

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

CK

RULE REVIEW CHECKLIST

File No. 1751
DATE RECEIVED 10/24/90
REVIEW DATE 11/2/90
DUE DATE 11/7/90
(DIS)APPROVED 11/6/90
WITHDRAWN

Docket No. 15-0009-0478
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 10/25/90
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE 11-9-90
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

✓ Board's Authorizing Resolution
August 16, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule *
148.08 subd 3 Statutory Authority
Small Business Statement
N/A Expenditure of public money statement
August 22, 1990 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
August 22, 1990 Dated (30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
September 4, 1990 Date (30/25 days before adoption

180-day deadline from:
* ✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
end of comment period (§ 14.26) (rules without hearing)
✓ effective date of statutory authority (§ 14.29) (emergency rules)

✓ ~~Resolution Adopting~~
Oct 11, 1990 ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
October 11, 1990 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
~~October 11, 1990~~ Robert Holley Name of SAAG representing agency

~~Notice of Submission to Attorney General~~ (if applicable)

~~Affidavit of Mailing Notice to Attorney General~~ (if applicable)

↑ see notes

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: November 8, 1990

TO: JOEL B. WULFF, D.C.
Executive Director
Board of Chiropractic

FROM: CHARLENE HATCHER ch/bym/c
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Board Fees

The above-referenced rule has been approved as to its legality by the Attorney General on November 6, 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.

CH:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Robert Holley

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to Board Fees

Rules as Adopted

2500.1150 FEES.

The fees charged by the board are fixed at the following rates:

A. peer review fee to be paid by a requesting doctor or by a requesting insurance company, $100;

B. licensing examination regrade fee, $30;

C. copy of a board order or stipulation fee, $10 each;

D. certificate of good standing or licensure verification to other states, $10 each;

E. duplicate of the original license or of an annual renewal, $10;

F. miscellaneous copying fee, 25 cents per page;

G. independent medical examination registration fee, $150;

H. independent medical examination annual renewal fee, $100; and

I. continuing education seminar approval and registration fee, $100.

APPROVED AS TO LEGALITY

November 4, 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene M. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 09 1990

Joan Anderson Growe
Secretary of State

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 Board Administrative Fees

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 addition to Minnesota Rules, part 2500 relating to administrative 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, section 148.08 (1988), authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.105.

Minnesota Statutes, 16A.128 (1988) and 214.06 (1988), require the Board to set any fee which the Board is empowered

to assess 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 administrative fees will approximate the appropriation granted to the Board by the Legislature.

Therefore, in order to establish consistency and fair fees to all persons/agencies who request materials, or to Doctors of Chiropractic who are required to comply with a Board rule, the table and subsequent explanations for each fee is set forth below.

Fee Title	Proposed Fee	No. Paying Fee	Estimated Revenue
Peer Review	$100	60	$6,000
Licensing Exam Regrades	$30	30	$900
Copy Board Order/ Stipulation	$10/each	24	$240
Certificate of Good Standing	$10/each	30	$300
Duplicate License	$10	20	$200
Misc. Copying	$.25/page	--	$360
IME Registration	$150	100	$15,000
IME Annual Renewal	$100	100	$10,000
CE Seminar Approval/ Registration	$100	200	$20,000

Peer Review: MS 148.106, subd. 4 (1988)

This fee is needed and reasonable in order to defray the

costs of copying materials, mailing materials, per diems for committee members, and general costs of the administering process.

Licensing Examination Regrade: MS 148.06, Subd. 1 (1988)

Approximately 30 examinees request a hand grading of their examination results when they have received failing grades. This fee is needed and reasonable because of the staff time involved in regrading examinations by hand.

Copy of Board Orders/Stipulations: MN 13.03 Subd. 3 (1988)
MR pt. 1205.0300, sp. 4 (1989)

The Board feels it is necessary to provide true and accurate copies of public disciplinary matters, that an extra degree of effort is put into preparing copies with the Board seal and statement of correctness. Therefore, this fee is needed and reasonable.

Certificate of Good Standing: MS 13.03, subd. 3

Approximately 30 requests are made a year for filling out Certificates of Good Standing. These forms are often very detailed and staff research time is considerable. Therefore, this fee is needed and reasonable.

Duplicate License Fee: MS 148.05 (1988)

When licenses are misplaced, lost, or damaged, a duplicate license is required. The reproduction costs are covered in this fee. Therefore, this fee is needed and reasonable.

Miscellaneous Copying: MS 13.03, subd. 3
MR pt 1205.0300, sp 4

A variety of copying requests are made to the Board throughout the year, a standard fee needs to be established. This fee is the average fee charged in other state health boards. Therefore, this fee is needed and reasonable.

IME Registration: MS 148.09 (1990)

New legislation was enacted and the Board is required to register Independent Medical Examination (IME) chiropractors. This registration is to ensure that DC's are meeting the standards set by law and continue to meet those standards during their involvement as an IME chiropractor. Therefore, this fee is needed and reasonable.

IME Annual Renewal: M.S. 148.09 (1990)

The annual renewal fee is proposed in order to maintain the requirements set forth by the legislature so that the Board is able to continue to register and monitor IME chiropractors. Therefore, this fee is needed and reasonable.

Continuing Education Seminar Approval and Registration: M.S. 148.08, subd. 3

Continuing education seminar approval must be obtained through the Board office in order for doctors of chiropractic to receive credit for the annual renewal of their licenses. The Board received approximately 200 requests a year from seminar sponsors and considerable time is spent reviewing the qualifications of the instructors and the quality of the program. Therefore, this fee is needed and reasonable.

In summary, the Board believes its proposed establishment of fees 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.

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 is to be fixed by rule, the Commissioner of Finance must approve the fee, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed fee is set forth below.

APPROVAL is granted for the following fees.

Peer Review	$100.00
Regrade Fee	30.00
Copy Board Order/Stipulation Fee	10.00/each
Good Standing	10.00
Duplicate License Fee	10.00
Miscellaneous Copying Fee	.25/page
IME Registration Fee	150.00
IME Annual Renewal Fee	100.00
CE Seminar Approval and Registration Fee	100.00

B J Riddeman
Signed by

DIRECTOR, BUDGET OPERATIONS
Title

7-19-90
Date

Department of Finance

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 Board administrative fees that Doctors of Chiropractic may or may not be required to pay, there would appear to be no impact or significant effect 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: Aug. 22, 1990

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

J. B. Wolff D.C.
Executive Director

6-5-90

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Board of Chiropractic Examiners Relating to Board Fees

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Board of Chiropractic Examiners, hereinafter "Board", 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 Minn. Stat. 14.22 to 14.28 (1988). The statutory authority to adopt the rule 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. (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 Board will proceed pursuant to Minn. Stat. 14.131 to 14.20 (1988).

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

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

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

(11) The rule proposed for adoption relates to the following matter: Board Fees. A free copy of the rule is available upon request from the Executive Director at the above address.

(12) A Statement of Need and Reasonableness that describes the need for and the 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 the Executive Director at the above address upon request.

(14) 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). 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.

(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: 8-22-90

Dr. Joel B. Wulff
Executive Director

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 ... including rules governing the practice of chiropractic and defining any terms, whether or not used in sections 148.01 to 148.105, if the definitions are not inconsistant with the provisions of sections 148.01

Fees - obtained approval from Finance according to SOLAR - not the usual memo but 16A.128 requires approval stated in SOLAR and thats what they did. Letters to Senate Finance and House appropriations were also sent prior to sending Notice of Intent to State Register

180 day - mandatory

148.05 allows them to set fees for a license 148.06 allows for examination fee 148.07 allows for a renewal fee

148.07 subd 2 states that the expenses should be paid from the appropriation

214.06

I don't know if they have authority to set the fees they did. The fees are expenses and should come out of their appropriation ~~fees~~ pursuant to 148.07 subd 2

Did not make 180 day mandatory - all new material in the 1990 MN Stat which seems to me the last change was made in

I checked the rules and there are more rules so this isn't new material

SDNAR states that rules are effective 5 wkg days after pub'd in State Register

Fees	Expenses
~~license fee (148.05)~~	misc. copying ? (F)
lic. exam. regrade (B)	
bd order/stip fee (?) (C)	
Cert. of good stndg/licensure (D)	
dup orig. lic/ann. renewal (E)	
IME registration fee (G)	
IME exam ann. renewal fee (H)	
Cont.g ed. sem. approval/reg. fees (I)	

authorized per M.S.

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing Board Fees

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 September 4, 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 August 22, 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.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Board Fess is adopted this 11th day of October, 1990, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.05 and 148.08.

Wilma Behm, DC
MBCE President

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

August 21, 1990

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

Dear Senator Merriam:

I am submitting a copy of the Board's official Notices of Intent to Adopt a Rule without a Public Hearing relating to the Graduate Preceptorship Program rule and Board Fees rule. Also enclosed for your review are the rules pertaining to the above.

According to Minnesota Statutes, 16A.128, subdivision 2a, the Board is to provide this information to you prior to publication in the State Register.

If you have any questions, please do not hesitate to contact me at 642-0591.

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rule Coordinator

Celebrate MINNESOTA 1990
AN EQUAL OPPORTUNITY EMPLOYER

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

August 21, 1990

The Honorable Wayne Simoneau/Chair
House Appropriations Committee
365 State Office Building
St. Paul, MN 55155

Dear Representative Simoneau:

I am submitting a copy of the Board's official Notices of Intent to Adopt a Rule without a Public Hearing relating to the Graduate Preceptorship Program rule and Board Fees rule. Also enclosed for your review are the rules pertaining to the above.

According to Minnesota Statutes, 16A.128, subdivision 2a, the Board is to provide this information to you prior to publication in the State Register.

If you have any questions, please do not hesitate to contact me at 642-0591.

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rule Coordinator

Celebrate MINNESOTA 1990
AN EQUAL OPPORTUNITY EMPLOYER

Minnesota Board of Chiropractic Examiners

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

October 19, 1990

rec'd 10/24

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 adoption of Board Fees. Enclosed for your review and approval are the following documents:

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

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

CERTIFICATE OF THE
MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

AUTHORIZING RESOLUTION

I, Wilma E. Behm, DC, do hereby certify that I am a member and the President of the 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 16th day of august, 1990, 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 Joel B. Wulff, DC, the executive director of the Board of Chiropractic Examiners, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing Board Fees to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incedental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of August, 1990.

Wilma E. Behm DC
Wilma E. Behm, DC

George W Anderson
Attest by one other Board Member

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Board Fees

Rules as Proposed (all new material)

2500.1150 FEES.

The fees charged by the board are fixed at the following rates:

A. peer review fee to be paid by a requesting doctor or by a requesting insurance company, $100;

B. licensing examination regrade fee, $30;

C. copy of a board order or stipulation fee, $10 each;

D. certificate of good standing or licensure verification to other states, $10 each;

E. duplicate of the original license or of an annual renewal, $10;

F. miscellaneous copying fee, 25 cents per page;

G. independent medical examination registration fee, $150;

H. independent medical examination annual renewal fee, $100; and

I. continuing education seminar approval and registration fee, $100.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Board Fees

AGENCY: Board of Chiropractic Examiners

MINNESOTA RULES: Chapter 2500

The attached rules are approved for
publication in the State Register

Carla M. Riehle
Assistant Revisor

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing Board Fees

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

Janice Le Tourneau, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statues, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Board of Chiropractic Examiners rulemaking mailing list is accurate, complete, and current as of this 22nd day of August, 1990.

That on the 22nd day of August, 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 United States mail, a copy thereof and a copy of the proposed rule, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Janice L Tourneau

Janice Le Tourneau
Rules Coordinator

Subscribed and sworn to before me this 10th day of October, 1990.

[signature] D.C.

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
1525 Livingston Avenue
West St. Paul, MN 55118

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
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. Kent Erickson
5740 Brooklyn Boulevard
Brooklyn Center, MN 55429

Dr. Leo Majewski
36 NE McKinley
Minneapolis, MN 55418

Dr. Ardon Crandall*
PO Box 7102
Rochester, MN 55903

Dr. Dennis Lensenik*
52 West 84th Street
Bloomington, MN 55437

Dr. Richard Cohen**
340 Forest Home Drive
Ithaca, NY 14850

Dr. Mary Lawson**
3130 Girard South
Minneapolis, MN 55408

Dr. Roy Kjorlien**
602 East Boise Avenue
Boise, ID 83706

Dr. Michael Logan**
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Phoenix, AZ 85021

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7900 Xerxes Avenue South, Suite 710
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Suite 2
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Shera J. Sanders#
900 Second Avenue South
Minneapolis, MN 55402-3397

Michele L. Fischer#
North Central Laboratories, Inc.
6975 Saukview Drive
PO Box 1417
St. Cloud, MN 56302

* Independent Medical Examiners Registration information only
** Inactive License Status information only
*** Acupuncture information only
\# Noninvasive information only

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Board Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners, hereinafter "Board", intends to adopt the above entitled rule without a public hearing following the procedures set forth in the Administration Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1988). The statutory authority to adopt the rule 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 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 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	2700 University Avenue, Suite 20
Minnesota Board of Chiropractic Examiners	St. Paul, MN 55114

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: Board Fees. 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 and the 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 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: 22 August 1990

Dr. Joel B. Wulff
Executive Director

Rules as Proposed (all new material)

2500.1150 FEES.

The fees charged by the board are fixed at the following rates:

A. peer review fee to be paid by a requesting doctor or by a requesting insurance company, $100;

B. licensing examination regrade fee, $30;

C. copy of a board order or stipulation fee, $10 each;

D. certificate of good standing or licensure verification to other states, $10 each;

E. duplicate of the original license or of an annual renewal, $10;

F. miscellaneous copying fee, 25 cents per page;

G. independent medical examination registration fee, $150;

H. independent medical examination annual renewal fee, $100; and

I. continuing education seminar approval and registration fee, $100.

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Graduate Preceptorship Program

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners, hereinafter "Board", 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* 14.22 to 14.28 (1988). The statutory authority to adopt the rule 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 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 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, Suite 20
St. Paul, MN 55114

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: Graduate Preceptorship Program. 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 and the 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 the Executive Director at the above address upon request.

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 Arvidson, 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 11th day of October, 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 proposed published at State Register, September 4, 1990, relating to Board Fees hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes, sections 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 the rules proposed and further is authorized to perform the necessary acts to provide that the rules proposed shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of October, 1990.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

G. Arvidson D.C.
Board Member

Margaret Willenbring
Attest/Board Member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of a Rule of the Board of Chiropractic Examiners Relating to Board 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: October 19, 1990