

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: August 6, 1990

TO: DR. JOEL WULFF
Executive Director
Board of Chiropractic

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-9421

SUBJECT: In the Matter of the Adopted Rule Relating to Practice of Chiropractic

The above-referenced rule has been approved as to its legality by the Attorney General on August 3, 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 the 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:sc

Enclosures

cc: Robert Holley
William Brown, Chief Judge
MaryAnn Hruby

State Board of Chiropractic Examiners

Adopted Permanent Rules Relating to the Practice of Chiropractic

Rules as Adopted

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

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

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of $150, plus any applicable penalty fee as set forth in part 2500.1300. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

[For text of subp 3, see M.R.]

APPROVED AS TO FORM AND LEGALITY

August 3 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 3 1990 2:45 P. M.

Joan Anderson Growe
Secretary of State

CBE

RULE REVIEW CHECKLIST

File No. 1716 — Docket No. 05.0009.0478

DATE RECEIVED 7-23-90 — ADOPTED W/O HEARING ✓

REVIEW DATE 8/1/90 — EMERGENCY RULE _____

DUE DATE 8/6/90 — Sent to Revisor 7/24/90

REVISOR APPROVED 8-1-90

APPROVED 8-3-90 mjc — REVISOR DISAPPROVED _____

DISAPPROVED _____ — FILED W/SEC. OF STATE 8/3/90

WITHDRAWN _____ — RETURNED TO AGENCY 8/6/90

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
- July 2, 1990 Date published in State Register
- _____ Comments

_____ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
- 11-9-89 Date adopted

_____ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 148.08 subd 2 Statutory Authority
- N/A Small Business Statement
- N/A Expenditure of public money statement
- 4-16-90 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- April 16, 1990 Date (30/25 days before adoption)
- ✓ Notice attached indicates it is attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- April 30, 1990 Date (30/25 days before adoption)

✓ 180-day deadline from:
- N/A Effective date of law requiring rule (14.12) (both rules) not rec'd mat.
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- July 12, 1990 Date adopted

_____ Findings of Fact, Conclusions & Order Adopting
- July 12, 1990 Date

_____ Written requests, submissions or comments

✓ Declaration of attorney
- Robert Holly Name of SAAG representing agency

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

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

Stat Authority 148.08 Subd 3
The board of chiropractic examiners shall promulgate rules necessary to administer sections 148.01 to 148.105 to protect the health, safety, and welfare of the public

Statement of need and reasonableness has very little written why the rule is reasonable but then it is required by statute to generate fees to be close to the legislature appropriation. They should have noted more why they need the additional $ 75,000 in revenue.

agree but

called - Janice Le Tourneau from MN Board of Chiropractic Examiners
going to send the letters
from the house appropriations and senate finance committee
Going to send it

SF-00009-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

RECEIVED

JUL 31 1990

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

DEPARTMENT : Board of Chiropractic

DATE : 7-30-90

TO : Patricia Nolte

FROM : Janice LeTourneau

PHONE : 642-0591

SUBJECT : Notices to Senate Finance Committee and House Appropriations Committee

Per our discussion, I have attached the appropriate copies of the letters referenced in the Findings of Fact..., regarding the Fee Increase Rule.

Minnesota Board of Chiropractic Examiners

2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114-1089 Telephone: (612) 642-0591

February 5, 1990

The Honorable Senator Gene Merriam, Chairperson
Finance Committee
122 State Capitol
St. Paul, MN 55155

Dear Senator Merriam:

As required by Minnesota Statute 16A.128, I am hereby providing you with notice of rulemaking relating to fees.

Enclosed is a copy of the official Notice of Rulemaking and a copy of the proposed.

Sincerely,

Patricia Puetz
Interim Executive Director

Enclosure

Celebrate MINNESOTA 1990

AN EQUAL OPPORTUNITY EMPLOYER

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

Subpart 1. **Renewal notice.** Thirty or more days before January 1 each year, the state board of chiropractic examiners, hereafter board, shall mail to the last address on file with the board a license renewal fee notice to each person, hereafter licensee, licensed to practice chiropractic within this state.

Subpart 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of ~~$100~~ $150, plus any applicable penalty fee as set forth in part 2500.1300. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

Subpart 3. **Penalty fees.** A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of $10 per month for each month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed $100.

Statutory Authority: MS s 16A.128; 148.05; 148.06 subd 1; 148.07 subd 1; 148.08 subd 3; 214.06

History: 11 SR 134

Minnesota Board of Chiropractic Examiners

2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114-1089 Telephone: (612) 642-0591

February 5, 1990

The Honorable Representative Wayne Simoneau, Chairperson
Appropriations Committee
365 State Office Building
St. Paul, MN 55155

Dear Representative Simoneau:

As required by Minnesota Statute 16A.128, I am hereby providing you with notice of rulemaking relating to fees.

Enclosed is a copy of the official Notice of Rulemaking and a copy of the proposed.

Sincerely,

Patricia Puetz

Patricia Puetz
Interim Executive Director

Enclosure

Celebrate Minnesota 1990

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Statutory Authority: MS s 16A.128; 148.05; 148.06 subd 1; 148.07 subd 1; 148.08 subd 3; 214.06

History: 11 SR 134

Minnesota Board of Chiropractic Examiners

2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114-1089 Telephone: (612) 642-0591

July 20, 1990

Patricia Nolte
Special Assistant Attorney General
Public Finance Division
525 Park Street, 5th Floor
St. Paul, MN 55103

Dear Ms. Nolte:

The Minnesota Board of Chiropractic Examiners is submitting the enclosed materials relating to the amendment of the License Renewal Fee. Enclosed for your review and approval are the following documents:

1. Notice of Solicitation of Outside Information or Opinions
2. Authorizing Resolution
3. Proposed Rule and Certificate of Approval
4. Notice of Intent to Amend a Rule without a Public Hearing
5. Statement of Need and Reasonableness
6. Affidavit of Mailing and Certificate of Agency's Mailing List
7. Notice of Intent to Amend a Rule as Published in the State Register
8. Four Copies of the Rule as Adopted
9. Resolution Adopting Rule
10. Findings of Fact, Conclusion, and Order Adopting Rule
11. Declaration of the Attorney General Representative

If you have any questions, please feel free to contact me at 642-0591.

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rules Coordinator

Celebrate MINNESOTA 1990

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA **BEFORE THE MINNESOTA**

COUNTY OF RAMSEY **BOARD OF CHIROPRACTIC EXAMINERS**

In the Matter of the Proposed Amendment of a Rule of the Board of Chiropractic Examiners Relating to Chiropractic License Fees Minn. Rule 2500.1100

STATEMENT OF NEED AND REASONABLENESS

Pursuant to Minn. Stat. 14.23 (1988), the Minnesota Board of Chiropractic Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of a proposed amendment to Minnesota Rule, part 2500.1100, relating to renewal fees.

In order to adopt the proposed amendment, the Board must demonstrate that it has complied with all procedural and substantive requirements for rulemaking. Those requirements are as follows: 1) there is statutory authority to adopt the rules; 2) the rules are needed and are reasonable; 3) all necessary procedural steps have been taken; and 4) any additional requirements imposed by law have been satisfied. This Statement demonstrates that the Board has met these requirements.

1. STATUTORY AUTHORITY

The statutory authority of the Board to adopt these rules is as follows:

Minnesota Statutes, 148.05 and 148.08 (1988), authorize the Board to promulgate licensure fee and other rules necessary to administer sections 148.01 to 148.105.

Minnesota Statutes, 16A.128 (1988) and 214.06 (1988), require the Board to adjust any fee which the Board is empowered to assess to a sufficient amount so that the total fees collected will as closely as possible equal anticipated expenditures, including support costs and statewide indirect costs attributable to the fee function.

2. STATEMENT OF NEED AND REASONABLENESS

General Board expenses associated with the operation of the Board are paid for through appropriations from the Legislature. During each biennium, the Board is required to establish its fees in such a manner that the revenues received from license fees will, as closely as possible, approximate the appropriation granted the Board by the Legislature. It is anticipated that, unless fees are increased a deficit will occur in Fiscal Year 90, which is the first year of the present biennium, and will continue into the future.

The table below indicates the amount of additional revenue anticipated from the proposed fee increase.

Fee Title	Current Fee	Proposed Fee	No. Paying Fee	Add'l Revenue Generated
Annual License/ Individual	$100	$150	1500	$75,000

Please note that the Board is not proposing an increase in the money generated due to late renewals of individual licenses. This is primarily due to the fact that the fee assessed for late payment is intended as a deterent to late payments rather than for a source of revenue.

In summary, the Board believes its proposed fee change is needed and reasonable in order to be in compliance with statutory requirement of balancing income and expenditures.

3. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minnesota Statutes, sections 14.05-14.12 and 14.22-14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures applicable to all rules, Minnesota Statutes, sections 14.05-14.12, have been complied with by the Board as noted below. Because Board fees are fixed by rule rather than by statute, the procedures for adoption of noncontroversial rules in sections 14.22 to 14.28 are being used, except that no public hearing is presently planned and need not be held unless 25 or more persons submit a written request for a hearing within the 30-day comment period. **See** Minn. Stat. 16A.128, subd. 2.a.

The adoption of these rules will not require the expenditure of public money by local public bodies, nor do the rules have any impact on agricultural land. **See** Minn. Stat. 14.11. The adoption of these rules could have a negligible effect on small businesses as discussed below. **See** Minn. Stat. 14.115.

Pursuant to Minnesota Statutes, section 14.23, the Board has prepared this Statement of Need and Reasonableness which is available to the public.

Pursuant to Minnesota Statute 14.10, the Board published a Notice of Intent to Solicit Public Opinion in the **State Register** on February 12, 1990.

The Board will publish a Notice of Intent to Amend the Rules

Without a Public Hearing in the **State Register** and mail copies of the notice and proposed amendment to persons registered with Minnesota Board of Chiropractic Examiners pursuant to Minnesota Statutes, section 14.14, subdivision 1a. The notice will include the following information: a) that the public has 30 days in which to submit comments on the proposed amendment and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held pursuant to Minn. Stat. 16A.128, subd. 2.a, unless 25 or more persons submit a written request for a hearing within the 30-day comment period; c) that the rule may be modified if modifications are supported by data and the views submitted; and d) that notice of the date of submission of the proposed amendment to the Attorney General for review will be mailed to any person requesting to receive the notice, and giving information on how to request the notice.

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

These rules will become effective five working days after publication of a notice of adoption in the **State Register.**

4. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee adjustment is required to be fixed by rule, the Commissioner of Finance must approve the adjustment, and the Commissioner's

approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed amendments to sections; 2500.1000 and 2500.1100 is contained in the attached document.

Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small business as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1988). The Board noted that the suggested methods for reducing the impact of the rules on small business concern compliance and reporting requirements and performance standards. Since the proposed amendments relate to licensure fees of Doctors of Chirorpactic personally as opposed to license fees applicable to the business, there would appear to be no impact or significant affect on small business.

Nevertheless, any small business which believes they may be affected by the proposed amendments will have opportunity to participate in the rulemaking procedure. Further, a notice of the proposed rulemaking will be mailed to the Minnesota Chiropractic Association, an organization which will likely represent small businesses affected by the amendments.

Dated: 3-19, 1990

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Executive Director

6-5-90

SF-00006-05 (4-86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Finance

DATE : March 15, 1990

TO : Dr. Joel Wulff, Executive Director
Minnesota Board of Chiropractic Examiners

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

PHONE : 6-5188

SUBJECT : Fee Increase

Approval is granted for the following fee increase:

	Current Fee	Proposed Fee
Individual License Renewal	$100.00	$150.00

BOBN627t

RECEIVED
MAR 19 1990
MINNESOTA BOARD OF
Chiropractic Examiners

State Board of Chiropractic Examiners

Proposed Permanent Rules Relating to the Practice of Chiropractic

Rules as Proposed

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

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

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of ~~$100~~ $150, plus any applicable penalty fee as set forth in part 2500.1300. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

[For text of subp 3, see M.R.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Practice of Chiropractic

AGENCY: State Board of Chiropractic Examiners

MINNESOTA RULES: Chapter 2500

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Official Notices

FILE

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.

Office of Administrative Hearings

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Rulemaking Proceedings, Contested Case Proceedings, Revenue Recapture Act Proceedings, and Power Plant/Power Line Proceedings

NOTICE IS HEREBY GIVEN that the Office of Administrative Hearings is seeking information or opinions from outside sources in preparing to propose amendments to its rules. The Office is authorized to adopt and amend rules by *Minnesota Statutes* §§ 3.764, 14.51 and 116C.66 (1988). The most important of these is section 14.51, which directs the Chief Administrative Law Judge to adopt rules to govern the procedural conduct of all hearings, including rulemaking and contested case hearings.

The amendments are intended to be primarily housekeeping in nature, but a few substantive changes will be proposed. They affect all of the rules governing hearings under the Administrative Procedure Act except for Workers' Compensation hearings.

A preliminary draft of the amendments currently proposed by the Office is available by calling Louise Cooper at 349-2682. This is not a final draft, and changes are likely in response to suggestions and comments. The Office hopes to keep these amendments noncontroversial, and does not expect to propose significant changes to the rules so as to generate substantial controversy.

The Office solicits information and opinions concerning these or similar amendments. Interested persons or groups may submit data or views in writing. Comments should be addressed to:

William G. Brown
Chief Administrative Law Judge
Office of Administrative Hearings
Fifth Floor Flour Exchange Building
310 Fourth Avenue South
Minneapolis, Minnesota 55415

Comments will be accepted until March 30, 1990. All written material received by the Office will become part of the rulemaking record, to be submitted to the Attorney General or Administrative Law Judge in the event that any of the amendments are adopted.

Dated: 1 February 1990

William G. Brown
Chief Administrative Law Judge

Board of Chiropractic Examiners

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Relating to Chiropractic License Fees

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners is seeking information or opinions from sources outside the Board in preparing to propose the adoption of the rules relating to the amendment of Chiropractic License Fees. The adoption of the rules is authorized by *Minnesota Statutes* 148.08 Subdivision 3, which permits the Board to amend Chiropractic License Fees.

The Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Executive Director
2700 University Avenue West—Suite 20
St. Paul, MN 55114-1089

Oral statements will be received during regular business hours over the telephone at (612) 642-0591 and in person at the above address.

All statements of information and opinions shall be accepted until March 15, 1990. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that a rule is adopted.

Dated: 30 January 1990

Executive Director
MN Board of Chiropractic Examiners

CERTIFICATE OF THE

MINNESOTA BOARD OF

Chiropractic Examiners

AUTHORIZING RESOLUTION

I, Wilma E. Behm, D.C., do hereby certify that I am a member and the president of the Minnesota Board of Chiropractic Examiners (hereinafter "Board"), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 9th day of November, 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 Kent J. Erickson, D.C., Executive Director of the Board, his successor in office, or the Board Secretary, is hereby granted the authority and directed to sign and to give notice of the Board's intent to adopt without a public hearing rules relating to license renewal fees and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, said person 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 the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of November 1989

Wilma E Behm DC

WILMA E. BEHM, D.C.
President

Emmagean Schneider

Attest by one other Board Member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Amendment of a Rule of the Board of Chiropractic Examiners Relating to Chiropractic License Fees Minn. Rule 2500.1100

NOTICE OF INTENT TO AMEND A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Board of Chiropractic Examiners, hereinafter "Board", intends to amend 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 Minn. Stat. 14.22 to 14.28 (1988). The statutory authority to adopt the rules is Minn. Stat. 148.08, Subdivision 3.

(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. 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.

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 Board will proceed pursuant to Minn. Stat. 14.131 to 14.20 (1988).

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

Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue W. Suite 20
St. Paul, MN 55114-1089

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

The rule proposed for adoption relates to the following matter: increasing the license renewal fee for licensee from $100 to $150. A free copy of the rule is available upon request from the Executive Director at the above address.

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

Promulgation of the proposed rule 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).

(14) It is the position of the Board that it is not subject to Minn. Stat. Sec. 14.115 (1988) regarding small business condsiderations 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 purposed rules, should it be determined that the Board is governed by Section 14.115 are addressed in the statement of need and reasonableness.

(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 the Executive Director at the above address.

Date: 4-16-90

Dr. Joel B. Wulff
Executive Director

STATE OF MINNESOTA

STATE REGISTER

Department of Administration

Print Communications Division
(Editorial Office: 504 Rice Street) Editor (612) 296-4273
Billing/Circulation Manager (612) 296-0931
117 University Avenue, St. Paul, Minnesota 55155

STATE REGISTER PRINTING ORDER

INSTRUCTIONS:

1. Submit TWO COPIES of everything to be published, typed double spaced, with one-inch margins all around.
2. Use typewriter only, so that all cabron copies are legible.
3. Use a separate form for each sequence number used.
4. **Do not** write in shaded areas. Complete all other applicable areas, including the department/division number and the sequence number.
5. Your agency's STATE REGISTER **Liaison Officer** must sign this form.
6. Retain the last copy for your records.
7. Check the inside front cover of the STATE REGISTER for submission deadlines.

CHECK ALL THAT APPLY:

Desired date/s of publication 4/30/90

[x] **Request for publication in the STATE REGISTER**

[ ] **Request for publication in the STATE REGISTER Contract Supplement**

[ ] **Request for publication in BOTH listed above.**

[ ] **Request for overrun (must be made prior to printing)**

Date of issue ___/___/___ Number of copies ___

[ ] **Request for single copies** Date of issue ___/___/___ Number of copies ___

[ ] **Request for other publications:** ___

SHIP TO:

Name

Department/Division

Address

City/State/Zip

Telephone

NA68	INVOICE NO. STR10237	DEPT./DIV. NO. 11-104	SEQ. NO. 08110	SUFF 01	FY 0	OBJ 142	AMOUNT	CC1	CC2	CC
	CC4	CC5 940221	OCC DATE		REC INDEX ITEM FUND 160991384		REC CLASS 348	REC CC5		
DEPARTMENT MN Board of Chiropractic Examiners		DIVISION			BILLING ADDRESS 2700 University Ave, Suite 20, St. Pa					
DEPARTMENT AUTHORIZED SIGNATURE - LIAISON OFFICER — PHONE — DATE Desiree Berry 642-0591 4/16/90					TRANSACTION NUMBER (FOR NA68 ONLY)					

DESCRIPTION (FOR SUBMITTING AGENCY'S USE)
Notice of Intent to Amend Rule without a Public Hearing in the Matter of Chiropracti
License Fees

DESCRIPTION PRICE

SR-00001-05 (4/89) ...REGISTER FOR BILLING AND RETURN TO ORIGINATO...

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of Amendments Relating to Doctors of Chiropractic

CERTIFICATE OF AFFIDAVIT OF MAILING

Being first duly sworn, deposes and says:

That on the 16th day of April, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Amend Rules Without a Public Hearing by depositing in the United States mail at said City of St. Paul one copy each thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Minnesota Board of Chiropractic Examiners for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Board of Chiropractic Examiners.

Janice LeTarneau

Staff Person

Subscribed and Sworn to before me this 13th day of July, 1990.

Dr. J. D. Duff

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of Amendments Relating to Doctors of Chiropractic

CERTIFICATE OF AGENCY'S MAILING LIST

I, Janice Le Tourneau, hereby certify that I am responsible for maintaining the list of all persons who register with the Minnesota Board of Chiropractic Examiners for the purpose of receiving notices of rulemaking, pursuant to Minnesota Statute 14.14/14.22, and further certify that the list attached hereto and made a part hereof constitutes the complete lists of the persons, associations, and other interested groups who, as of April 16, 1990, this 13th day of July, 1990, have so registered with the Minnesota Board of Chiropractic Examiners.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Janice Le Tourneau

Staff Person

Minnesota Board of Chiropractic Examiners
2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114-1089 Telephone: (612) 642-0591

RULES MAKING MAILING LIST

Jean Howard
Equicor
PO Box 64143
St. Paul, MNN 55164

Mary Ann Hruby/Executive Director
LCRAR
55 State Office Building
St. Paul, MN 55155

MN Chiropractic Association
Attn: Scott Mayer
1700 West Highway 36, Suite 130
Roseville, MN 55113

MN Board of Medical Examiners
2700 University Avenue West, Suite 106
St. Paul, MN 55114

MN Board of Nursing
Attn: Joyce Schowalter
2700 University Avenue West, Suite 108
St. Paul, MN 55114

John Wildenauer
5810 Nicollet Avenue South
Minneapolis, MN 55419

Gloria Gebhard
WCD/Rehabilitation and Medical Affairs
Labor and Industry Building
443 Lafayette Road
St. Paul, MN 55101

Robert Zieper/Examiner
Colonial Insurance Company of California
2300 Park Drive, PO Box 916
Owatonna, MN 55060

Dr. Bob Fitzgerald
133 W. Lake Street
Minneapolis, MN 53408

Dr. Dennis Olson
PO Box 11426
Minneapolis, MN 55411

Celebrate MINNESOTA 1990
AN EQUAL OPPORTUNITY EMPLOYER

NWCC Library
2501 W. 84th Street
Bloomington, MN 55431

Mr. Thomas W. Krauel and Associates, LTD
2126 5th Street
White Bear Lake, MN 55110

Dr. Dennis Christensen
Christensen Chiropractic
1020 South Highway 3
Northfield, MN 55057

Office of Administrative Hearings
5th Floor, Flour Exchange Building
310 4th Avenue South
Minneapolis, MN 55415

Dr. John Lescault
6142 Brooklyn Boulevard
Minneapolis, MN 55429

William Carter, III
Executive Director
Minnesota Board of Peace Officer
Standards and Training
1600 University Avenue, Suite 200
St. Paul, MN 55104-3825

Roger Calton
30131 Town Center Drive, Suite 177
Laguna Niguel, CA 92677-2040

Minnesota Board of Medical Examiners
Attn: Jeanne Hoffman
2700 University Avenue, Suite 106
St. Paul, MN 55114-1080

Dr. William Ashford
550 40th Avenue NE
Columbia Heights, MN 55421

Dr. Mark Brewer
5981 Shoreline Boulevard
Mound, MN 55364

Dr. Leo Majewski
36 NE McKinley
Minneapolis, MN 55418

2500.2040 REINSTATEMENT PROCESS.

An inactive license may be reinstated to a nonrestricted license according to items A to E:

A. completion of a board approved application of reinstatement;

B. payment of a reinstatement fee in the amount of $100;

C. submission of a certification of good standing from each state the doctor was granted a license;

D. submission of a notarized statement from the doctor stating:

(1) that the doctor has been in active practice in another state or country within the preceding three years; and

(2) the specific location of the preceding active practice; and

E. completion of the total number of required continuing education under part 2500.1200, computed by multiplying 20 by the number of years of inactive license.

If any of the requirements of items A to E are not met by the doctor, the board shall deny approval of the application for reinstatement.

State Board of Chiropractic Examiners

Proposed Permanent Rules Relating to the Practice of Chiropractic

Notice of Intent to Amend a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners, hereinafter "Board," intends to amend 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* 14.22 to 14.28 (1988). The statutory authority to adopt the rules is *Minnesota Statutes* 148.08, Subdivision 3.

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. 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 no 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 Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1988).

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

Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue W. Suite 20
St. Paul, MN 55114-1089

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

The rule proposed for adoption relates to the following matter: increasing the license renewal fee for licensee from $100 to $150. A free copy of the rule is available upon request from the Executive Director at the above address.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for the reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Executive Director at the above address upon request.

Promulgation of the proposed rule 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.

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 the Executive Director at the above address.

Dated: 16 April 1990

Dr. Joel B. Wulff
Executive Director

Rules as Proposed

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

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

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of ~~$100~~ $150, plus any applicable penalty fee as set forth in part 2500.1300. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

[For text of subp 3, see M.R.]

Department of Labor and Industry

Proposed Permanent Rules Relating to Permanent Total Disability Conferences

Notice of Intent to Adopt a Rule and Repeal Rules without a Public Hearing

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 *Minnesota Statutes*, sections 175.17 (1988), 176.132 (1988), and 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. 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:

Gary Hall, Compensation Attorney
Department of Labor and Industry
Workers' Compensation Division
Second Floor, 443 Lafayette Road
St. Paul, Minnesota 55155-4301

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.

The rule proposed for adoption provides new additional procedures for obtaining a finding of permanent total disability in cases where ongoing temporary total or temporary partial benefits are being paid. The new rule replaces the old procedure for obtaining an administrative finding of permanent total disability and those rules will be repealed.

A free copy of the rule is available upon request from Gary Hall at the above address.

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.

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, George W. Arvidson, DC, do hereby certify that I am a member of the Minnesota Board of Chiropractic Examiners, 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 Chiropractic Examiners, duly and properly called and held on the 12th day of July, 1990, 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 and has not been rescinded or modified.

"Resolved, that the rules amendments published at State Register relating to License Renewal Fees hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. 148.05 and 148.08, subdivision 3, and that the President or another officer of the Board of Chiropractic Examiners be and hereby is authorized to sign in order adopting these rules amendments and further is authorized to perform the necessary acts to provide that these rules amendments shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of July, 1990.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

G. W. Arvidson DC.
Board Member

Terry L. Frank DC
Attest/Board Member

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing License Renewal Fee

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

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on April 30, 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 16, 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. (3) 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.

(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 Board.

(7) No submissions or comments on the rule were received by the Board. No requests for notice of submission to the attorney general were received by the Board.

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

(8) The above-captioned rule is needed and reasonable.

(8) NOW, THEREFORE, IT IS ORDERED that the rule identified as License Renewal Fee as modified is adopted this 12th day of July, 1990, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.05 and 148.08.

(9) Wilma Behm DC.

Wilma Behm, DC
MBCE President

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Amendment of a Rule of the Board of Chiropractic Examiners Relating to Individual Annual License Renewal Fees

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 0478.

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

Dated: July 18, 1990