

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: June 20, 1990

TO: JULIE A. LEPPINK
Special Assistant Attorney General
520 Lafayette Rd., Suite 200 (55155)

FROM: CHRISTIE B. ELLER
Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 6-9421

SUBJECT: In the Matter of the Adopted Rule Relating to Workers' Compensation; Medical Charges; Reimbursement

The above-referenced rule has been approved as to its legality by the Attorney General on June 18, 1990.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of tne notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

CBE:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "

CBE

RULE REVIEW CHECKLIST

File No. 1712

Docket No. 05.0009.0600

DATE RECEIVED 6-8-90

ADOPTED W/O HEARING X

REVIEW DATE ~~6-19-90~~ 6-18-90

EMERGENCY RULE _____

DUE DATE 6-22-90

To Revisor: 6-8-90

REVISOR APPROVED _____

APPROVED 6-18-90

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE _____

WITHDRAWN _____

RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

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

N/A Petition for Adoption of a Rule (if applicable)

N/A Board's Authorizing Resolution
- _____ Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule §176.83 §176.136 (Supp. 1989)
- _____ Statutory Authority
- ✓ Small Business Statement
- ✓ Expenditure of public money statement
- 3-23-90 ✓ Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 4/4/90 Date (30)/25 days before adoption
- ✓ Notice attached
- ✓ Copy of rule or summary attached

_____ Publication in State Register (in notice)
- 4/9/90 Date (30)/25 days before adoption

✓ 180-day deadline from:
- N/A Effective date of law requiring rule (14.12) (both rules) amendments
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

N/A Resolution Adopting
- _____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 6/5/90 Date

— Written requests, submissions or comments

_____ Declaration of attorney
- Julie A. Leppink Name of SAAG representing agency

N/A Notice of Submission to Atty. Gen. (if applicable)

N/A Aff. of Mailing Notice to Atty. Gen. (if applicable)

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Medical Charges and Reimbursement

Rules as Adopted

5221.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Appropriate record.** "Appropriate record" is a legible medical record or report which substantiates the nature and necessity of a service being billed and its relationship to the work injury.

[For text of subps 2 to 15, see M.R.]

5221.2250 PHYSICIAN SERVICES; SURGERY.

[For text of subpart 1, see M.R.]

Subp. 2. **Instructions.** The instructions in items A to F govern the assignment of codes and the evaluation of services described in this part.

A. With the exception of services designated with an asterisk (*), all services include the operation per se, local infiltration, digital block, or topical anesthesia when used, and the normal uncomplicated in-hospital follow-up care, provided by the surgeon both pre- and postoperative. This concept is referred to as a "package" for surgical procedures. For the purposes of this definition, preoperative care does not include any care administered before the provider determines that surgery is required.

[For text of items B to F, see M.R.]

[For text of subps 3 to 15, see M.R.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 20 1990

Joan Anderson Growe

Secretary of State

3:15 PM

APPROVED AS TO FORM AND LEGALITY

June 18 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Christine B Elby
ASSISTANT ATTORNEY GENERAL

Stat. Authority

MN Stat 176.136 (Supp 1989

The commissioner shall by rule establish procedures for determining whether or not the charge for a health service is excessive.

176.83 (1988)

.... the commissioner may adopt, amend, or repeal rules

Minnesota
Department of Labor and Industry

443 Lafayette Road
St. Paul, Minnesota 55155
(612) 296-6107

Telecommunication Device
for the Deaf (612) 297-4198

FAX (612) 297-1329

June 6, 1990

10600

JUN 07 1990

Steve Gunn
Assistant Attorney General
Attorney General Office
520 Lafayette Road
St. Paul, MN 55101

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 Medical Charges and Reimbursement

Dear Mr. Gunn:

Enclosed please find the following rulemaking documents in the above-captioned matter for your review and submission for final approval. Please note specifically that there were no written comments or requests for hearing. No Notice of Solicitation was published as opinion outside the agency was not sought.

1. A copy of the rule as proposed (Revisor's draft dated March 6, 1990.

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

3. The Statement of Need and Reasonableness.

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

5. A copy of the Notice of Intent to Adopt Rules Without a Public Hearing as published in the State Register on April 9, 1990.

6. Four copies of the Rules as Adopted (Revisor's draft dated April 9, 1990.

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

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8. A proposed 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/cj

Enclosures

cc: Gloria Gebhard
David Sherwood-Gabrielson

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Medical Charges and Reimbursement

Rules as Proposed

5221.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Appropriate record.** "Appropriate record" is a legible medical record or report which substantiates the nature and necessity of a service being billed and its relationship to the work injury.

[For text of subps 2 to 15, see M.R.]

5221.2250 PHYSICIAN SERVICES; SURGERY.

[For text of subpart 1, see M.R.]

Subp. 2. **Instructions.** The instructions in items A to F govern the assignment of codes and the evaluation of services described in this part.

A. With the exception of services designated with an asterisk (*), all services include the operation per se, local infiltration, digital block, or topical anesthesia when used, and the normal uncomplicated in-hospital follow-up care, provided by the surgeon both pre- and postoperative. This concept is referred to as a "package" for surgical procedures. ~~The surgical package includes the assistant surgeons if any are used. Reimbursement for the assistant surgeon is made from the fee collected for the surgical package and is the responsibility of the primary physician.~~ For the purposes of this definition, preoperative care does not include any care administered before the provider determines that surgery is required.

[For text of items B to F, see M.R.]

[For text of subps 3 to 15, see M.R.]

Approved by Revisor JCF

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Workers' Compensation; Medical Charges and Reimbursement

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5221

APPROVED AS TO FORM AND LEGALITY
June 18 19 90
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Christie B Eller
ASSISTANT ATTORNEY GENERAL

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 the Rule of the State Department of Labor and Industry, Workers' Compensation Division, Governing Medical Charges and Reimbursement (M.R. Part 5221.0100, subp. 1a and 5221.2250, subp. 2A

DECLARATION OF COUNSEL

I, Julie A. Leppink, 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 0600.

Julie A Leppink

Special Assistant Attorney General

Dated: 6/7/90

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Amendment of the Rules of the State Department of Labor and Industry, Workers' Compensation Division, Governing Medical Charges and Reimbursement

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Department of Labor and Industry intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minn. Stat. 176.136, (Supp. 1989) and Minn. Stat. 176.83 (1988).

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Public comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) 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. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Gloria Gebhard
Senior Rehabilitation and Medical Specialist
Rehabilitation and Medical Affairs
443 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 296-8213

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

(9) A copy of the proposed rule is attached to this notice. These amendments to the Workers' Compensation Medical Fee Schedule add a definition of "appropriate record" and modify the instructions governing division of surgeon's fees.

(12) **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 Gloria Gebhard at the above address upon request.

(13) The Department has concluded that the impact on small business need not be addressed pursuant to M.S. 14.115 because the rules concern service businesses regulated for standards and costs. Nonetheless, no adverse impact on small business is anticipated, because the amendments define "appropriate record" consistent with existing statutory language in M.S. 176.135 (7) and delete language governing division of surgeon fees that is potentially inconsistent with other existing rules and statutory language and the data base for the Medical Fee Schedule. For the same reasons, the rules do not require additional expenditure of public monies or preparation of a fiscal note on the impact on local public bodies under M.S. 3.983 or M.S. 14.11.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Gloria Gebhard at the above address.

3-23-90
Date

Ken Peterson
Commissioner

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 Medical Charges and
Reimbursement

STATEMENT OF NEED AND REASONABLENESS

The following minor changes are made to the Medical Fee Schedule:

Part 5221.0100 Definition
Subp. 1a. Appropriate Record

This definition is added to provide users of the Medical Fee Schedule a working definition of an "appropriate record," because the term is used throughout the schedule. This definition is consistent with and reflects M.S. 176.135, subd. (7), which requires providers to submit information to payers that substantiates the nature and necessity of a medical bill and the relationship of the service to the work injury. The definition also requires the medical information to be legible, in response to payer concerns that handwritten medical information is at times difficult to read.

Part 5221.2250 Physicians Services, Surgery
Subp. 2. Instructions

Language is deleted from the Medical Fee Schedule instructions which states that reimbursement for an assistant surgeon is included in the fee for the surgical package and is the responsibility of the primary physician. This language is deleted because it potentially conflicts with Minnesota Statutes, §147.091, subd. 1(p) and Minnesota Rules, Part 5620.0100 to 0160, which establish standards for division of fees between physicians. Additionally, the data reported from Blue Cross and Blue Shield (used pursuant to M.S. 176.136 to determine the maximum fees for surgical procedures) does not support the division of fees required by the rule. Accordingly, it is necessary to delete the language.

SMALL BUSINESS IMPACT

The Department has determined that the rules have minimal adverse impact on small business. The first rule is merely definitional. The second rule amendment deletes language which could conflict with existing law regarding physician fee splitting and is not consistent with the data base used to determine maximum fees for surgical procedures. As the deletion is necessary to bring the rules into compliance with other existing statutes and rules it does not have an adverse impact on small business. Further, the rules are exempt from the requirements of M.S. 14.115 because they regulate a "service business...such as...providers of medical care."

FISCAL IMPACT ON LOCAL PUBLIC BODIES

Because the amendments define an additional term, consistent with existing statutory language, and delete language that is inconsistent with other rules and existing statutory language, no significant fiscal impact on local public bodies is anticipated. If there is any it is not expected to be more than $100,000 in either of the next two years. Further, the rules do not establish a new program or require an increased level of service. Therefore, no fiscal note is necessary under M.S. 3.983 or M.S. 14.11.

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry Workers' Compensation Division, Governing, Workers' Compensation, Medical Charges and Reimbursement.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Janis Keesling, being sworn says:

That on the 4th day of April, 1990 at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations on the Department of Labor and Industry, Workers' Compensation Division rulemaking mailing list.

Janis Keesling
[Name]

Exec Sec
[Title]

Subscribed and sworn to before me
this 7 day of June, 1990

Rosemary L. LaRue

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

KB/cj

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry Workers' Compensation Division, Governing Workers' Compensation, Medical Charges and Reimbursement.

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Kathryn Berger, being sworn says:

I hereby certify that to the best of my knowledge 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 Department of Labor and Industry, Workers Compensation Division rulemaking mailing list was accurate, complete, and current as of April 4, 1990 except that 7 notices of Intent to Adopt the above rule were returned as undeliverable by the post office. The addresses of these persons were updated by the Department and the notices were resent.

Kathryn Berger
[Name]

Attorney
[Title]

Subscribed and sworn to before me
this 6 day of June, 1990

Rosemary L. LaRue

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

KB/cj

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Medical Charges and Reimbursement

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 176.136, (Supp. 1989) and *Minnesota Statutes* 176.83 (1988).

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

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

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

Gloria Gebhard
Senior Rehabilitation and Medical Specialist
Rehabilitation and Medical Affairs
443 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 296-8213

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

A copy of the proposed rule is attached to this notice. These amendments to the Workers' Compensation Medical Fee Schedule add a definition of "appropriate record" and modify the instructions governing division of surgeon's fees.

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 Gloria Gebhard at the above address upon request.

The Department has concluded that the impact on small business need not be addressed pursuant to *Minnesota Statutes* 14.115 because the rules concern service businesses regulated for standards and costs. Nonetheless, no adverse impact on small business is anticipated, because the amendments define "appropriate record" consistent with existing statutory language in *Minnesota Statutes* 176.135 (7) and delete language governing division of surgeon fees that is potentially inconsistent with other existing rules and statutory language and the data base for the Medical Fee Schedule. For the same reasons, the rules do not require additional expenditure of public monies or preparation of a fiscal note on the impact on local public bodies under *Minnesota Statutes* 3.983 or *Minnesota Statutes* 14.11.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Gloria Gebhard at the above address.

Dated: 23 March 1990

Ken Peterson
Commissioner

Rules as Proposed

5221.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Appropriate record.** "Appropriate record" is a legible medical record or report which substantiates the nature and necessity of a service being billed and its relationship to the work injury.

[For text of subps 2 to 15, see M.R.]

5221.2250 PHYSICIAN SERVICES; SURGERY.

[For text of subpart 1, see M.R.]

Subp. 2. **Instructions.** The instructions in items A to F govern the assignment of codes and the evaluation of services described in this part.

A. With the exception of services designated with an asterisk (*), all services include the operation per se, local infiltration, digital block, or topical anesthesia when used, and the normal uncomplicated in-hospital follow-up care, provided by the surgeon both pre- and postoperative. This concept is referred to as a "package" for surgical procedures. ~~The surgical package includes the assistant surgeons if any are used. Reimbursement for the assistant surgeon is made from the fee collected for the surgical package and is the responsibility of the primary physician.~~ For the purposes of this definition, preoperative care does not include any care administered before the provider determines that surgery is required.

[For text of items B to F, see M.R.]

[For text of subps 3 to 15, see M.R.]

Board of Medical Examiners

Proposed Permanent Rules Relating to Physical Therapy

Notice of and Order for Hearing

IT IS HEREBY ORDERED AND NOTICE IS GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") will hold a public hearing in the above-captioned matter, pursuant to *Minnesota Statutes*, §§14.131 to 14.20 (1988), in the joint conference room, lower level, at 2700 University Avenue West, St. Paul, Minnesota, on May 19, 1990, commencing at 10 a.m.

IT IS FURTHER ORDERED that notice of said hearing be given to all persons who have registered their names with the Minnesota Board of Medical Examiners for that purpose and be published in the *STATE REGISTER*.

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 Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, Fifth Floor, Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7608. Unless a longer period, not to exceed 20 calendar days, is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing, within three business days after the submission period ends, to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§14.131 to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would adjust the Board of Medical Examiners' physical therapy examination fee from $90 to $110; establish a physical therapy temporary registration permit and temporary permit fee of $10; describe all the information necessary for a complete physical therapy application for applicants seeking registration by examination or without examination; clarify the practice parameters in which physical therapists may treat a patient without supervision or direction as provided under *Minnesota Statutes* 148.75 and 148.76 (1988); establish physical therapy continuing education requirements and standards for compliance; extend the time applications for physical examination must be received by the Board prior to the examination; remove the Minnesota Battery Test as the test used by the Board to judge English language proficiency of foreign trained applicants and establish the Test of English as a Foreign Language Exam or comparable examination approved by the Board as the standard; and provide an appeal process for applicants denied reregistration because of non-compliance with application and/or continuing education requirements. The proposed rules will be published in the *State Register* issue on April 9, 1990, and a free copy of the rules may be obtained from the Board by writing or telephoning H. Leonard Boche, Executive Director, Minnesota Board of Medical Examiners, 2700 University Avenue West, Suite 106, St. Paul, MN 55114-1080, at (612) 642-0538.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§148.74 (1988).

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 Amendments of the Rules of the State Department of Labor and Industry, Workers' Compensation Division Governing Medical Charges Reimbursement (Minnesota Rules, Parts 5221.0100, subp. 1a and 5221.2250, subp. 2A)

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on April 9, 1990 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 April 4, 1990. (2) 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.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) No written submissions or comments on the rule were received by the agency. 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:

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

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

3. (8) That the above captioned amendments are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule amendments identified as Minnesota Rules, Part 5221.0100, subp. 1a and Part 5221.2250, subp. 2A are adopted this 5th day of June, 1990, pursuant to authority vested in me by Minnesota Statutes, section 176.136 (Supp. 1989) and 176.83 (1988).

David Abrams

David Abrams, Deputy Commissioner
for Ken Peterson, Commissioner