

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

CH

RULE REVIEW CHECKLIST

File No. 1753
DATE RECEIVED 10-24-90
REVIEW DATE 11-2-90
DUE DATE 11-7-90
(DIS)APPROVED
WITHDRAWN 11-7-90

Docket No. 05.0009.0478
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 10-25-90
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE
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
May 3, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148.08 Subd 3 Statutory Authority
Small Business Statement
Expenditure of public money statement
August 22, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
see notes
Small Business Statement
✓ Fees - § 16A.128 obtained Finance approval
sent letters to Senate Finance House appropriate

✓ 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:
see notes 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
October 11, 1990 Date adopted

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

✓ ~~Written Requests, Submissions or Comments~~ yes

✓ Declaration of Attorney
Bob Holly Name of SAAG representing agency

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

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

2010.1100 WITHDRAWAL OF RULE FROM REVIEW BY ATTORNEY GENERAL.

The agency may withdraw a rule from review by the attorney general. To withdraw a rule after it has been submitted to the attorney general, a written order of withdrawal of the rule from review must be submitted to the attorney general. The written order must state the date of withdrawal and be signed by a person authorized to adopt the rule or sign the findings of fact, conclusions, and order adopting the rule.

Statutory Authority: *MS s 14.06; 14.09*

History: *11 SR 618*

2010.1200 DISAPPROVAL.

If a rule is disapproved, the attorney general must state in writing the reasons for disapproval and make recommendations to overcome the deficiencies. The statement of the reasons for disapproval must be sent to the agency, the chief administrative law judge, the legislative commission to review administrative rules, the revisor of statutes, and persons who requested to receive a copy of the decision. Upon disapproval, the review period terminates and the rule must neither be filed in the office of the secretary of state nor published unless the rule is resubmitted and approved upon resubmission.

Statutory Authority: *MS s 14.06; 14.09*

History: *11 SR 618*

2010.1300 RESUBMISSION.

Subpart 1. **Resubmission.** To resubmit a rule which was withdrawn or disapproved by the attorney general, the following documents must be submitted:

A. A supplemental findings of fact, conclusions, and order adopting the rule. The order must be signed by a person authorized to adopt the rule or authorized to sign the findings of fact, conclusion, and order adopting the rule. If any modifications were made to the rule since the rule was withdrawn or disapproved, findings of facts and conclusions must be set forth supporting the reasons for the changes and explain why the changes do not constitute substantial changes. (per 2010.1000 D(1)–(3)

B. A supplemental certificate of the multimember agency's resolution if:

(1) the agency is a multimember agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a;

(2) modifications were made to the rule since the rule was withdrawn or disapproved; and

(3) the certificate of the agency's resolution submitted in accordance with part 2010.0300, item J, or 2010.0400, item I does not authorize the modification by the person who signed the supplemental findings of fact, conclusions, and order. The supplemental certificate of the agency's resolution must be in accordance with part 2010.0300, item J or 2010.0400, item I.

C. If any modifications were made to the rule as adopted since the rule was withdrawn or disapproved, four copies of the rule as adopted with the modifications reflected and approved as to form by the revisor of statutes.

D. A new notice of submission of the rule to the attorney general mailed to any persons who requested notification pursuant to Minnesota Statutes, section 14.26 or 14.32. The notice of submission to the attorney general must comply with part 2010.0300, item N or 2010.0400, item M.

E. The affidavit of mailing for the notice of submission of the rule to the attorney general, if applicable. The affidavit must comply with part 2010.0300, item O or 2010.0400, item N.

F. Any other documents necessary to demonstrate that the procedural or substantive deficiencies have been remedied.

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: December 3, 1990

TO: ROBERT T. HOLLEY
Special Assistant
Attorney General

FROM: CHARLENE W. HATCHER
Special Assistant
Attorney General

PHONE: 296-9422

SUBJECT: Board of Chiropractic Examiners Rule Relating to Graduate Preceptorship Program

The above-captioned rule was withdrawn from consideration of the Attorney General's Office by the Minnesota Board of Chiropractic Examiners ("Board") on November 7, 1990. Upon review of the Board's rule, the Attorney General has determined that its Statement of Need and Reasonableness ("SONAR") does not comply with Minn. Rule pt. 2010.0700. Basically, the SONAR is deemed insufficient because, with the exception of the information stated concerning fees, it is a general statement of statutory implementation which does not explain or justify the proposed rule. Consequently, the record fails to demonstrate a rational basis for the need for and reasonableness of the proposed rule. Minn. Rule pt. 2010.0700. The fact that copies of the SONAR were not requested or distributed by the Board to the public does not change the Attorney General's position because the harmless error doctrine is not one recognized by the Minnesota Administrative Procedure Act. See Johnson Bros. Wholesale Liquor v. Novak, 295 N.W.2d 238, 241-42 (Minn. 1980).

Generally, speaking, the SONAR should explain the need for and reasonableness of each provision contained in the rule. In an effort to assist the Board in addressing the deficiencies in its SONAR, the Attorney General submits the following comments and suggestions regarding specific parts of the rule which have not been adequately justified in the SONAR:

1. Minn. Rule pt. 2500.2510 Role of the Preceptor. The SONAR should describe why a preceptor is needed and why this role, as opposed to an alternative role, is reasonable.

2. Minn. Rule pt. 2500.2515 Eligibility and Responsibilities of Preceptor.

   a. Subpart 1. Eligibility. The need for and reasonableness of the stated years of practice, particularly the Minnesota practice should be justified. (B, C) In addition, justification for "private practice only" should be stated. (In other words, is there something other than private practice and; if so, why wouldn't that "other" type of practice be appropriate.) (E)

   b. Subpart 2. Doctor to Intern ratio. The need for and reasonableness of the one-to-one ratio should be stated. It would also be helpful to set forth why the stated special authorization circumstances are reasonable ones.

c. Subpart 4. Application. The SONAR should state why the application documents are needed and reasonable. Similarly, it should state why it is reasonable for the affidavit to contain the data set out in the proposed rule.

d. Subpart 5. Continuing requirements. The need for and reasonableness of the requirements should be stated. The word "environment" in subpart 5.C. should be described in the SONAR. This term may have particular significance in the malpractice insurance area. Finally, subpart 5.E. of the proposed rule describes a form which is to be provided to all preceptor patients. The significance, need for and reasonableness of this particular document should be stated.

3. Minn. Rule pt. 2500.2520 Eligibility and Responsibilities of Intern.

a. Subpart 2. Malpractice insurance. The SONAR should state why interns must provide malpractice insurance. It should also explain why the intern must contact the preceptor doctor's insurance carrier and fulfill that carrier's malpractice requirements.

4. Minn Rule pt. 2500.2530 Termination of the Preceptorship Program. The nine-month termination period should be justified. Similarly, interruption of an intern's training program due to the preceptor's actions should be justified.

As you are aware, the Board will be required to give the public a new comment period. To comply with Minn. Stat. § 14.23, a Supplemental Notice of Intent to Adopt Rules Without a Public Hearing must be published in the State Register and sent to all persons on the agency mailing list. This Supplemental Notice may reference the earlier Notice of Intent to Adopt and must state that the Statement of Need and Reasonableness has been amended and is available to the public for an additional 30 days in accordance with Minn. Stat. § 14.23.

After agency action, the rule may be resubmitted to the Attorney General for review. Upon resubmission, the agency must comply with Minn. Rules 2010.1300, which requires the following documents to be submitted:

1. The new Statement of Need and Reasonableness. A copy of the SONAR must also be provided to the Legislative Commission to review administrative rules pursuant to Minn. Stat. § 14.23.

2. The Supplemental Notice of Intent to Adopt the rule as published in the State Register and mailed to persons on the agency rulemaking list.

3. Affidavit of mailing the Supplemental Notice.

4. Supplemental Findings of Fact and Conclusion and Order adopting the rule.

Finally, please include a memorandum specifying that the rule is being resubmitted and refer to our file number 1753 so that we may obtain our initial file in this matter. If you have any questions concerning any issues raised in this memorandum, please do not hesitate to contact me.

CH:sc

cc: Janice Le Tourneau

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to Graduate Preceptorship Program

Rules as Adopted

2500.2500 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 2500.2500 to 2500.2530.

Subp. 2. **Board.** "Board" means the Minnesota Board of Chiropractic Examiners.

Subp. 3. **Diagnosis.** "Diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of x-ray for diagnostic purposes within the scope of practice described in Minnesota Statutes, sections 148.01 to 148.10.

Subp. 4. **Intern.** "Intern" means an unlicensed graduate of a board-approved chiropractic college who assists in the care of patients outside the confines of the clinic of a chiropractic college.

Subp. 5. **License.** "License" means a license issued by the board to practice chiropractic including an original license or renewal license.

Subp. 6. **Practice of chiropractic.** "Practice of chiropractic" means the diagnosis, prognosis, and treatment by chiropractic methods that include those procedures preparatory to and complementary to an adjustment and the normal chiropractic regimen and rehabilitation of the patient as taught in accredited chiropractic schools and colleges.

Subp. 7. **Preceptor.** "Preceptor" means a supervising licensed chiropractic physician approved by the board.

Subp. 8. **Preceptorship training program.** "Preceptorship training program" means a board-approved program by which an intern may practice chiropractic under the direct supervision of a licensed chiropractic physician for one nine-month period.

Subp. 9. **Private practice.** "Private practice" means a

privately owned chiropractic business held individually or by incorporation operating without the interest of any hospital, teaching facility, or insurance company.

2500.2505 PROGRAM ADMINISTRATOR.

The preceptorship training program is administered by the Executive Director, Minnesota Board of Chiropractic Examiners, 2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114.

2500.2510 ROLE OF THE PRECEPTOR.

Preceptors shall follow the procedures in items A to C when supervising an intern.

A. The preceptor shall meet with the intern on a regular basis, at least one hour per week, to provide valuable feedback and interaction for one another regarding the intern's performance as an associate doctor and the preceptor's performance as an educator. Patient care shall be discussed as outlined in item B.

B. The preceptor shall involve the intern in sharing patient care responsibilities, including:

(1) completing the history and examination;

(2) conducting x-ray examinations, preparing reports, and conducting laboratory tests, if applicable;

(3) having the intern maintain patient records and convey information to the preceptor's practice; and

(4) treatment of patients.

C. The preceptor shall approve the intern's treatment plan before implementing the treatment of a patient.

2500.2515 ELIGIBILITY AND RESPONSIBILITIES OF PRECEPTOR.

Subpart 1. **Eligibility.** The preceptor must:

A. be licensed by the board;

B. have actively practiced chiropractic continuously for the preceding five years;

C. have actively practiced chiropractic in Minnesota for at least the last three years;

D. be in good standing with the board; and

E. be in private practice only.

Subp. 2. **Doctor to intern ratio.** The doctor to intern ratio shall be one to one unless special authorization is granted by the board's executive director and at least one board member. Special authorization shall not exceed a doctor to intern ratio of one to two in any situation. An authorization for a doctor to intern ratio greater than one to one lasts only for the duration of that specified intern's preceptorship training program. Special authorization shall be given under the following circumstances:

A. when a preceptor is removed from the program while an intern is under the preceptor's supervision and the intern needs to be placed with another registered preceptor; or

B. when one intern has failed to pass the board licensing examination and that intern's preceptorship training program time overlaps into another intern's expected starting date.

Subp. 3. **Fees.** If preceptor application is approved, a $100 fee shall be assessed. In addition, the preceptor shall be assessed a $100 annual fee for participation in the preceptorship training program.

Subp. 4. **Application.** An applicant for preceptorship must complete and file with the board a preceptor application, a sworn affidavit, and a preceptor/intern agreement on forms prescribed by the board. The affidavit must:

A. state that the applicant has been practicing continuously for the immediately preceding five years and in Minnesota for the immediately preceding three years;

B. state that the applicant has never been disciplined by the board or any state board and is not currently the subject of any professional disciplinary action in any state;

C. include the applicant's Minnesota license number and year of issuance; and

E. include the name, current mailing address, birth date, and physical description of the intern.

Subp. 5. **Continuing requirements.** A preceptor whose application has been approved must follow the requirements of items A to E.

A. The preceptor shall notify the board of any malpractice or disciplinary action that occurs subsequent to board approval of participation in the preceptorship training program.

B. The preceptor shall act as a teacher to the graduate within the practice environment.

C. The preceptor must be within the environment in which an intern is working at all times. Failure to maintain this requirement shall result in immediate dissolution of the preceptorship agreement. In the event of a vacation or illness of the preceptor, the intern may only continue with the intern's duties under the guidance of a licensed doctor of chiropractic who has been approved to serve as a preceptor.

D. The preceptor must direct the intern only in treatment care that is within the educational background and experience of the preceptor.

E. The preceptor must provide all patients with the following standard policy statement that informs them of the possibility of an intern performing various services:

> Patient care, examinations, and treatment are administered by Dr. (preceptor's name or the name of the board-approved chiropractic intern).
>
> Please notify office staff if you have any questions or concerns regarding this Office Policy Statement. If you are in agreement with this statement, please sign your name and date on the space provide below.
>
> Patient Name:_____
>
> Date:_____

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN.

Subpart 1. **Eligibility and limitations.** An intern must be a graduate of an accredited chiropractic college.

Subp. 2. **Malpractice insurance.** An intern must submit to the board proof of application and acceptance to an authorized malpractice insurance carrier for coverage during the term of the preceptorship training program.

The intern must contact the insurance carrier of the preceptor doctor and fulfill the carrier's requirements to obtain malpractice insurance coverage during the entirety of the intern's preceptorship program.

The intern should be aware that documents required may take some time to obtain. Therefore, it is suggested that the intern initiate this procedure within an appropriate amount of time before application for inclusion in the preceptorship training program.

All documents verifying malpractice coverage must be received by the board before approval of participation in the preceptorship training program will be given.

Subp. 3. **Application.** An applicant for internship must:

A. complete and file with the board an application in a form prescribed by the board; and

B. submit a certified copy of the applicant's final chiropractic college transcript showing a date of graduation within six months immediately preceding the next scheduled license examination.

Subp. 4. **Continuing requirements.** An intern whose application has been approved may only participate in treatment care that is within the educational background and experience of the preceptor.

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM.

The following requirements must be met for board approval of a preceptorship training program:

A. An intern shall not function in the program without written approval of the board; and

B. A licensed doctor shall not function in the program without written approval of the board.

2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM.

A preceptorship training program must terminate no later than nine months after the intern's graduation from a board-approved chiropractic college. It must be terminated before that time if:

A. the board finds that either the intern or the preceptor failed to comply with Minnesota Statutes, chapter 148, or part 2500.2100;

B. a letter of termination is received by the board with either the signature of the preceptor or the intern;

C. upon completion of the nine-month preceptorship program if the intern fails to pass the board licensure examination for a second time; or

D. the preceptor is removed from the preceptorship training program because of activities that result in disciplinary action by the board that did not involve the intern. Board staff shall make every effort to place the intern with another preceptor in order for the intern to complete the preceptorship training program with little or no interruption.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Graduate Preceptorship Program

AGENCY: Board of Chiropractic Examiners

MINNESOTA RULES: Chapter 2500

The attached rules are approved for filing with the Secretary of State

Carla M. Riehle
Assistant Revisor

Bob Holly

Janice Latham Tourneau → were ~~other~~ SONARS sent out or picked up by anyone

642-0591

8:00

waiver or disclaimer ok

180 deadline

for interns

SONAR

need } for rule as a whole
reasonableness } for the provisions of each rule

malpractice insur.
termination
preceptor qualification

severe sanction

form over substance: SONAR could justify the provs (i.e. why reasonable)

LCRER

14.26 1) the record must demonstrate the need for + reasonableness of the rule.

SONAR is suppose to raise issues and ~~justify~~ answer Qs re to the issues.

N+R of:

2500.2510 Role of Preceptor generally

2500.2515 Eligibility + Resp

Subpt 1 B. 5 yrs practice

C. 3 yrs in Mn

E. private practice only (~~hosp~~ hospitals, cos.

Subpt 2. dr-intern ratio

Subpt 4. Application - generally

Subpt 5. what is the "environment" — malpractice insur will be concerned re this generally all

E. esp

2500.2520 Eligibility + Resp of Intern

Subpt. 2 why insur., why contact preceptor dis carrier re insur.

Subpt. 3 generally

Subpt. 4 (self evident)

2500.2525 Minimum Requests of a Preceptor Trng Program
generally

2500.2530 Termination

D. esp. if interrupted

STATE OF MINNESOTA **BEFORE THE MINNESOTA**

COUNTY OF RAMSEY **BOARD OF CHIROPRACTIC EXAMINERS**

In the Matter of a Proposed Rule of the Board of Chiropractic Examiners Relating to Graduate Preceptorship Program Minn. Rule 2500.2500 to 2500.2530

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 proposed Minnesota Rules 2500.2500 to 2500.2530, relating to Graduate Preceptorship Program.

In order to adopt the proposed rule, 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 Statute 148.08, Subd. 3 (1988), authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.105.

2. STATEMENT OF NEED AND REASONABLENESS

Applicants for a license to practice chiropractic in the

State of Minnesota must currently wait 30 to 90 days to take the licensing exam. If one or more portions of that exam is not passed the applicant may not retake that portion for 180 more days. During these time lapses graduates currently have no avenue for continued learning of chiropractic skills.

The proposed rule provides a means for applicants to continue learning the skills of their profession in a controlled clinical setting with the guidance of a practicing Doctor of Chiropractic who is registered and overseen by the Board of Chiropractic Examiners. The current undergraduate preceptorship program operating in this state has proven to be a valuable learning experience for those involved in it. The Graduate Preceptorship Program is a natural extension of that established program.

The Intern(s) involved in this proposed program will be practicing Chiropractic under the direct supervision of a Board approved Preceptor. They will be provided an opportunity to increase their knowledge and improve their skills while waiting for the opportunity to become licensed Doctors of Chiropractic.

The table below indicates the amount of estimated revenue anticipated from the proposed registration and annual renewal fees.

Fee Title	Proposed Fee	No. Paying Fee	Estimated Revenue
Registration	$100	80	$8,000
Annual Renewal	$100	60	$6,000

The Board believes its proposed establishment of registration and

annual renewal fees is needed and reasonable in order to ensure that qualified Doctors of Chiropractic are involved in the Graduate Preceptorship Program and to monitor interns in a controlled clinical setting.

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.

The Board proposes adoption of this rule as a noncontroversial rule in accordance with sections 14.22 to 14.28, 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.

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 unless 25 or more persons submit a written request for a public hearing on the rule within a 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:

Graduate Preceptorship Program:

Registration Fee	$100
Annual Renewal Fee	$100

Signature

Budget Operations Director
Title

7-9-90
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 rule relates to the Graduate Preceptorship Program 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 rule 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: July 16, 1990

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of Permanent Rules of the Board of Chiropractic Examiners Relating to Graduate Preceptorship Program

NOTICE OF WITHDRAWAL FROM CONSIDERATION OF THE ATTORNEY GENERAL

Please take notice that the Minnesota Board of Chiropractic Examiners hereby withdraws the above captioned rules from consideration of the Attorney General's office on this 7th day of November, 1990. Proposed MR 2500.2500, 2500.2505, 2500.2515, 2500.2520, 2500.2525, 2500.2530.

The rules will be submitted to the Attorney General's office after correction of the rules and the legal concerns.

Wilma E. Behm, DC
President

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, including rules governing the practice of chiropractic and defining any terms, whether or not used in sections 148.01 to 148.105

Important

* SOLAR - does not discuss most of the Rules. The only thing the SOLAR discusses is the fees and the program - there is nothing about the Role of the Preceptor (2500.2510 Eligibility and Responsibilities of Preceptor (2500.2515) Eligibility and Responsibility of Preceptor (2500.2515) Eligibility and Responsibilities of Intern (2500.2520) 2500.2525

I think this rule should be rejected due to the SOLAR

* This is not new material because this is part of 2500.

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.

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)

2500.2500 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 2500.2500 to 2500.2530.

Subp. 2. **Board.** "Board" means the Minnesota Board of Chiropractic Examiners.

Subp. 3. **Diagnosis.** "Diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of x-ray for diagnostic purposes within the scope of practice described in *Minnesota Statutes*, sections 148.01 to 148.10.

Subp. 4. **Intern.** "Intern" means an unlicensed graduate of a board-approved chiropractic college who assists in the care of patients outside the confines of the clinic of a chiropractic college.

Subp. 5. **License.** "License" means a license issued by the board to practice chiropractic including an original license or renewal license.

Subp. 6. **Practice of chiropractic.** "Practice of chiropractic" means the diagnosis, prognosis, and treatment by chiropractic methods that include those procedures preparatory to and complementary to an adjustment and the normal chiropractic regimen and rehabilitation of the patient as taught in accredited chiropractic schools and colleges.

Subp. 7. **Preceptor.** "Preceptor" means a supervising licensed chiropractic physician approved by the board.

Subp. 8. **Preceptorship training program.** "Preceptorship training program" means a board-approved program by which an intern may practice chiropractic under the direct supervision of a licensed chiropractic physician for one nine-month period.

Subp. 9. **Private practice.** "Private practice" means a privately owned chiropractic business held individually or by incorporation operating without the interest of any hospital, teaching facility, or insurance company.

2500.2505 PROGRAM ADMINISTRATOR.

The preceptorship training program is administered by the Executive Director, Minnesota Board of Chiropractic Examiners, 2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114.

2500.2510 ROLE OF THE PRECEPTOR.

Preceptors shall follow the procedures in items A to C when supervising an intern.

A. The preceptor shall meet with the intern on a regular basis, at least one hour per week, to provide valuable feedback and interaction for one another regarding the intern's performance as an associate doctor and the preceptor's performance as an educator. Patient care shall be discussed as outlined in item B.

B. The preceptor shall involve the intern in sharing patient care responsibilities, including:

(1) completing the history and examination;

(2) conducting x-ray examinations, preparing reports, and conducting laboratory tests, if applicable;

(3) having the intern maintain patient records and convey information to the preceptor's practice; and

(4) treatment of patients.

C. The preceptor shall approve the intern's treatment plan before implementing the treatment of a patient.

2500.2515 ELIGIBILITY AND RESPONSIBILITIES OF PRECEPTOR.

Subpart 1. **Eligibility.** The preceptor must:

A. be licensed by the board;

B. have actively practiced chiropractic continuously for the preceding five years;

C. have actively practiced chiropractic in Minnesota for at least the last three years;

D. be in good standing with the board; and

E. be in private practice only.

Subp. 2. **Doctor to intern ratio.** The doctor to intern ratio shall be one to one unless special authorization is granted by the board's executive director and at least one board member. Special authorization shall not exceed a doctor to intern ratio of one to two in any situation. An authorization for a doctor to intern ratio greater than one to one lasts only for the duration of that specified intern's preceptorship training program. Special authorization shall be given under the following circumstances:

A. when a preceptor is removed from the program while an intern is under the preceptor's supervision and the intern needs to be placed with another registered preceptor; or

B. when one intern has failed to pass the board licensing examination and that intern's preceptorship training program time overlaps into another intern's expected starting date.

Subp. 3. **Fees.** If preceptor application is approved, a $100 fee shall be assessed. In addition, the preceptor shall be assessed a $100 annual fee for participation in the preceptorship training program.

Subp. 4. **Application.** An applicant for preceptorship must complete and file with the board a preceptor application, a sworn affidavit, and a preceptor/intern agreement on forms prescribed by the board. The affidavit must:

A. state that the applicant has been practicing continuously for the immediately preceding five years and in Minnesota for the immediately preceding three years;

B. state that the applicant has never been disciplined by the board or any state board and is not currently the subject of any professional disciplinary action in any state;

C. include the applicant's Minnesota license number and year of issuance; and

E. include the name, current mailing address, birth date, and physical description of the intern.

Subp. 5. **Continuing requirements.** A preceptor whose application has been approved must follow the requirements of items A to E.

A. The preceptor shall notify the board of any malpractice or disciplinary action that occurs subsequent to board approval of participation in the preceptorship training program.

B. The preceptor shall act as a teacher to the graduate within the practice environment.

C. The preceptor must be within the environment in which an intern is working at all times. Failure to maintain this requirement shall result in immediate dissolution of the preceptorship agreement. In the event of a vacation or illness of the preceptor, the intern may only continue with the intern's duties under the guidance of a licensed doctor of chiropractic who has been approved to serve as a preceptor.

D. The preceptor must direct the intern only in treatment care that is within the educational background and experience of the preceptor.

E. The preceptor must provide all patients with the following standard policy statement that informs them of the possibility of an intern performing various services:

Patient care, examinations, and treatment are administered by Dr. (preceptor's name or the name of the board-approved chiropractic intern).

Please notify office staff if you have any questions or concerns regarding this Office Policy Statement. If you are in agreement with this statement, please sign your name and date on the space provide below.

Patient Name: _____

Date: _____

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN.

Subpart 1. **Eligibility and limitations.** An intern must be a graduate of an accredited chiropractic college.

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.

Subp. 2. **Malpractice insurance.** An intern must submit to the board proof of application and acceptance to an authorized malpractice insurance carrier for coverage during the term of the preceptorship training program.

The intern must contact the insurance carrier of the preceptor doctor and fulfill the carrier's requirements to obtain malpractice insurance coverage during the entirety of the intern's preceptorship program.

The intern should be aware that documents required may take some time to obtain. Therefore, it is suggested that the intern initiate this procedure within an appropriate amount of time before application for inclusion in the preceptorship training program.

All documents verifying malpractice coverage must be received by the board before approval of participation in the preceptorship training program will be given.

Subp. 3. **Application.** An applicant for internship must:

A. complete and file with the board an application in a form prescribed by the board; and

B. submit a certified copy of the applicant's final chiropractic college transcript showing a date of graduation within six months immediately preceding the next scheduled license examination.

Subp. 4. **Continuing requirements.** An intern whose application has been approved may only participate in treatment care that is within the educational background and experience of the preceptor.

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM.

The following requirements must be met for board approval of a preceptorship training program:

A. An intern shall not function in the program without written approval of the board; and

B. A licensed doctor shall not function in the program without written approval of the board.

2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM.

A preceptorship training program must terminate no later than nine months after the intern's graduation from a board-approved chiropractic college. It must be terminated before that time if:

A. the board finds that either the intern or the preceptor failed to comply with *Minnesota Statutes*, chapter 148, or part 2500.2100;

B. a letter of termination is received by the board with either the signature of the preceptor or the intern;

C. upon completion of the nine-month preceptorship program if the intern fails to pass the board licensure examination for a second time; or

D. the preceptor is removed from the preceptorship training program because of activities that result in disciplinary action by the board that did not involve the intern. Board staff shall make every effort to place the intern with another preceptor in order for the intern to complete the preceptorship training program with little or no interruption.

Ethical Practices Board

Proposed Permanent Rules Relating to Campaign Financing

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Ethical Practices 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*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 10A.02, subd. 13.

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. The 30-day period ends 4:30 p.m., October 4, 1990. 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 the person's 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*, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-1720.

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing Graduate Preceptorship Program

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 Le Tourneau

Janice Le Tourneau
Rules Coordinator

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

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**
2206 West Cactus Wren Drive
Phoenix, AZ 85021

Lonnie Berger**
PO Box 548
Brandon, MN 56315

Dr. Margo Smith**
1929 West Vista Way
Suite C
Vista, CA 92083

McCollum & Daly, Ltd.***
Attorneys at Law
Northwestern Financial Center
7900 Xerxes Avenue South, Suite 710
Bloomington, MN 55431

Dr. Judith Harper-Richardson**
8951 Ruthby
Suite 2
Houston, TX 77061

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

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 Graduate Preceptorship Program

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).

(5) 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: Graduate Preceptorship Program. 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.

(13) 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

L'ALLIER
Chiropractic
The Natural Approach

Prime Professional Center
4950 Lincoln Drive, Edina, Minnesota 55436
(612) 933-4727

09/14/90

MN. Chiropratic Board
ATTN: Executive Director
2700 Univ. Ave. W. #20
St. Paul, MN. 55114

Executive Director,
I think the pre-ceptorship program is an excellent idea. It allows for continued education and "fills the gap" between graduation and state licenser in a positive and productive way.

Thank you for considering this new program. I'm sure it will be of help, and use to alot of people.

Sincerly,

Pete L'Allier

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MINNESOTA BOARD OF
Chiropractic Examiners

L'ALLIER
Chiropractic
The Natural Approach

Prime Professional Center
4950 Lincoln Drive, Edina, Minnesota 55436
(612) 933-4727

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Greg L'Allier, D.C.

Greg L'Allier, D.C.

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing Graduate Preceptorship Program

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. 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.

Two comments on the rule were received by the Board. (7) 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 Graduate Preceptorship Program 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.

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Sincerely,

Janice Le Tourneau

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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

rec'd 10/24

October 19, 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 adoption of the Graduate Preceptorship Program. 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. Correspondence relating to the Rule
11. 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 BOARD OF CHIROPRACTIC EXAMINERS

AUTHORIZING RESOLUTION

I, Wilma E. Behm, DC do hereby certify that I am a member and the President 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 duly and properly called and held on the 3rd day of May, 1990, that a quorum was present at the meeting, that a majority of those present voted for the resolution and that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified:

> RESOLVED, that the Executive Director of the Minnesota Board of Chiropractic Examiners, be and hereby is granted the authority and directed to sign and publish in the State Register an order and a notice of intent to adopt rules without a public hearing for the purpose of adopting rules relating to the Graduate Preceptorship Program and to proceed with a hearing if the statutorily required number of persons request a hearing in response to notice; and to cancel the hearing and proceed by noncontroversial rulemaking if less than the statutorily required number of persons request a hearing. The Executive Director is also granted the authority and directed to perform any and all acts incidental thereto, including but not limited to, signing a Notice of Hearing, requesting the assignment of an administrative law judge, giving notice of the rulemaking proceeding to all persons who have registered their names with the Board for the purpose, acting as the Board's representative at all hearings, and complying with all applicable provisions of the Minnesota Administrative Procedure Act, rules of the Office of Administrative Hearings, and rules of the Attorney General.

IN WITNESS WHEREOF, I have hereunto subscribe my name this 3rd day of May, 1990.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Wilma E Behm DC

WILMA E. BEHM, DC
President

G W Jackson

Attest by one other Board Member

resoluti.01b

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 Graduate Preceptorship Program 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

Board Member

Attest/Board Member

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 Graduate Preceptorship Program

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Graduate Preceptorship Program

Rules as Proposed (all new material)

2500.2500 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 2500.2500 to 2500.2530.

Subp. 2. **Board.** "Board" means the Minnesota Board of Chiropractic Examiners.

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Approved by Revisor

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2500.2505 PROGRAM ADMINISTRATOR.

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2500.2510 ROLE OF THE PRECEPTOR.

Preceptors shall follow the procedures in items A to C when supervising an intern.

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B. The preceptor shall involve the intern in sharing patient care responsibilities, including:

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(4) treatment of patients.

C. The preceptor shall approve the intern's treatment plan before implementing the treatment of a patient.

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Subpart 1. **Eligibility.** The preceptor must:

A. be licensed by the board;

B. have actively practiced chiropractic continuously for the preceding five years;

C. have actively practiced chiropractic in Minnesota for at least the last three years;

D. be in good standing with the board; and

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E. be in private practice only.

Subp. 2. **Doctor to intern ratio.** The doctor to intern ratio shall be one to one unless special authorization is granted by the board's executive director and at least one board member. Special authorization shall not exceed a doctor to intern ratio of one to two in any situation. An authorization for a doctor to intern ratio greater than one to one lasts only for the duration of that specified intern's preceptorship training program. Special authorization shall be given under the following circumstances:

A. when a preceptor is removed from the program while an intern is under the preceptor's supervision and the intern needs to be placed with another registered preceptor; or

B. when one intern has failed to pass the board licensing examination and that intern's preceptorship training program time overlaps into another intern's expected starting date.

Subp. 3. **Fees.** If preceptor application is approved, a $100 fee shall be assessed. In addition, the preceptor shall be assessed a $100 annual fee for participation in the preceptorship training program.

Subp. 4. **Application.** An applicant for preceptorship must complete and file with the board a preceptor application, a sworn affidavit, and a preceptor/intern agreement on forms prescribed by the board. The affidavit must:

A. state that the applicant has been practicing continuously for the immediately preceding five years and in Minnesota for the immediately preceding three years;

B. state that the applicant has never been disciplined by the board or any state board and is not currently the subject of any professional disciplinary action in any state;

C. include the applicant's Minnesota license number and year of issuance; and

E. include the name, current mailing address, birth date, and physical description of the intern.

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Subp. 5. **Continuing requirements.** A preceptor whose application has been approved must follow the requirements of items A to E.

A. The preceptor shall notify the board of any malpractice or disciplinary action that occurs subsequent to board approval of participation in the preceptorship training program.

B. The preceptor shall act as a teacher to the graduate within the practice environment.

C. The preceptor must be within the environment in which an intern is working at all times. Failure to maintain this requirement shall result in immediate dissolution of the preceptorship agreement. In the event of a vacation or illness of the preceptor, the intern may only continue with the intern's duties under the guidance of a licensed doctor of chiropractic who has been approved to serve as a preceptor.

D. The preceptor must direct the intern only in treatment care that is within the educational background and experience of the preceptor.

E. The preceptor must provide all patients with the following standard policy statement that informs them of the possibility of an intern performing various services:

> Patient care, examinations, and treatment are administered by Dr. (preceptor's name or the name of the board-approved chiropractic intern).
>
> Please notify office staff if you have any questions or concerns regarding this Office Policy Statement. If you are in agreement with this statement, please sign your name and date on the space provide below.
>
> Patient Name:_____
>
> Date:_____

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN.

Subpart 1. **Eligibility and limitations.** An intern must be a graduate of an accredited chiropractic college.

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Subp. 2. **Malpractice insurance.** An intern must submit to the board proof of application and acceptance to an authorized malpractice insurance carrier for coverage during the term of the preceptorship training program.

The intern must contact the insurance carrier of the preceptor doctor and fulfill the carrier's requirements to obtain malpractice insurance coverage during the entirety of the intern's preceptorship program.

The intern should be aware that documents required may take some time to obtain. Therefore, it is suggested that the intern initiate this procedure within an appropriate amount of time before application for inclusion in the preceptorship training program.

All documents verifying malpractice coverage must be received by the board before approval of participation in the preceptorship training program will be given.

Subp. 3. **Application.** An applicant for internship must:

A. complete and file with the board an application in a form prescribed by the board; and

B. submit a certified copy of the applicant's final chiropractic college transcript showing a date of graduation within six months immediately preceding the next scheduled license examination.

Subp. 4. **Continuing requirements.** An intern whose application has been approved may only participate in treatment care that is within the educational background and experience of the preceptor.

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM.

The following requirements must be met for board approval of a preceptorship training program:

A. An intern shall not function in the program without written approval of the board; and

B. A licensed doctor shall not function in the program without written approval of the board.

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2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM.

A preceptorship training program must terminate no later than nine months after the intern's graduation from a board-approved chiropractic college. It must be terminated before that time if:

A. the board finds that either the intern or the preceptor failed to comply with Minnesota Statutes, chapter 148, or part 2500.2100;

B. a letter of termination is received by the board with either the signature of the preceptor or the intern;

C. upon completion of the nine-month preceptorship program if the intern fails to pass the board licensure examination for a second time; or

D. the preceptor is removed from the preceptorship training program because of activities that result in disciplinary action by the board that did not involve the intern. Board staff shall make every effort to place the intern with another preceptor in order for the intern to complete the preceptorship training program with little or no interruption.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Graduate Preceptorship Program

AGENCY: Board of Chiropractic Examiners

MINNESOTA RULES: Chapter 2500

The attached rules are approved for publication in the State Register

Carla M. Riehle

Carla M. Riehle
Assistant Revisor