota Statutes, section 364.05. An application submitted after a denial is a new application and must be accompanied by a new filing fee.

9000.0160 [Emergency] RENEWAL OF FILING.

Subpart 1. **Renewal notice.** At least 31 days before the date the filing ends, according to part 9000.0150 [Emergency], the board shall send a renewal notice to the last known address of the provider. The notice must inform the provider of the requirement to renew the provider's filing and pay the current renewal fee by the deadline determined in subpart 2. If the provider does not receive the notice, the provider is still obligated to complete a renewal application and pay the renewal fee specified in part 9000.0200 within the deadline in subpart 2. The renewal application must be made on the forms provided by the board.

Subp. 2. **Renewal deadline.** The provider must submit to the board the renewal application and the annual renewal fee required in part 9000.0200. The renewal application must be submitted or postmarked on or before the date the filing ends according to part 9000.0150 [Emergency]. The renewal application must include an affirmation by the provider that the statements on the form are true and correct to the best knowledge and belief of the provider.

Subp. 3. **Late fees.** A provider seeking renewal must pay the renewal fee and the late fee if the application for renewal is submitted or postmarked after the time period specified in subpart 2.

The late fee must accompany applications of practicing mental health service providers not made within 90 days of the effective date of this part.

Subp. ~~3.~~ 4. **Expiration of filing.** A filing expires if it is not renewed with the board within the deadline specified in subpart 2. A filing may be reissued following expiration only if the provider submits a new application and pays the regular and the late filing fees required in part 9000.0200.

9000.0190 [Emergency] VARIANCES.

Subpart 1. **Grounds for variance; variance application.** A filer or applicant may petition the board for a time limited variance from provisions in parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200, except for a provision that incorporates a statutory requirement. The petition must be in writing. The board shall grant a variance if the filer or applicant specifies alternative practices or measures equivalent to or superior to those in the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the filer or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. to 6. [Unchanged.]

9000.0200 FEES.

Fees for filing as a mental health provider are as follows:

A. the fee for an application is $50;

B. the fee for renewal of filing is $50; and

C. the fee for late filing is $25.

REPEALER. The permanent amendments to emergency rules contained in these rules are repealed on the date the emergency rules they amend are no longer in effect.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Governing the Issuance of Modified Guaranteed Annuities and the Conditions Under Which They May Be Issued in the State of Minnesota Including the Impact of the Rules on Small Business.

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules 2751.0100 to 2751.1300. Promulgation of these rules is authorized by *Minnesota Statutes*, 45.023 and 61A.20.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* § 14.115, subdivision 1.

Errata

Board of Unlicensed Mental Health Service Providers

Notice of Corrected Comment Period for Alternative Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, Notice of Intent to Cancel the Hearing if Fewer Than 25 Persons Request a Hearing

The first page of this notice under the heading: Explanation of Alternative Notice, published an erroneous date which indicated that the comment period would close on May 5, 1989. This is an error. The comment period will close on May 25, 1989, and persons will have from the date of the notice until May 25th to comment on the proposed rule concerning the adoption of fees for filing as a mental health service provider, providing for renewal fees, and for late fees for filing. This notice corrects the notice that was published in the *State Register* of April 24, 1989, Volume 13, Issue 43, page 2630, Roman Numeral I of the Notice.

Dated: 24 April 1989

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Health

Notice of Extension of Comment Period on Proposed Permanent Rules Relating to Health Maintenance Organizations

NOTICE IS HEREBY GIVEN that the comment period for receipt of comments on Proposed Permanent Rules Relating to Health Maintenance Organizations has been extended to May 31, 1989.

The Proposed Permanent Rules Relating to Health Maintenance Organizations were published in the *State Register*, Monday, April 17, 1989.

Dated: 21 April 1989

Sister Mary Madonna Ashton
Commissioner of Health

Department of Human Services

Medical Assistance Payment Rate for Independent Practicing Certified Registered Nurse Anesthetists

The Department of Human Services has established a Medical Assistance payment rate for the services of certified registered nurse anesthetists who are practicing independently. Medical Assistance payment is limited to cases in which the nurse anesthetist performed services in an outpatient setting and is not medically directed or supervised by an anesthesiologist. The payment rate is $11.70 per 15 minute unit of service. This rate is based on 65% of the anesthesiologist conversion factor and follows the payment methodology used for other physician extenders. The payment methodology is not expected to increase or decrease Medical Assistance expenditures. The Department's enrollment of certified registered nurse anesthetists was based on state legislation and was effective February 1, 1989.

Additional information about this payment methodology is available from:

Department of Human Services
Health Care Management Division
Health Policy Development Section
444 Lafayette Rd.
St. Paul, Minnesota 55155-3853

CERTIFICATE OF THE

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

AND

RESOLUTION ADOPTING RULES

I, JoAnne Ossanna, do hereby certify that I am a member and the Chairperson of the Board of Unlicensed Mental Health Service Providers, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Unlicensed Mental Health Service Providers, duly and properly called and held on the 9th day of June, 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 rules relating to filing fees, renewal fees and late fees of unlicensed mental health service providers are approved and adopted, pursuant to authority vested in the Board of Unlicensed Mental Health Service Providers by Minnesota Statutes, Chapter 148B.17 and 148B.41, subd. 4, 148B.47 and 214.06. Robert A. Sullivan, executive director of the Board of Unlicensed Mental Health Service Providers, is authorized to sign the findings of fact, conclusions, and order adopting the rules, and further is authorized to modify the rules, if necessary to obtain the approval of the rules by the attorney general 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 day of June 9, 1989.

JoAnne Ossanna
Chairperson

Member, Board of Unlicensed
Mental Health Service Providers

STATE OF MINNESOTA

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

In the Matter of the Proposed Adoption of Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Service, Setting Fees, Renewal Fees, and Late Fees for Filing.

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

Notice of the Board of Unlicensed Mental Health Service Providers' intent to adopt the above-entitled rules was published in the State Register on April 24, 1989, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on April 20, 1989. The original notice of intent to adopt rules contained a typographical error which indicated that the comment period would close on May 5, 1989. The correct closing date for comment should have been May 25, 1989. A corrected notice of the Board's intent to adopt rules was sent to all interested parties on April 24, 1989. In addition, notice of the error was published in the State Register on May 1, 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, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

All persons were given the opportunity to submit written comment on the rule for 30 days after notice of proposed rulemaking. The agency received no requests for a public hearing. Therefore, the agency did not receive request for a public hearing from 25 or more persons which were not withdrawn.

One comment was received by the Board during the open comment period. That comment affirmatively stated no objection to the rules as proposed. No requests for notice of submission to the attorney general were received by the agency.

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

No changes were made between the rule as proposed and the rule as adopted. Therefore no substantive changes were made to the rule as adopted.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Proposed Rules relating to the Practice of Mental Health Service, Setting Fees, Renewal Fees, and Late Fees for Filing of Unlicensed Mental Health Service Providers is adopted this 28th day of June, 1989, pursuant to authority vested the Board of Unlicensed Mental Health Service Providers by Minnesota Statutes, section 148B.17.

Robert A. Sullivan
Executive Director
Board of Unlicensed Mental Health
Service Providers

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

In the Matter of the Proposed Adoption of Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Services, Setting Fees, Renewal Fees, and Late Fees for Filing

DECLARATION OF COUNSEL

I, Robert T. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0477.

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

Dated: June 28, 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

June 29, 1989

ADDRESS REPLY TO:
SUITE 136
2829 UNIVERSITY AVENUE S.E.
MINNEAPOLIS, MN 55414
TELEPHONE: (612) 341-7272
FACSIMILE: (612) 341-7505

Ms. Rita M. Desmond
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 Rules of the Board of Unlicensed Mental Health Service Providers Relating to the Practice of Mental Health Service, Setting Fees, Renewal Fees, and Late Fees for Filing

Dear Ms. Desmond:

Pursuant to Minn. Rules pt. 2010.0300 (1987), as amended (13 S.R. 1376), I am herewith submitting the following documents for review in the above subject matter:

1. Certificate of the Board's authorizing resolution (2010.0300 C);

2. Copy of the proposed rules, certified by the Revisor (2010.0300 D);

3. Notices of intent to adopt as mailed, and corrected notices as mailed (2010.0300 E);

4. Statement of Need and Reasonableness (2010.0300 F);

5. Affidavit of mailing notices of intent to adopt and affidavit of mailing corrected notices of intent to adopt (2010.0300 G);

6. Copy of notice of intent to adopt as published in the State Register and copy of corrected notice of intent to adopt as published in the State Register (2010.0300 H);

7. Four copies of the rules as adopted (2010.0300 I);

8. Certificate of the Board's resolution adopting rules (2010.0300 J);

9. Findings, conclusions, and order adopting rules (2010.0300 K);

10. The single comment received (2010.0300 L); and

11. Declaration of Counsel (2010.0300 M).

Paragraphs A, B, N and O of Minn. Rules pt. 2010.0300, as amended, are not applicable to this proceeding.

It is requested that there be no unwritten communications with the Board regarding this submission and that any questions be directed to me.

Very truly yours,

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

RTH:sv