

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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

OFFICE MEMORANDUM

DATE: December 18, 1990

TO: H. LEONARD BOCHE
Assistant Director
Board of Medical Examiners

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

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Licensing

The above-referenced rule has been approved as to its legality by the Attorney General on December 17, 1990.

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

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

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

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

CH:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Jack Breviu

CH

RULE REVIEW CHECKLIST

File No. 1767
DATE RECEIVED 12-5-90
REVIEW DATE 12-14-90
DUE DATE 12-19-90
(DIS)APPROVED 12-17-90
WITHDRAWN _____

Docket No. 05.0009.0480
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 12-5-90
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE 12-18-90
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
Nov 13, 1989 Date published in State Register
_____ Comments

_____ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
Jan 21, 1989 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule 214.06 subd 2
146.13, 147.01 subd 3 Statutory Authority
_____ Small Business Statement
_____ Expenditure of public money statement
September 7, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
NA Fees - § 16A.128 - did not establish new fees only when you pay

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Sept 21, 1990 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
September 24, 1990 Date 30/25 days before adoption

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

✓ Resolution Adopting
September 20, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
November 20, 1990 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Jack Brewin Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

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

Board of Medical Examiners

Adopted Permanent Rules Relating to Licensing

Rules as Adopted

5605.0200 LICENSEE CLASSES.

Subpart 1. **Establishment.** For the purpose of administering this chapter, each individual initially licensed on or after June 4, 1984, commences his or her first three-year cycle on January 1 following the date of initial licensure. After January 1, 1991, the cycle of an individual starting a new three-year cycle will start on the first day of the individual's month of birth. The first three-year cycle of an individual initially licensed after January 1, 1991, will start on the first day of the individual's month of birth. Future cycles will run consecutively from that point. After January 1, 1991, continuing medical education taken between the expiration date of an individual's three-year cycle and the first day of the individual's birth month starting a new three-year cycle may be credited towards this first new three-year cycle. Continuing medical education taken between the date of initial licensure and the first day of the individual's month of birth following the date of initial licensure may be credited towards the first cycle after January 1, 1991.

Those individuals assigned three-year reporting prior to June 4, 1984 shall remain in their assigned reporting cycle.

5600.0605 LICENSE RENEWAL PROCEDURES.

Subpart 1. **License renewal cycle conversion.** This part converts the license renewal cycle for physicians from an annual cycle that begins on January 1 of each year to an annual cycle that begins with the last day of the licensee's month of birth. The conversion of the renewal cycle begins January 1, 1991. Subparts 2 to 12 contain license renewal procedures for licensees who were licensed before the effective date of this part. Under the conversion requirements of subpart 2 or 3, the

license period following license renewal is from six to 17 months ending the last day of the licensee's month of birth.

Subp. 2. **Conversion of license renewal cycle for current licenses.** After January 1, 1991, for a licensee whose license is current as of December 31, 1990, the licensee's first renewal cycle begins on January 1, 1991, and ends on the last day of the licensee's month of birth. However, if the licensee's month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 1992.

Subp. 3. **Conversion of license renewal cycle for noncurrent licenses.** This subpart applies to a person who was licensed before the effective date of this part, but whose license is not current as of December 31, 1990. When the licensee renews the license after the effective date of this part, the renewal period begins with the date the licensee applies for renewal and ends with the last day of the licensee's month of birth. However, if the last day of the month of birth is less than six months after the date the license is renewed, then the renewal period ends on the last day of the licensee's month of birth in the next year after the year in which the renewal period began.

Subp. 4. **Subsequent renewal cycles.** After the licensee's renewal during the conversion period under subpart 2 or 3, the subsequent renewal cycles shall be annual cycles that begin on the last day of the month of the licensee's birth.

Subp. 5. **Service.** The licensee must maintain a correct mailing address with the board for receiving board communications, notices, and licensure renewal documents. Placing the license renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service. Failure to receive the renewal documents does not relieve a license holder of the obligation to comply with this part.

Subp. 6. **Late submission.** A license renewal application and annual license fee received in the board office after the

last day of the month in which the licensee's license expires shall not be processed and shall be returned to the licensee for payment of the late fee indicated in part 5600.2500, item K.

Subp. 7. **Incomplete application; notice.** If a licensee submits an application form or annual license fee that is incomplete, incorrect, or not in compliance with this part, the board shall notify the licensee of the deficiency within 30 calendar days after the board receives the licensee's application and shall give the licensee instructions for completing or correcting the application. The board will nullify a license renewal if the correction required in the board notice is not made within 30 days after the licensee receives the notice.

Subp. 8. **Removal of name from list.** The names of licensees who do not return a complete license renewal application, the annual license fee, or the late application fee within the time period listed in subpart 7, shall be removed from the list of individuals authorized to practice medicine and surgery during the current renewal period. Upon reinstatement of licensure, the licensee's name will be placed on the list of individuals authorized to practice medicine and surgery.

Subp. 9. **Conversion period and fees.** A licensee who holds a license issued before the effective date of this part, and who renews that license during the conversion period under subpart 2 or 3, shall pay the required license fees according to items A to E.

A. Licensees will be charged the full annual license fee listed in part 5600.2500, item E, for the licensure renewal occurring at the start of the conversion period.

B. For licensees whose conversion period was six to 11 months, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the licensee's conversion

period, up to 11 months, at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar.

C. For licensees whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. They will be charged the annual license fee listed in part 5600.2500, item E.

D. For licensees whose conversion period was between 13 and 17 months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of licensure months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar. The difference calculated is added to the full fee charged.

E. The second license renewal made after the conversion period and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

Subp. 10. **Change of name and address.** A licensee shall notify the board in writing within 30 days of any change in name or address. If the licensee is changing his or her name only, the licensee must request a revised licensure certificate. The licensee shall return the current certificate to the board. If an address change is requested, no request for a revised licensure certificate is required. If the licensee's current license certificate has been lost, stolen, or destroyed, the licensee shall provide a written explanation of the situation.

The board may require the licensee to substantiate the name change by submitting official documentation from a court of law or agency authorized under law to receive and officially record a name change.

5600.0610 INITIAL LICENSE PROCEDURES.

Subpart 1. **Applicability to persons initially licensed.** Subparts 2 and 3 contain licensing procedures for persons who

are initially licensed by the board after the effective date of this part.

Subp. 2. **Initial license.** An individual who is initially licensed by the board after the effective date of this part shall pay the physician application and annual license fees listed in part 5600.2500, items D and E.

Effective January 1, 1991, the initial license period begins with the date the person becomes licensed and ends the last day of the licensee's month of birth. However, if the last day of the individual's month of birth is less than six months after the individual becomes licensed, then the initial license period ends on the last day of the individual's month of birth in the next year after the initial license period began. After the initial license period, subsequent renewal periods shall be annual periods that begin on the last day of the month of the licensee's birth.

Subp. 3. **Conversion period and fees.** Individuals initially licensed by the board after the effective date of this part will have a conversion period according to items A to F.

A. An individual will be assigned a conversion period of at least six months and no more than 17 months, ending on the last day of the individual's month of birth.

B. The full physician application fee and physician annual license fee found in part 5600.2500, items D and E, will be charged to the individual at the start of the conversion period.

C. For an individual whose conversion period was 11 months or less, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the license fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the individual's conversion period, up to 11 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount.

D. For an individual whose conversion period was 12

months, the first annual license fee charged after the conversion period shall not be adjusted. The individual will be charged the full annual license fee listed in part 5600.2500, item E.

E. For an individual whose conversion period was between 13 and 17 full calendar months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid at the start of the conversion period and the prorated license fee cost assessed using the number of months of the individual's conversion period, up to 17 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount. The difference calculated is added to the full fee charged.

F. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

APPROVED AS TO LEGALITY

December 17, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatch
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 18 1990

Joan Anderson Growe
Secretary of State
1:08 pm

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Medical Examiners Relating to Licensing

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Board of Medical Examiners (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat.§§ 14.22 to 14.28 (1988). The statutory authority to adopt the rules is Minn. Stat.§§ 146.13 (1989), 147.01, subd. 3 (1990) and 214.06, subd. 2 (1985).

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

Any person may make a written request for a public hearing on the rules 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 rules 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).

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

(5)

H. Leonard Boche
Minnesota Board of Medical Examiners
2700 University Avenue W., Suite 106
St. Paul, MN 55114
(612) 642-0528

(8) The proposed rules 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 rules as noticed.

(11) A copy of the proposed rules is attached to this notice.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from H. Leonard Boche upon request.

(14) Pursuant to Minn. Stat. § 14.115 the Board's Statement of Need and Reasonableness addresses the effect these rules may have on small businesses.

(9) If no hearing is required, upon adoption of the rules, the rules 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 rules must submit the written request to H. Leonard Boche.

Date: September 7, 1990

H. Leonard Boche
Executive Director

Board of Medical Examiners

Proposed Permanent Rules Relating to Licensing

Rules as Proposed

5605.0200 LICENSEE CLASSES.

Subpart 1. **Establishment.** For the purpose of administering this chapter, each individual initially licensed on or after June 4, 1984, commences his or her first three-year cycle on January 1 following the date of initial licensure. After January 1, 1991, the cycle of an individual starting a new three-year cycle will start on the first day of the individual's month of birth. The first three-year cycle of an individual initially licensed after January 1, 1991, will start on the first day of the individual's month of birth. Future cycles will run consecutively from that point. After January 1, 1991, continuing medical education taken between the expiration date of an individual's three-year cycle and the first day of the individual's birth month starting a new three-year cycle may be credited towards this first new three-year cycle. Continuing medical education taken between the date of initial licensure and the ~~January 1~~ first day of the individual's month of birth following the date of initial licensure may be credited towards the first cycle after January 1, 1991.

Those individuals assigned three-year reporting prior to June 4, 1984 shall remain in their assigned reporting cycle.

Rules as Proposed (all new material)

5600.0605 LICENSE RENEWAL PROCEDURES

Subpart 1. **License renewal cycle conversion.** This part converts the license renewal cycle for physicians from an annual cycle that begins on January 1 of each year to an annual cycle that begins with the last day of the licensee's month of birth. The conversion of the renewal cycle begins January 1, 1991. Subparts 2 to 12 contain license renewal procedures for

Approved by Revisor KTH

licensees who were licensed before the effective date of this part. Under the conversion requirements of subpart 2 or 3, the license period following license renewal is from six to 17 months ending the last day of the licensee's month of birth.

Subp. 2. **Conversion of license renewal cycle for current licenses.** After January 1, 1991, for a licensee whose license is current as of December 31, 1990, the licensee's first renewal cycle begins on January 1, 1991, and ends on the last day of the licensee's month of birth. However, if the licensee's month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 1992.

Subp. 3. **Conversion of license renewal cycle for noncurrent licenses.** This subpart applies to a person who was licensed before the effective date of this part, but whose license is not current as of December 31, 1990. When the licensee renews the license after the effective date of this part, the renewal period begins with the date the licensee applies for renewal and ends with the last day of the licensee's month of birth. However, if the last day of the month of birth is less than six months after the date the license is renewed, then the renewal period ends on the last day of the licensee's month of birth in the next year after the year in which the renewal period began.

Subp. 4. **Subsequent renewal cycles.** After the licensee's renewal during the conversion period under subpart 2 or 3, the subsequent renewal cycles shall be annual cycles that begin on the last day of the month of the licensee's birth.

Subp. 5. **Service.** The licensee must maintain a correct mailing address with the board for receiving board communications, notices, and licensure renewal documents. Placing the license renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service. Failure to receive the renewal documents does not relieve a license holder of the obligation to comply with this part.

Approved
by Revisor _____

Subp. 6. **Late submission.** A license renewal application and annual license fee received in the board office after the last day of the month in which the licensee's license expires shall not be processed and shall be returned to the licensee for payment of the late fee indicated in part 5600.2500, item K.

Subp. 7. **Incomplete application; notice.** If a licensee submits an application form or annual license fee that is incomplete, incorrect, or not in compliance with this part, the board shall notify the licensee of the deficiency within 30 calendar days after the board receives the licensee's application and shall give the licensee instructions for completing or correcting the application. The board will nullify a license renewal if the correction required in the board notice is not made within 30 days after the licensee receives the notice.

Subp. 8. **Removal of name from list.** The names of licensees who do not return a complete license renewal application, the annual license fee, or the late application fee within the time period listed in subpart 7, shall be removed from the list of individuals authorized to practice medicine and surgery during the current renewal period. Upon reinstatement of licensure, the licensee's name will be placed on the list of individuals authorized to practice medicine and surgery.

Subp. 9. **Conversion period and fees.** A licensee who holds a license issued before the effective date of this part, and who renews that license during the conversion period under subpart 2 or 3, shall pay the required license fees according to items A to E.

A. Licensees will be charged the full annual license fee listed in part 5600.2500, item E, for the licensure renewal occurring at the start of the conversion period.

B. For licensees whose conversion period was six to 11 months, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the fee paid during

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by Revisor _____

the conversion period and the prorated license fee cost assessed based on the number of months of the licensee's conversion period, up to 11 months, at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar.

C. For licensees whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. They will be charged the annual license fee listed in part 5600.2500, item E.

D. For licensees whose conversion period was between 13 and 17 months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of licensure months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar. The difference calculated is added to the full fee charged.

E. The second license renewal made after the conversion period and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

Subp. 10. **Change of name and address.** A licensee shall notify the board in writing within 30 days of any change in name or address. If the licensee is changing his or her name only, the licensee must request a revised licensure certificate. The licensee shall return the current certificate to the board. If an address change is requested, no request for a revised licensure certificate is required. If the licensee's current license certificate has been lost, stolen, or destroyed, the licensee shall provide a written explanation of the situation.

The board may require the licensee to substantiate the name change by submitting official documentation from a court of law or agency authorized under law to receive and officially record a name change.

5600.0610 INITIAL LICENSE PROCEDURES.

Approved by Revisor _____

Subpart 1. **Applicability to persons initially licensed.** Subparts 2 and 3 contain licensing procedures for persons who are initially licensed by the board after the effective date of this part.

Subp. 2. **Initial license.** An individual who is initially licensed by the board after the effective date of this part shall pay the physician application and annual license fees listed in part 5600.2500, items D and E.

Effective January 1, 1991, the initial license period begins with the date the person becomes licensed and ends the last day of the licensee's month of birth. However, if the last day of the individual's month of birth is less than six months after the individual becomes licensed, then the initial license period ends on the last day of the individual's month of birth in the next year after the initial license period began. After the initial license period, subsequent renewal periods shall be annual periods that begin on the last day of the month of the licensee's birth.

Subp. 3. **Conversion period and fees.** Individuals initially licensed by the board after the effective date of this part will have a conversion period according to items A to F.

A. An individual will be assigned a conversion period of at least six months and no more than 17 months, ending on the last day of the individual's month of birth.

B. The full physician application fee and physician annual license fee found in part 5600.2500, items D and E, will be charged to the individual at the start of the conversion period.

C. For an individual whose conversion period was 11 months or less, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the license fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the individual's conversion period, up to 11 months, at the rate of 1/12 of the

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by Revisor _____

annual fee per month rounded upward to the nearest dollar amount.

D. For an individual whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. The individual will be charged the full annual license fee listed in part 5600.2500, item E.

E. For an individual whose conversion period was between 13 and 17 full calendar months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid at the start of the conversion period and the prorated license fee cost assessed using the number of months of the individual's conversion period, up to 17 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount. The difference calculated is added to the full fee charged.

F. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensing

AGENCY: Board of Medical Examiners

MINNESOTA RULES: Chapters 5600 and 5605

The attached rules are approved for
publication in the State Register

Kathleen T. Harrington
Assistant Revisor

ion
Records incidental to rendering services; confidential information.

REGISTRATION OF REAL ESTATE BROKERS AND SALESMEN
AA½. Discrimination against homeowners of dwellings having urea formaldehyde foam insulation.

EGISTRATION AND LICENSING OF PSYCHOLOGISTS
Confidential communications.

LICENSING OF SOCIAL WORKERS
Definitions. [New]
Confidential communications; exceptions.
Confidential communications; testimonial privilege. [New]

GISTRATION OF ACUPUNCTURISTS
Definitions.
Committee on acupuncture.
Adoption of rules; register of licensed acupuncturists; meetings; compensation; funds.
Application for license.
Eligibility for registration and licensure.
Reciprocal licensing.
Examinations.
Registration and licensure; certificate of registration.
Renewal of licenses.
nternship programs.
Revocation, suspension, or cancellation of licenses; liability of complainants.
Refusal to license; suspension or revocation of licenses.
nforcement; penalties; injunctions.
Inauthorized practice or impersonation; penalty.
etter of referral or written diagnosis.
ederally employed acupuncturists; treatment by physical therapists.

ISTRATION OF ALLIED MENTAL EALTH AND HUMAN SERVICES PROFESSIONALS
efinitions.
dvertisement or engagement in practice of licensed profession; license requirement; exemptions.
arriage and family therapists, rehabilitation counselors, mental health counselors educational psychologists, licenses; qualifications.
aminations; issuance of licenses without examinations.
mporary permits.
ense fees; renewals.
nial, revocation or suspension of licenses.
ard hearings; subpoena powers.
alties.
nfidential communications; waiver.

WESTLAW Computer Assisted Legal Research

WESTLAW supplements your legal research in many ways. WESTLAW allows you to

- update your research with the most current information
- expand your library with additional resources
- retrieve direct history, precedential history and parallel citations with the Insta-Cite service

For more information on using WESTLAW to supplement your research, see the WESTLAW Electronic Research Guide, which follows the Preface.

Cross References

Interagency children's services teams, application of this chapter, see c. 28A, § 6A.

Code of Massachusetts Regulations

Environmental quality engineering, stack testing, see 310 CMR 7.13.

Management standards for hazardous waste facilities, submission and amendment of plans, see 310 CMR 30.502.

SUPERVISION OF BOARDS BY DIRECTOR

§ 1. Duties of director of registration

The director of registration shall supervise the work of the several boards of registration and examination with the exception of the board of registration in medicine included in the division of registration. He shall recommend changes in the methods of conducting examinations and transacting business, and shall make such reports to the governor and council as they may require or he may deem expedient.

Amended by St.1986, c. 351, § 10.

Historical Note

1986 Legislation

St.1986, c. 351, § 10, by § 41 made effective Oct. 1, 1986, inserted the exception of the board of registration in medicine.

St.1986, c. 351, was approved July 23, 1986. Emergency declaration by the Governor was filed on the same date.

REGISTRATION OF PHYSICIANS AND SURGEONS

Cross References

Mental health, qualified physicians, see c. 123, § 1 et seq.

Mentally retarded persons, periodic review, physical examination, see c. 123B, § 4.

Code of Massachusetts Regulations

Licensure of foreign medical school graduates and fifth pathway program graduates, see 243 CMR 2.03.

Practice of medicine governing regulations, see 243 CMR 2.01, 2.02.

§ 2. Registration of physicians; alien applicants; examinations; renewal; fees

[See main volume for text of first to fourth paragraphs]

Notwithstanding any other provision of this chapter, the board may without examination grant a certificate of registration as a qualified physician to a person who is a graduate of a medical school which is legally chartered in a sovereign state other than the United States, the commonwealth of Puerto Rico or Canada, if such person furnishes

proof satisfactory to the board that: (1) he has a full time academic appointment at a legally chartered medical school in the commonwealth; (2) he is qualified and competent in the field of medicine or surgery; and (3) he has been licensed or registered to practice medicine in such other state or country and has held a faculty appointment at a medical school legally chartered in such other state or country. Application for registration as a qualified physician, signed and sworn to by the applicant under the provisions of this section shall be made upon blanks furnished by the board. If satisfied as to the applicant's qualifications, and upon payment of a fee by such applicant, the board may issue to such applicant a certificate of registration as a qualified physician. Such certificate shall be restricted to the specialty in which he holds his academic appointment and shall be valid only so long as he holds a full time academic appointment. In addition to the requirements for renewal of certificates of registration under the provisions of section two, physicians registered under this section shall furnish with their renewal applications evidence satisfactory to the board that they continue to hold the faculty appointment required by this section. The board may adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this section.

The board shall require that all physicians registered in the commonwealth renew their certificates of registration with the board at two year intervals. Effective nineteen hundred and eighty-seven, every physician registered in the commonwealth shall renew his or her certificate of registration with the board on or before his or her birthday in nineteen hundred and eighty-seven and in every second year thereafter; provided that if a birthday of any physician who shall be registered hereunder shall occur within three months after original registration, such person need not renew his or her registration until the birthday in the second year following the birthday aforesaid. For the purposes of this section, the birthday of a person born on February twenty-nine shall be deemed to be February twenty-eight. The renewal application shall be accompanied by a fee determined under the aforementioned provision and shall include the physician's name, license number, home address, office address, his or her specialities, the principal setting of his practice, and whether he or she is an active or inactive practitioner.

The board is authorized to promulgate regulations requiring physicians to obtain professional malpractice liability insurance or a suitable bond or other indemnity against liability for professional malpractice in such amounts as may be determined by the board. The board shall participate in any national data reporting system which provides information on individual physicians.

The board shall require as a condition of granting or renewing a physician's certificate of registration, that the physician, who if he agrees to treat a beneficiary of health insurance under Title XVIII of the Social Security Act, shall also agree not to charge to or collect from such beneficiary any amount in excess of the reasonable charge for that service as determined by the United States Secretary of Health and Human Services.

[See main volume for text of last paragraph]

Amended by St.1985, c. 475; St.1986, c. 351, §§ 11, 12; St.1986, c. 673.

Historical Note

1985 Amendment. St.1985, c. 475, approved Nov. 12, 1985, inserted the eighth paragraph.

1986 Legislation

St.1986, c. 351, § 11, by § 41 made effective Jan. 1, 1987, provided that, effective 1987, renewal of registration shall occur on or before the physician's birthday and in every second year thereafter.

Section 12 of St.1986, c. 351, by § 41 made effective Oct. 1, 1986, inserted the paragraph authorizing regulations which require physicians to obtain malpractice liability insurance.

Section 40 of St.1986, c. 351, by § 41 made effective July 1, 1986, provides:

"The board of registration in medicine is hereby authorized and directed to promulgate regulations relative to the participation of physicians in risk management programs pursuant to section five of chapter one hundred and twelve of the General Laws, the requirement that physicians obtain professional malpractice liability insurance pursuant to section two of chapter one hundred and twelve of the General Laws and the prioritization and establishment of timelines for investigation of complaints and reports pursuant to section five K of chapter one hundred and twelve of the General Laws. The board shall file said rules and regulations with the clerk of the house of representatives for transmittal to the joint committee on insurance; no later than January first, nineteen hundred and eighty-sev-

en. Such regulations shall take effe
than sixty days after the date of s

St.1986, c. 351, was approved Ju
Emergency declaration by the Go
filed on the same date.

Ex

St.1980, c. 572, § 417, as amended c. 602, § 2 and St.1983, c. 714, § 2, by St.1985, c. 200, § 8.

Section 416 of St.1980, c. 572, app
main volume, as amended by St.1985
provides:

"Notwithstanding any general or
to the contrary, for the period endin
eth, nineteen hundred and eighty-si
tary of administration shall de
amount to be charged for any serv
tion, regulation, license, fee, perm
function which is not provided for
section of this act provided, howev
secretary shall not determine the ra
at state colleges, state community c
universities, and the Massachuse
Academy or any fees or charges re
administration and operation of th
appeals court, supreme judicial cou
er department of the judiciary of
wealth;".

Section 417 of St.1980, c. 572, app
main volume, as amended by St.198
and St.1983, c. 714, § 2, was repeale
c. 200, § 8.

Section 417B of St.1980, c. 572,
St.1983, c. 714, § 5, and repealed
200, § 9, provided:

"In no instance shall a fee or char
secretary of administration under t
of this section exceed the fee or ch
on the effective date of this sectio
reported to, and approved by a vot
court."

St.1983, c. 714, an emergency
proved Dec. 30, 1983.

Sections 1 and 3 of St.1983, c.

"Section 1. Notwithstanding the
chapter 572 of the acts of 1980
general or special law to the contr
missioner of administration shall,
thirty days prior to setting any ne
charges, provide public notice of a
the fees to be charged by the comm
each service of any kind performe
personnel or agency and shall con
all written comments received and
a public hearing on any proposed i
fees and/or charges.

"Section 3. Notwithstanding the
said chapter 572, any subsequent
in accordance with the provisions o
572 in the amount charged for p
occupational licensure, registrati
permit or other public function

a full time academic appointment at a
alth; (2) he is qualified and competent
been licensed or registered to practice
eld a faculty appointment at a medical
ntry. Application for registration as a
applicant under the provisions of this
y the board. If satisfied as to the
fee by such applicant, the board may
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tion shall furnish with their renewal
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may adopt, amend and rescind such
rry out the provisions of this section.

ered in the commonwealth renew their
o year intervals. Effective nineteen
ed in the commonwealth shall renew
d on or before his or her birthday in
ond year thereafter; provided that if a
l hereunder shall occur within three
ed not renew his or her registration
birthday aforesaid. For the purposes
ruary twenty-nine shall be deemed to
ion shall be accompanied by a fee
d shall include the physician's name,
her specialities, the principal setting
or inactive practitioner.

ions requiring physicians to obtain
able bond or other indemnity against
s as may be determined by the board.
rting system which provides informa-

or renewing a physician's certificate
ees to treat a beneficiary of health
t, shall also agree not to charge to or
s of the reasonable charge for that
ary of Health and Human Services.

ast paragraph]

.1986, c. 673.

board of registration in medicine is here-
orized and directed to promulgate regula-
lative to the participation of physicians in
nagement programs pursuant to section
chapter one hundred and twelve of the
Laws, the requirement that physicians
professional malpractice liability insur-
ursuant to section two of chapter one
and twelve of the General Laws and the
ation and establishment of timelines for
ation of complaints and reports pursuant
on five K of chapter one hundred and
of the General Laws. The board shall
rules and regulations with the clerk of
se of representatives for transmittal to
committee on insurance no later than
first, nineteen hundred and eighty-sev-

en. Such regulations shall take effect no sooner than sixty days after the date of such filing."

St.1986, c. 351, was approved July 23, 1986. Emergency declaration by the Governor was filed on the same date.

St.1986, c. 673, approved Dec. 31, 1986, inserted the paragraph relating to registration without examination of graduates of medical schools chartered in sovereign states other than the United States, Puerto Rico or Canada.

Expiration of St.1980, c. 572

St.1980, c. 572, § 417, as amended by St.1982, c. 602, § 2 and St.1983, c. 714, § 2, was repealed by St.1985, c. 200, § 8.

Section 416 of St.1980, c. 572, appearing in the main volume, as amended by St.1985, c. 200, § 7, provides:

"Notwithstanding any general or special law to the contrary, for the period ending June thirtieth, nineteen hundred and eighty-six, the secretary of administration shall determine the amount to be charged for any service, registration, regulation, license, fee, permit or public function which is not provided for by any other section of this act provided, however, that said secretary shall not determine the rates of tuition at state colleges, state community colleges, state universities, and the Massachusetts Maritime Academy or any fees or charges relative to the administration and operation of the trial court, appeals court, supreme judicial court or any other department of the judiciary of the commonwealth;".

Section 417 of St.1980, c. 572, appearing in the main volume, as amended by St.1982, c. 602, § 2 and St.1983, c. 714, § 2, was repealed by St.1985, c. 200, § 8.

Section 417B of St.1980, c. 572, as added by St.1983, c. 714, § 5, and repealed by St.1985, c. 200, § 9, provided:

"In no instance shall a fee or charge set by the secretary of administration under the provisions of this section exceed the fee or charge in effect on the effective date of this section, unless it is reported to, and approved by a vote of a general court."

St.1983, c. 714, an emergency act, was approved Dec. 30, 1983.

Sections 1 and 3 of St.1983, c. 714, provided:

"Section 1. Notwithstanding the provisions of chapter 572 of the acts of 1980 or any other general or special law to the contrary, the commissioner of administration shall, not less than thirty days prior to setting any new fees and or charges, provide public notice of any increase in the fees to be charged by the commonwealth for each service of any kind performed by any state personnel or agency and shall consider any and all written comments received and shall conduct a public hearing on any proposed increase in said fees and/or charges.

"Section 3. Notwithstanding the provisions of said chapter 572, any subsequent increase made in accordance with the provisions of said chapter 572 in the amount charged for professional or occupational licensure, registration, regulation permit or other public function performed by state personnel shall not be applicable to any person 65 years of age or older on or after the effective date of this act."

St.1985, c. 200, was approved July 24, 1985, and by § 24 made effective as of June 30, 1985.

Section 15 of St.1985, c. 200, provides:

"Notwithstanding any other provisions of law to the contrary, the commissioner of administration shall not increase or reduce any existing fee or charge or establish any new fee or charge set pursuant to the provisions of section three B of chapter seven of the General Laws above or below the amount authorized for such fee or charge on December thirty-first, nineteen hundred and eighty-three, unless notice of such increase or decrease is filed with the clerks of the house and senate while the general court is in session and the general court has failed to pass a resolve disapproving such proposed action within the next thirty days after such filing."

Cross References

Physicians' posting of medicare assignment policy, see § 12Y of this chapter.

Law Review Commentaries

Hospital staff privileges and the group boycott rule. (1984) 25 Boston College L.Rev. 383.

Massachusetts medical malpractice law. Joseph L. Doherty (1984) 69 Mass.L.Rev. 30.

Notes of Decisions

Causation, malpractice 72.5
Compensable injury, malpractice 81.7
Confidentiality of patient records 21
Informed consent, malpractice 71.5
Medicare 22
National data reporting systems 23
Pleading, malpractice 73.5
Validity 1.5

I. IN GENERAL

1.5. Validity

This section making doctor's promise not to balance bill condition of obtaining license did not improperly deprive doctors of "liberty" to practice their profession without due process; there was nothing irrational about state's requiring doctor, entering profession, to promise to follow rules. Massachusetts Medical Soc. v. Dukakis, C.A.1 (Mass.) 1987, 815 F.2d 790, certiorari denied 108 S.Ct. 229, 484 U.S. 896, 98 L.Ed.2d 188.

This section forbidding "balance billing," process by which doctor bills patient for balance of

§ 2. Registration of physicians; alien applicants; examinations; renewal; fees

Applications for registration as qualified physicians, signed and sworn to by the applicants, shall be made upon blanks furnished by the board of registration in medicine, herein and in sections three to nine A, inclusive, called the board. Each applicant who shall furnish the board with satisfactory proof that he is eighteen years of age or over and of good moral character, that he has completed two years of premedical studies in a college or university, that he has attended courses of instruction for four years of not less than thirty-two school weeks in each year, or courses which in the opinion of the board are equivalent thereto, in one or more legally chartered medical schools, and that he has received the degree of doctor of medicine, or its equivalent, from a legally chartered medical school in the United States or commonwealth of Puerto Rico or Canada having the power to confer degrees in medicine, shall upon payment of a fee to be determined annually by the commissioner of administration under the provision of section three B of chapter seven, be examined, and, if found qualified by the board, be registered as a qualified physician and entitled to a certificate in testimony thereof, signed by the chairman and secretary. An applicant who has received from a medical school, legally chartered in a sovereign state other than the United States, the commonwealth of Puerto Rico or Canada, a degree of doctor of medicine or its equivalent shall be required to furnish to the board such documentary evidence as the board may require that his education is substantially the equivalent of that of graduates of medical schools in the United States and such other evidence as the board may require as to his qualifications to practice medicine, and shall, unless granted an exemption by the board, be required to present a Standard Certificate granted after examination by the Educational Council for Foreign Medical Graduates; provided, however, that an applicant who shall furnish the board with satisfactory proof that he is eighteen years of age or over and of good moral character, that he has completed two years of premedical studies in a college or university of the United States or Canada shall not be required to possess a certificate by the Educational Council for Foreign Medical Graduates and shall be admitted to the examination for licensure if he has studied medicine in a medical school outside the United States which is recognized by the World Health Organization, has completed all the formal requirements for the degree corresponding to doctor of medicine except internship and social service or internship or social service, has satisfactorily completed one academic year of supervised clinical training sponsored by an approved medical school in the United States or Canada, and has completed one year of graduate medical education in a program approved by the Liaison Committee on Graduate Medical Education of the American Medical Association. If the board shall be satisfied as to his education and his qualifications, the board shall, upon payment of a fee determined under the aforementioned provision by the applicant, admit him to the examination for licensure.

An applicant failing to pass an examination satisfactory to the board shall be entitled to two reexaminations within two years at a meeting of the board called for the examination of applicants upon payment of a further fee determined under the aforementioned provision for each reexamination; but two such reexaminations shall exhaust his privilege under his original application.

The board may without examination grant certificates of registration as qualified physicians to such graduates of medical schools: (1) who shall furnish with their applications satisfactory proof that they have the qualifications required in the commonwealth to entitle them to be examined and have been licensed or registered upon a written examination in another state whose standards, in the opinion of the board, are equivalent to those in the commonwealth, or (2) who are diplomates of specialty boards recognized by the American Medical Association or the American Osteopathic Association; provided that any person who has previously attempted unsuccessfully to secure registration in the commonwealth shall be registered under the provisions of this paragraph without examination only at the discretion of the board. The fee for such registration without examination shall be determined under the aforementioned provision.

Notwithstanding any other provisions of this chapter the board may without examination grant a certificate of registration as a qualified physician to such person as shall furnish with his application satisfactory evidence that he is: (1) a graduate of a Canadian medical school and is licensed by the Medical Council of Canada and by a provincial licensing authority; or (2) is licensed in the commonwealth of Puerto Rico or in the province of Saskatchewan in Canada upon obtaining a grade of seventy-five per cent or better in the federation licensing examination of the federation of state medical boards of the United States. Any person granted a certificate of registration under the provisions of this paragraph shall pay a fee determined under the aforementioned chapter seven provision.

The board shall require that all physicians registered in the commonwealth renew their certificates of registration with the board effective January the fifteenth, nineteen hundred and seventy-six and at two year intervals thereafter. The renewal application shall be accompanied by a fee determined under the aforementioned provision and shall include the physician's name, license number, home address, office address, his specialty or specialties, the principal setting of his practice, and whether he is an active or inactive practitioner.

The board shall mail a renewal application to each registered physician sixty days prior to the renewal date. The certification of registration of any physician who does not file a completed renewal application together with the fee shall be automatically revoked, but shall be revived upon completion of the renewal process. The expenses and compensation of the board of registration and discipline in medicine [1] shall be paid by the

commonwealth, but said expenses and compensations shall not be in excess of the amounts received by the commonwealth for certificates of renewal or any registration fees under this section.

Amended by St.1933, c. 171, § 1; St.1936, c. 247, §§ 1, 2; St.1938, c. 210; St.1939, c. 415, § 1; St.1939, c. 451, § 37; St.1941, c. 722, § 9; St.1945, c. 396, §§ 1, 2; St.1946, c. 365; St.1948, c. 28; St.1948, c. 413; St.1952, c. 585, § 21; St.1954, c. 519, § 1; St.1955, c. 622; St.1957, c. 329; St.1959, c. 344, § 1; St.1960, c. 177; St.1960, c. 367; St.1966, c. 299; St.1969, c. 426, §§ 1, 2; St.1970, c. 540; St.1971, c. 662; St.1972, c. 372; St.1973, c. 312; St.1973, c. 925, § 16; St.1974, c. 395; St.1974, c. 396; St.1974, c. 723, §§ 1 to 3; St.1975, c. 138; St.1975, c. 362, § 2; St.1979, c. 58, § 2; St.1980, c. 572, §§ 98 to 103.

[1] Probably should read "board of registration in medicine".

Expiration of St.1980, c. 572

St.1980, c. 572, § 417, as amended by St.1982, c. 602, § 2, provided:

"This act shall expire on December thirty-first, nineteen hundred and eighty-three."

Historical Note

St.1894, c. 458, §§ 4, 8.	St.1913, c. 346.	St.1919, c. 5.
St.1896, c. 230, §§ 1 to 3.	St.1915, c. 293.	St.1920, c. 2.
St.1897, c. 196.	St.1917, c. 55, § 1.	St.1922, c. 340, § 1.
St.1901, c. 467, § 2.	St.1918, c. 85, § 1.	St.1924, c. 239, § 3.
R.L.1902, c. 76, § 3.	St.1918, c. 257, § 285.	St.1931, c. 426, § 220.

As originally appearing in G.L.1932 (Ter. Ed.), this section read:

"Applications for registration as qualified physicians, signed and sworn to by the applicants, shall be made upon blanks furnished by the board of registration in medicine, herein and in sections three to twenty-three, inclusive, called the board. Each applicant, who shall furnish the board with satisfactory proof that he is twenty-one or over and of good moral character, that he possesses the educational qualifications required for graduation from a public high school, and that he has received the degree of doctor of medicine, or its equivalent, either from a legally chartered medical school having the power to confer degrees in medicine, which gives a full four years' course of instruction of not less than thirty-six weeks in each year, or from any legally chartered medical school having such power, if such applicant was, on March tenth, nineteen hundred and seventeen, a matriculant thereof, shall, upon payment of twenty-five dollars, be examined, and, if found qualified by the board, be registered as a qualified physician and entitled to a certificate in testimony thereof, signed by the chairman and secretary. An applicant failing to pass an examination satisfactory to the board shall be entitled within one year thereafter to a re-examination at a meeting of the board called for the examination of applicants, upon payment of a further fee of three dollars; but two such re-examinations shall exhaust his privilege under his original application. The board, after hearing, may revoke any certificate issued by it and cancel the registration of any physician convicted of a felony; or, after hearing, may revoke any certificate issued by it and cancel for a period not exceeding one year, the registration of any physician, who has been shown at such hearing to have been guilty of gross and confirmed use of alcohol in any of its forms while engaged in the practice of his profession, or of the use of narcotic drugs in any way other than for therapeutic purposes; or of abuse of the authority granted in section two hundred and nine A of chapter ninety-four; or of publishing or causing to be published, or of distributing or causing to be distributed, any literature contrary to section twenty-nine of chapter two hundred and seventy-

LICENSE RENEWAL SCHEDULE AND FEES
(For licensees current as of December 31, 1990)

If your birth month in 1991 is:	Your next license renewal date and fee will be:
Jan.	Jan. 1992 - **$115**
Feb.	Feb. 1992 - **$125**
Mar.	Mar. 1992 - **$134**
Apr.	Apr. 1992 - **$144**
May	May 1992 - **$153**
Jun.	Jun. 1992 - **$163**
Jul.	Jul. 1991 - **$58**
Aug.	Aug. 1991 - **$67**
Sep.	Sep. 1991 - **$77**
Oct.	Oct. 1991 - **$86**
Nov.	Nov. 1991 - **$96**
Dec.	Dec. 1991 **$105**

NOTE: The 1991 license renewal fee of $115 is due in January 1991. The dates and fees in the above chart cover the license renewal cycle transition occurring over 1991-92. All licensees will have started their first birth month license renewal cycle by June 1992. The second and subsequent license renewals on the birth month renewal cycle will have the fee required under Minnesota Rule, Part 5600.2500 Item E.

LICENSE RENEWAL/FEE SCHEDULE FOR INDIVIDUALS
REACTIVATING THEIR LICENSE IN 1991

Your Birthmonth is:	Month of License reactivation in 1991											
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
JAN	1992	1992	1992	1992	1992	1992	1992	1993	1993	1993	1993	1993
	$115	$105	$96	$86	$77	$67	$58	$163	$153	$144	$134	$125
FEB	1992	1992	1992	1992	1992	1992	1992	1992	1993	1993	1993	1993
	$125	$115	$105	$96	$86	$77	$67	$58	$163	$153	$144	$134
MAR	1992	1992	1992	1992	1992	1992	1992	1992	1992	1993	1993	1993
	$134	$125	$115	$105	$96	$86	$77	$67	$58	$163	$153	$144
APR	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992	1993	1993
	$144	$134	$125	$115	$105	$96	$86	$77	$67	$58	$163	$153
MAY	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992	1993
	$153	$144	$134	$125	$115	$105	$96	$86	$77	$67	$58	$163
JUNE	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992
	$163	$153	$144	$134	$125	$115	$105	$96	$86	$77	$67	$58
JULY	1991	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992
	$58	$163	$153	$144	$134	$125	$115	$105	$96	$86	$77	$67
AUG	1991	1991	1992	1992	1992	1992	1992	1992	1992	1992	1992	1992
	$67	$58	$163	$153	$144	$134	$125	$115	$105	$96	$86	$77
SEPT	1991	1991	1991	1992	1992	1992	1992	1992	1992	1992	1992	1992
	$77	$67	$58	$163	$153	$144	$134	$125	$115	$105	$96	$86
OCT	1991	1991	1991	1991	1992	1992	1992	1992	1992	1992	1992	1992
	$86	$77	$67	$58	$163	$153	$144	$134	$125	$115	$105	$96
NOV	1991	1991	1991	1991	1991	1992	1992	1992	1992	1992	1992	1992
	$96	$86	$77	$67	$58	$163	$153	$144	$134	$125	$115	$105
DEC	1991	1991	1991	1991	1991	1991	1992	1992	1992	1992	1992	1992
	$105	$96	$86	$77	$67	$58	$163	$153	$144	$134	$125	$115

To use this chart, find your month of license reactivation 1991 at the top of the chart. Then look to the left side of the chart for your birth month. Intersect the column containing month of license reactivation with the column of the birth month. The square where the two columns meet contains the year of next license renewal (on the birth month) and the renewal fee owed pursuant Minn. Rule pt. 5600.0605. Examples: a licensee with a birth month of March initially licensed in November 1991 will have a fee of $153 to be paid on March 1993. The fees indicated are pursuant the amount under Minnesota Rule pt. 5600.2500.

LICENSE RENEWAL/FEE SCHEDULE FOR INDIVIDUALS INITIALLY LICENSED IN 1991

Your Birthmonth is:	Initial Licensure in 1991					
	JAN	MAR	MAY	JULY	SEPT	NOV
JAN	1992 $115	1992 $96	1992 $77	1992 $58	1993 $153	1993 $134
FEB	1992 $125	1992 $105	1992 $86	1992 $67	1993 $163	1993 $144
MAR	1992 $134	1992 $115	1992 $96	1992 $77	1992 $58	1993 $153
APR	1992 $144	1992 $125	1992 $105	1992 $86	1992 $67	1993 $163
MAY	1992 $153	1992 $134	1992 $115	1992 $96	1992 $77	1992 $58
JUNE	1992 $163	1992 $144	1992 $125	1992 $105	1992 $86	1992 $67
JULY	1991 $58	1992 $153	1992 $134	1992 $115	1992 $96	1992 $77
AUG	1991 $67	1992 $163	1992 $144	1992 $125	1992 $105	1992 $86
SEPT	1991 $77	1991 $58	1992 $153	1992 $134	1992 $115	1992 $96
OCT	1991 $86	1991 $67	1992 $163	1992 $144	1992 $125	1992 $105
NOV	1991 $96	1991 $77	1991 $58	1992 $153	1992 $134	1992 $115
DEC	1991 $105	1991 $86	1991 $67	1992 $163	1992 $144	1992 $125

To use this chart, find your month of initial licensure in 1991 at the top of the chart. Then look to the left side of the chart for your birth month. Intersect the column containing month initially licensed with the column of the birth month. The square where the two columns meet contains the year of next license renewal (on the birth month) and the renewal fee owed pursuant Minn. Rule pt. 5600.0605. Example: a licensee with a birth month of August initially licensed in May 1991 will have a fee of $144 to be paid on August 1992. The fees indicated are pursuant the amount under Minnesota Rule pt. 5600.2500.

chapter unless the violation is declared by any law to be a felony or gross misdemeanor, or the violation is declared by a section of this chapter to be a misdemeanor.

History: *1984 c 622 s 18*

171.245 [Repealed, 1978 c 727 s 11]

171.25 ENFORCEMENT.

The commissioner shall be charged with the responsibility for the administration and execution of this chapter.

Any duties required of or powers conferred on the commissioner under the provisions of this chapter may be done and performed or exercised by any of duly authorized agents.

History: *(2720-145k, 2720-146) 1939 c 401 s 26,27; 1986 c 444*

171.26 MONEY CREDITED TO TRUNK HIGHWAY FUND AND TO GENERAL FUND.

All money received under the provisions of this chapter shall be paid into the state treasury with 90 percent of such money credited to the trunk highway fund, and ten percent credited to the general fund, except as provided in section 171.29, subdivision 2.

History: *(2720-146a) 1939 c 401 s 28; 1943 c 610 s 4; 1947 c 607 s 1; 1971 c 644 s 14; 1976 c 163 s 37; 1983 c 293 s 70*

171.27 EXPIRATION OF LICENSES.

The expiration date for each driver's license, other than provisional licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

The expiration date for each provisional license shall be the 19th birthday of the licensee. Upon the provisional licensee attaining the age of 19 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued if the commissioner deems the record of the provisional licensee to be satisfactory.

Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

History: *(2720-146b) 1939 c 401 s 29; 1943 c 610 s 1; 1947 c 479 s 3; 1951 c 29 s 1; 1957 c 564 s 6; 1971 c 846 s 2; 1973 c 698 s 7; 1973 c 725 s 24; 1985 c 145 s 1; 1986 c 454 s 25*

171.28 CITATION, DRIVERS' LICENSE LAW.

Sections 171.01 to 171.28 may be cited as the drivers' license law.

History: *1939 c 401 s 30*

171.29 REVOKED LICENSES; EXAMINATION FOR NEW LICENSES.

Subdivision 1. No person whose drivers license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 171.17 or

65B.67, or revoked un
until that person shall h
license.

Subd. 2. (a) A p
subdivision 1, except u
person's drivers license

(b) A person whos
1 under section 169.12
license is reinstated to

(1) 25 percent shal

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169.123 may not be issu
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of section 168.041.

History: *1959 c 515*
1986 c 330 s 3; 1986 c 4
1988 c 684 art 1 s 19

NOTE: Subdivision 2, as a
Laws 1988, chapter 684, article 1,

171.30 LIMITED LIC

Subdivision 1. Issu
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CHAPTER 146

HEALING ARTS, REGISTRATION

146.01 Definition; practicing healing and practice of healing.
146.13 Registration fees.
146.14 Lists of persons registered.
146.15 Discrimination against systems of healing.
146.18 Practicing without registering, or displaying certificate.
146.19 Other offenses; penalty.
146.20 Failure to certify lists of registered persons; penalty.

146.01 DEFINITION; PRACTICING HEALING AND PRACTICE OF HEALING.

The term "practicing healing" or "practice of healing" shall mean and include any person who shall in any manner for any fee, gift, compensation, or reward, or in expectation thereof, engage in, or hold out to the public as being engaged in, the practice of medicine or surgery, the practice of osteopathy, the practice of chiropractic, the practice of any legalized method of healing, or the diagnosis, analysis, treatment, correction, or cure of any disease, injury, defect, deformity, infirmity, ailment, or affliction of human beings, or any condition or conditions incident to pregnancy or childbirth, or examination into the fact, condition, or cause of human health or disease, or who shall, for any fee, gift, compensation, or reward, or in expectation thereof, suggest, recommend, or prescribe any medicine or any form of treatment, correction, or cure thereof; also any person, or persons, individually or collectively, who maintains an office for the reception, examination, diagnosis, or treatment of any person for any disease, injury, defect, deformity, or infirmity of body or mind, or who attaches the title of doctor, physician, surgeon, specialist, M.D., M.B., D.O., D.C., or any other word, abbreviation, or title to the person's name indicating, or designed to indicate, that the person is engaged in the practice of healing.

History: *(5705-1) 1927 c 149 s 1; 1971 c 410 s 1; 1974 c 224 s 2; 1986 c 444*

146.02 [Repealed, 1974 c 224 s 6]
146.03 [Repealed, 1974 c 224 s 6]
146.04 [Repealed, 1974 c 224 s 6]
146.05 [Repealed, 1974 c 224 s 6]
146.06 [Repealed, 1974 c 224 s 6]
146.07 [Repealed, 1974 c 224 s 6]
146.08 [Repealed, 1974 c 224 s 6]
146.09 [Repealed, 1974 c 224 s 6]
146.10 [Repealed, 1974 c 224 s 6]
146.11 [Repealed, 1974 c 224 s 6]
146.12 [Repealed, 1974 c 224 s 6]

146.13 REGISTRATION FEES.

Every person not hereinafter excepted from the provisions of this chapter authorized to practice healing in this state shall, in the month of January ~~each year~~, register with the director of the particular board of examiners which examined and registered or licensed the person to practice that branch or system of healing pursued; and shall, at that time, for the purpose of making such registration, sign and send to such director in writing the following: name, the name of the place, and the address, at which the practice of healing is engaged in, and pay to the director each year a fee in an amount to be fixed by rule of the respective board of examiners. Any person who shall change the address or place of practice during the year shall forthwith notify such director in writing of such change, giving such new address or place. The director of each board of examiners shall keep a proper register of all such persons and to each person so

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History: *(5705-
1975 c 233 s 1; 198*

146.14 LISTS OF

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History: *(5705-
1987 c 309 s 24*

146.15 DISCRIMI

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History: *(5705-*

146.16 [Repealed
146.17 [Repealed

146.18 PRACTICI CATE.

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or.

History: *(5705-1*

registering the proper board shall issue a certificate for the current year, signed by the president and the director and sealed with the seal of such board, setting forth name, the name of the place and the address at which the practice of healing is engaged in, and the branch or system of healing pursued. Any person not hereinafter excepted from the provisions of this chapter lawfully entitled to engage in the practice of healing in this state after the month of January in any year, and who shall not be registered as provided in this section, shall, within 30 days after first so engaging in the practice of healing, register with the proper examining board in the manner provided in this chapter, pay to the director of such board the fee above required, and received from such board a certificate as above prescribed for the balance of such year. Every person receiving a certificate, as herein provided, shall display the same in a conspicuous place in the office or other corresponding place where the practice of healing is pursued.

All fees received by the director of any examining board for registration required by this section shall be paid to the general fund. The expenses of keeping proper registers, furnishing the certificates herein provided for, employing inspectors for procuring evidence of any violation of the laws administered thereby and aiding in the enforcement of such laws, and for such other expenses as may be necessarily paid or incurred in the exercise of its powers or performance of its duties, shall be paid from the appropriation made to the examining board.

History: *(5705-13) 1927 c 149 s 13; 1955 c 365 s 1; 1959 c 345 s 1; 1967 c 111 s 1; 1975 c 233 s 1; 1985 c 247 s 24; 1986 c 444*

146.14 LISTS OF PERSONS REGISTERED.

On or before the first day of March in each year, the secretaries of the several examining boards shall certify to the state commissioner of health, under the hand of the president and secretary and the seal of the particular examining board, a list of all persons registered with the board for the current year. The secretary of each of the several examining boards of this state shall, within 60 days after any examination conducted by the examining board, certify in writing to the state commissioner of health, in the manner prescribed, a list of all persons admitted or licensed by the board to practice healing in this state and whose names have not been previously so certified to the state commissioner of health in the then current year. Within 30 days after receiving from the secretaries of the several examining boards any of the lists of persons lawfully engaged in the practice of healing in this state, as by this section provided, the state commissioner of health shall cause such lists to be printed and a copy thereof to be sent to each agent of a board of health as authorized under section 145A.04 and each sheriff and county attorney in the state.

History: *(5705-14) 1927 c 149 s 14; 1973 c 123 art 5 s 7; 1977 c 305 s 45; 1986 c 444; 1987 c 309 s 24*

146.15 DISCRIMINATION AGAINST SYSTEMS OF HEALING.

The several boards or other officers whose duty it shall be to administer or carry into effect the provisions of this chapter shall, while exercising such authority, in no manner discriminate against any system or branch of healing.

History: *(5705-15) 1927 c 149 s 15; 1974 c 224 s 3*

146.16 [Repealed, 1974 c 224 s 6; 1976 c 2 s 167]

146.17 [Repealed, 1974 c 224 s 6]

146.18 PRACTICING WITHOUT REGISTERING, OR DISPLAYING CERTIFICATE.

Any person who shall practice healing or attempt to practice healing in this state without having registered with the examining board in the system or branch of healing pursued, as herein provided, or without displaying a certificate of annual registration with the proper board of examiners, as herein provided, shall be guilty of a misdemeanor.

History: *(5705-18) 1927 c 149 s 18; 1974 c 224 s 4; 1986 c 444*

146.19 OTHER OFFENSES; PENALTY.

Any person implicated in employing fraud or deception in registering annually under this chapter shall be guilty of a gross misdemeanor.

History: *(5705-19) 1927 c 149 s 19; 1955 c 868 s 1; 1971 c 410 s 7; 1974 c 224 s 5*

146.20 FAILURE TO CERTIFY LISTS OF REGISTERED PERSONS; PENALTY.

Any secretary of any examining board who shall fail to certify to the state commissioner of health the lists of persons registered with that examining board as and within the time by this chapter required, shall be guilty of a misdemeanor.

History: *(5705-20) 1927 c 149 s 20; 1977 c 305 s 45; 1986 c 444*

146.21 [Repealed, 1974 c 224 s 6]

146.22 [Repealed, 1974 c 224 s 6]

PHYSIC

147.01 Board of medic
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147.025 Evidence of pas
147.03 Licensure by en
147.031 Examinations a osteopaths.
147.035 Malpractice his
147.037 Licensing of for graduates.
147.04 Retaliatory pro
147.081 Practicing witho
147.09 Exemptions.
147.091 Grounds for dis
147.111 Reporting oblig
147.121 Immunity.
147.131 Physician coope
147.141 Forms of discip
147.151 Disciplinary rec
147.161 Physician accou
147.162 Medical care fa

147.01 BOARD C

Subdivision 1. residents of the sta must hold a degree this chapter. One b be licensed to prac 148.16; prior to M Three board memb the public member tion. A member m consecutively. Mer the filling of memb provided in section and office space; th other provisions re 1976, chapter 222,

Subd. 2. Rec doctor of medicine of medicine or publ association, the me and organizations members qualified osteopathy, or with the Minnesota oste doctors of osteopa members to the bo qualified candidate

Subd. 3. Boar president, a vice-pr or until a successor rules as may be four of the board shall h testimony as to mat shall constitute a q common seal, whic

Stat Auth. 146.13 Registration Fees

Every person not hereinafter exempted from the provisions of this chapter authorized to practice healing in this state shall annually register...

147.01 subd 3 Board Administration

The board shall elect from its among its number a president, a vice-president ... The board shall have authority to adopt rules as may be found necessary to carry out purposes of this chapter.

214.06 subd 2

Notwithstanding any law to the contrary, each health-related and non health-related licensing board shall promulgate rules providing for the renewal licenses

180 deadline

amendments and new statutory authority indicates shall ~~may~~ and mandatory - I don't consider this all new material

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - LICENSING

STATE OF MINNESOTA

Office Memorandum

DATE : December 5, 1990

TO : PATRICIA NOLTE
Legal Assistant

FROM : JOHN A. BREVIU
Assistant Attorney General

PHONE : 297-2040

SUBJECT : In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Medical Examiners Relating to Licensing

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1990) and Minn. Rules pt. 2010.0300 (1989), are the following documents to support the above-referenced rules:

1. Notice Of Solicitation Of Outside Information;
2. Certificate Of Board's Authorizing Resolution;
3. Rules as proposed with a certificate of approval as to form by the Revisor of Statutes attached;
4. Notice Of Intent To Adopt Rules Without A Public Hearing (as mailed);
5. Statement Of Need And Reasonableness (as submitted to LCAR);
6. Affidavit Of Mailing The Notice Of Intent To Adopt Rules Without A Public Hearing;
7. Notice Of Intent To Adopt Rules Without A Public Hearing (as published in the State Register);
8. Rules as adopted (original and three copies);
9. Certificate Of Board's Resolution Adopting Rules;
10. Findings Of Fact, Conclusions, And Order Adopting Rules Without A Public Hearing;
11. Declaration Of Counsel.

JAB:lb
Enclosures
cc: Bill Marzewski

or spouse must complete the following tasks within 30 days of the financial interview or other authorized request:

A. complete and sign a financial information or authorization form;

B. apply for insurance or other benefits for which an applicant, resident, or spouse of an applicant or resident may be eligible;

C. complete assignment of benefits forms required by third-party payers;

D. sign authorizations for release of medical records; and

E. provide verification of information given on financial disclosure forms.

~~Failure to comply with items A to E results in a determination that the applicant or resident can pay the full cost of care.~~ Providing false information relating to items A to E results in disqualification of an application for admission or in discharge of a resident under part 9050.0200 [Emergency], item E. The maintenance charge must be redetermined or the application for admission must be reinstated or the discharge proceeding discontinued if the applicant, resident, or spouse takes the required action.

Official Notices

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

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

Board of Animal Health

Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Friday, December 15, 1989 at the Board offices at 9:30 a.m. The Board offices are located at 90 W. Plato Blvd., St. Paul, MN 55107.

Information about this meeting may be obtained by calling the Board offices at 612-296-5000.

Dated: 3 November 1989

Eugene H. Kirchoff
Accounting Supervisor

Minnesota State Arts Board

Notice of Board Meeting

A meeting of the Minnesota State Arts Board will take place at 9:30 a.m. on Thursday, November 16, 1989 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect.

Agenda items will include reports on future folk arts programming initiatives, board and staff attendance at the annual meeting of the National Assembly of State Arts Agencies, and review of September Career Opportunity Grant awards.

For more information on this meeting or other programs, contact the Arts Board at 432 Summit Avenue, Saint Paul, MN 55102.

Board of Medical Examiners

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Relating to Licensing and Examinations

NOTICE IS HEREBY GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") is seeking information or opinions from sources outside the Board in preparing to propose the adoption of the rules relating to Licensing and Examination. The adoption of the rules is authorized by *Minnesota Statutes* § 147.01, Subdivision 3, which permits the Board to adopt rules as may be necessary to carry out the purposes of Chapter 147.

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

H. Leonard Boche, Executive Director
Minnesota Board of Medical Examiners
2700 University Ave. W., #106
St. Paul, MN 55114-1080

Oral statements will be received during regular business hours over the telephone at 612-642-0538 and in person at the above address.

All statements of information and opinions shall be accepted until December 1, 1990. Any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rules are adopted.

Dated: 2 November 1989

H. Leonard Boche
Executive Director

Department of Public Safety

Driver and Vehicle Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing License Revocation for Alcohol and Controlled Substance Related Incidents

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the amendments to the rules governing license revocation for alcohol and controlled substance related incidents.

The adoption of the rules is authorized by *Minnesota Statutes*, sections 169.128 and 171.165, subdivision 5. Section 169.128 permits the agency to adopt rules governing chemical tests for intoxication and drivers under the influence of alcohol or controlled substance. Section 171.165, subdivision 5, requires the agency to adopt rules to administer the disqualification of commercial vehicle drivers and the issuance of class C licenses to those disqualified drivers so eligible.

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

Katherine Burke Moore
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 297-5755 and in person at the above address.

Any written material received by the State Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendments are adopted.

Paul J. Tschida, Commissioner
Department of Public Safety

Another related Public Safety OFFICIAL NOTICE appears on page 1190.

Regional Transit Board

Public Hearing on Metro Mobility

The Regional Transit Board will hold a public hearing on Monday, December 4, 1989 at 4:00 p.m. on the 1st floor Mears Park Centre, 230 E. 5th Street, St. Paul, MN 55101 on the provision of Metro Mobility services. This hearing is held pursuant to *Minnesota Statute* 473.386 section d. Interested persons are encouraged to attend this hearing and offer public comment. Please call Mary Fitzgerald, board secretary, if you wish to speak at the public hearing or if you need an interpreter. You may also sign up at the hearing. The Regional Transit Board offices are located on the 7th floor of Mears Park Centre, 230 E. 5th Street, St. Paul, MN. 55101, telephone: 292-8789.

Michael Ehrlichmann
Chairman

CERTIFICATE OF THE

MINNESOTA BOARD OF

MEDICAL EXAMINERS

AUTHORIZING RESOLUTION

I, Stephen P. Kelley, J.D., do hereby certify that I am a member and the president of the Minnesota Board of Medical Examiners (hereinafter "Board"), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 21st day of January, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified:

RESOLVED, that H. Leonard Boche, Executive Director of the Board, is hereby granted the authority and directed to sign and give the Notice of the Board's Intent to Adopt a Rule Amendment Without a Public Hearing governing administrative procedures, i.e., Flex exam, prorating annual registration fees, and timing of reports of Continuing Medical Education, to all persons who have registered their names with the Board for that purpose, to publish the notice and rule amendment in the State Register, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of January, 1989.

Stephen P. Kelley

STEPHEN P. KELLEY, J.D.
President

Attest by one other Board Member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the
Proposed Adoption of
Rules of the Board of
Medical Examiners Relating
to Licensing

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

William R. Marczewski, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a, and 14.22 or 14.30, that their names be placed on the Board of Medical Examiners rulemaking mailing list is accurate, complete, and current as of this 21st day of September, 1990.

That on the 21st day of September 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

William R. Marczewski
Medical Regulations Analyst

Subscribed and sworn to before me this

21st day of September, 19 90

Notary Public

RULES MAILING LIST

AUDIOLOGY

Minnesota Speech, Language & Hearing Association
Attn: Francis Laven, Exec. Secry.
P.O. Box 26115
St. Louis Park, MN 55426

HMO's (Listed according to size, (1) largest)

Physicians Health Plan
Mr. Richard Burke, Exec. Director
Opus Center
9900 Bren Road E
Minnetonka, MN 55343

MedCenters Health Plan
David Jensen, Exec. Officer
4951 Excelsior Boulevard
St. Louis Park, MN 55416

Group Health Plan, Inc.
2829 University Ave. S.E.
Minneapolis, MN 55414

SHARE Health Plan
Brian Kovalchuck,
Chief Operating Officer
3600 W. 80th St.
Bloomington, MN 55431

HMO Minnesota
Ms. Mary Brainerd,
Chief Operating Officer
3535 Blue Cross Road
P.O. Box 43179
St. Paul, MN 55164

GroupCare, Inc.
Mr. Leonard Schaeffer, Pres.
2829 University Ave. S.E.
Minneapolis, MN 55414

Coordinated Health Care, Inc.
Ms. Ingrid Sundgaard, Exec. Dir.
17 West Exchange St.
Suite 220
St. Paul, MN 55102

MORE HMO Plan
Mr. Lou Pizer, Exec. Director
307 First Street North
Virginia, MN 55792

Senior Health Plan
George Halvorson, Pres.
315 Iris Park Place
1885 University Avenue
St. Paul, MN 55104

Central Minnesota Group Health Plan
Patrick Lalley, M.D.
Acting Executive Director
1411 South Germain St.
St. Cloud, MN 56301

HOSPITAL ADMINISTRATORS ASSOCIATION

Steve Rogness, Pres.,
Chief Executive Officer
Minnesota Hospital Association
2221 University Avenue SE
Minneapolis, MN 55414

PREFERRED PROVIDERS

Family Health Plan
4620 West 77th St.
Edina, MN 55435

Family Health Plan Trust
2817 St. Anthony Blvd.
St. Anthony, MN 55418

Preferred One
1000 Amhoist Tower
St. Paul, MN 55102

NURSES

Minnesota Association of
Nurse Anesthetists
2353 Rice Street North
St. Paul, MN 55113

Minnesota League for Nursing
2353 North Rice St.-Suite 220
St. Paul, MN 55113

Minnesota LPN Association
1700 West Highway 36, Suite 533
St. Paul, MN 55113

Minnesota Nurses Association
1821 University Avenue
Suite N-377
St. Paul, MN 55104

American College of Nurse-Midwives
1522 K St. NW
Suite 1120
Washington, DC 20005

National Board of Pediatric Nurse
Practitioners and Associates
414 Hungerford Drive
Suite 310
Rockville, MD 20850

P.T.s

MPTA
2353 Rice St., Suite 220
Roseville, MN 55113

PHARMACISTS

MSPHA
2221 University Ave. SE
Room 326
Minneapolis, MN 55414

PSYCHOLOGISTS

Minnesota Psychological Association
55 Sherburne Ave., Suite G-2
St. Paul, MN 55103

PHYSICIAN ASSISTANT

National Commission on Certification
of Physician Assistants, Inc.
3384 Peachtree Road, NE
Suite 560
Atlanta, Ga. 30326

RESPIRATORY CARE

Minnesota Society of Respiratory
Care
The American Lung Association
of Hennepin County
1829 Portland Avenue
St. Paul, MN 55404

SOCIAL SERVICE

Minnesota Social Service Assn.
614 Portland Avenue
St. Paul, MN 55102

MEDICAL ASSOCIATIONS

Minnesota Medical Association
2221 University Avenue S.E.
Minneapolis, MN 55414

Hennepin County Medical Society
2221 University Ave. S.E.
Minneapolis, MN 55414

Ramsey County Medical Society
Suite 215, Lowry Medical Arts Bldg.
350 St. Peter St.
St. Paul, MN 55102

Zumbro Valley Medical Society
200 1st St. S.W.
Rochester, MN 55905

CERTIFICATE OF THE
MINNESOTA BOARD OF MEDICAL EXAMINERS

RESOLUTION ADOPTING RULES

I, Mary Hartmann, do hereby certify that I am a member and the Vice President of the Minnesota Board of Medical Examiners (hereinafter "Board"), a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board, duly and properly called and held on the 17th day of November, 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 the rules relating to Licensing are approved and adopted pursuant to authority vested in the Board by Minn. Stat. §§ 147.01, Subd. 3. (1990) and 214.06 (1987). H. Leonard Boche, Executive Director of the Board, is authorized to sign the findings of fact, conclusions and order adopting the rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the Attorney General and to perform the necessary acts to provide that the rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of November, 1990.

Mary Hartmann
Vice President

Attest by one other Board member

to live electric circuits (i.e., truck drivers, painters, etc.) may be as short as one-half hour. The rule is effective December 4, 1990 with the exception of the training provisions which take effect August 6, 1991. The August 6, 1990, notice also amends provisions in other general industrial standards so that those referring to the 1971 National Electrical Code now refer to the electrical standards; existing electrical work-practice requirements from other parts of the general industry standards are amended so that all general practices will be covered in the electrical safety standards; and an existing provision relating to construction is removed from the general industry standards.

By this notice, Minnesota OSHA proposes to adopt new Subpart S, parts 1910.331 to 1910.335 and the amendments to 1910.26, 1910.67, 1910.68, 1910.94, 1910.103, 1910.106, 1919.110, 1910.178, 1910.179, 1910.180, 1910.181, 1910.252, 1910.261, 1910.265, 1910.266, 1910.304, and 1910.399. The effective dates for the new standard and amended provisions of existing standards will be identical to Federal OSHA's dates—the standard will be effective December 4, 1990 with the exception of training provisions which will take effect August 6, 1991.

F) "Occupational Exposure to Asbestos (1910.1001 to 1926.58): Approval of Collection of Information Requirements." On June 20, 1988, Federal OSHA published revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry (1910.1001) and construction (1926.58). In these standards, OSHA reduced the 8-hour time-weighted average (TW) permissible exposure limit (PEL) to 0.2f/cc, and established other protective provisions. On February 2, 1988, the Court of Appeals for the District of Columbia upheld most aspects of the standard but remanded the case to OSHA on several issues. OSHA published a response on certain remand issues on February 5, 1990, including requiring employers to make smoking control program material available. At the same time, OSHA submitted the paperwork provisions in these requirements to the Office of Management and Budget (OMB) for clearance. OMB reviewed the collection of information requirements in the expanded asbestos standard in accordance with the Paperwork Reduction Act of 1980 and, on May 2, 1990, approved those provisions for three years, the maximum period authorized by the Paperwork Reduction Act. All information requirements contained in 1910.1001(j)(5)(iv)(C) and 1926.58(k)(4)(iii) have received OMB paperwork clearance.

Minnesota OSHA adopted the expanded asbestos standard (remand issues) on July 16, 1990. By this notice, Minnesota OSHA proposes to adopt the approved information requirements contained in 1910.1001(j)(5)(iv)(C) and 1926.58(k)(4)(iii) as published in the *Federal Register* on August 24, 1990.

Board of Medical Examiners

Proposed Permanent Rules Relating to Licensing

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The statutory authority to adopt the rules is *Minnesota Statutes* §§ 146.13 (1989), 147.01, subd. 3 (1990) and 214.06, subd. 2 (1985).

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

Any person may make a written request for a public hearing on the rules 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 rules 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:

H. Leonard Boche
Minnesota Board of Medical Examiners
2700 University Avenue W., Suite 106
St. Paul, MN 55114
(612) 642-0528

The proposed rules 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 rules as noticed.

A copy of the proposed rules is attached to this notice.

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

Pursuant to *Minnesota Statutes* § 14.115 the Board's Statement of Need and Reasonableness addresses the effect these rules may have on small businesses.

If no hearing is required, upon adoption of the rules, the rules 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 rules must submit the written request to H. Leonard Boche.

Dated: 7 September 1990

H. Leonard Boche
Executive Director

Rules as Proposed

5605.0200 LICENSEE CLASSES.

Subpart 1. **Establishment.** For the purpose of administering this chapter, each individual initially licensed on or after June 4, 1984, commences his or her first three-year cycle on January 1 following the date of initial licensure. After January 1, 1991, the cycle of an individual starting a new three-year cycle will start on the first day of the individual's month of birth. The first three-year cycle of an individual initially licensed after January 1, 1991, will start on the first day of the individual's month of birth. Future cycles will run consecutively from that point. After January 1, 1991, continuing medical education taken between the expiration date of an individual's three-year cycle and the first day of the individual's birth month starting a new three-year cycle may be credited towards this first new three-year cycle. Continuing medical education taken between the date of initial licensure and the ~~January~~ + first day of the individual's month of birth following the date of initial licensure may be credited towards the first cycle after January 1, 1991.

Those individuals assigned three-year reporting prior to June 4, 1984 shall remain in their assigned reporting cycle.

Rules as Proposed (all new material)

5600.0605 LICENSE RENEWAL PROCEDURES

Subpart 1. **License renewal cycle conversion.** This part converts the license renewal cycle for physicians from an annual cycle that begins on January 1 of each year to an annual cycle that begins with the last day of the licensee's month of birth. The conversion of the renewal cycle begins January 1, 1991. Subparts 2 to 12 contain license renewal procedures for licensees who were licensed before the effective date of this part. Under the conversion requirements of subpart 2 or 3, the license period following license renewal is from six to 17 months ending the last day of the licensee's month of birth.

Subp. 2. **Conversion of license renewal cycle for current licenses.** After January 1, 1991, for a licensee whose license is current as of December 31, 1990, the licensee's first renewal cycle begins on January 1, 1991, and ends on the last day of the licensee's month of birth. However, if the licensee's month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 1992.

Subp. 3. **Conversion of license renewal cycle for noncurrent licenses.** This subpart applies to a person who was licensed before the effective date of this part, but whose license is not current as of December 31, 1990. When the licensee renews the license after the effective date of this part, the renewal period begins with the date the licensee applies for renewal and ends with the last day of the licensee's month of birth. However, if the last day of the month of birth is less than six months after the date the license is renewed, then the renewal period ends on the last day of the licensee's month of birth in the next year after the year in which the renewal period began.

Subp. 4. **Subsequent renewal cycles.** After the licensee's renewal during the conversion period under subpart 2 or 3, the subsequent renewal cycles shall be annual cycles that begin on the last day of the month of the licensee's birth.

Subp. 5. **Service.** The licensee must maintain a correct mailing address with the board for receiving board communications, notices, and licensure renewal documents. Placing the license renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service. Failure to receive the renewal documents does not relieve a license holder of the obligation to comply with this part.

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. 6. **Late submission.** A license renewal application and annual license fee received in the board office after the last day of the month in which the licensee's license expires shall not be processed and shall be returned to the licensee for payment of the late fee indicated in part 5600.2500, item K.

Subp. 7. **Incomplete application; notice.** If a licensee submits an application form or annual license fee that is incomplete, incorrect, or not in compliance with this part, the board shall notify the licensee of the deficiency within 30 calendar days after the board receives the licensee's application and shall give the licensee instructions for completing or correcting the application. The board will nullify a license renewal if the correction required in the board notice is not made within 30 days after the licensee receives the notice.

Subp. 8. **Removal of name from list.** The names of licensees who do not return a complete license renewal application, the annual license fee, or the late application fee within the time period listed in subpart 7, shall be removed from the list of individuals authorized to practice medicine and surgery during the current renewal period. Upon reinstatement of licensure, the licensee's name will be placed on the list of individuals authorized to practice medicine and surgery.

Subp. 9. **Conversion period and fees.** A licensee who holds a license issued before the effective date of this part, and who renews that license during the conversion period under subpart 2 or 3, shall pay the required license fees according to items A to E.

A. Licensees will be charged the full annual license fee listed in part 5600.2500, item E, for the licensure renewal occurring at the start of the conversion period.

B. For licensees whose conversion period was six to 11 months, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the licensee's conversion period, up to 11 months, at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar.

C. For licensees whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. They will be charged the annual license fee listed in part 5600.2500, item E.

D. For licensees whose conversion period was between 13 and 17 months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of licensure months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar. The difference calculated is added to the full fee charged.

E. The second license renewal made after the conversion period and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

Subp. 10. **Change of name and address.** A licensee shall notify the board in writing within 30 days of any change in name or address. If the licensee is changing his or her name only, the licensee must request a revised licensure certificate. The licensee shall return the current certificate to the board. If an address change is requested, no request for a revised licensure certificate is required. If the licensee's current license certificate has been lost, stolen, or destroyed, the licensee shall provide a written explanation of the situation.

The board may require the licensee to substantiate the name change by submitting official documentation from a court of law or agency authorized under law to receive and officially record a name change.

5600.0610 INITIAL LICENSE PROCEDURES.

Subpart 1. **Applicability to persons initially licensed.** Subparts 2 and 3 contain licensing procedures for persons who are initially licensed by the board after the effective date of this part.

Subp. 2. **Initial license.** An individual who is initially licensed by the board after the effective date of this part shall pay the physician application and annual license fees listed in part 5600.2500, items D and E.

Effective January 1, 1991, the initial license period begins with the date the person becomes licensed and ends the last day of the licensee's month of birth. However, if the last day of the individual's month of birth is less than six months after the individual becomes licensed, then the initial license period ends on the last day of the individual's month of birth in the next year after the initial license period began. After the initial license period, subsequent renewal periods shall be annual periods that begin on the last day of the month of the licensee's birth.

Subp. 3. **Conversion period and fees.** Individuals initially licensed by the board after the effective date of this part will have a conversion period according to items A to E.

A. An individual will be assigned a conversion period of at least six months and no more than 17 months, ending on the last day of the individual's month of birth.

B. The full physician application fee and physician annual license fee found in part 5600.2500, items D and E, will be charged to the individual at the start of the conversion period.

C. For an individual whose conversion period was 11 months or less, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the license fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the individual's conversion period, up to 11 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount.

D. For an individual whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. The individual will be charged the full annual license fee listed in part 5600.2500, item E.

E. For an individual whose conversion period was between 13 and 17 full calendar months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid at the start of the conversion period and the prorated license fee cost assessed using the number of months of the individual's conversion period, up to 17 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount. The difference calculated is added to the full fee charged.

F. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

Pollution Control Agency

Proposed Permanent Rules Relating to Grants and Loans for Waste Tire Processing

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt amendments to 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 (1986). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 14.06 (1988) and *Minnesota Statutes* § 115A.914 (1988).

All persons have until 4:30 p.m. on October 24, 1990, to submit comments in support of or in opposition to the proposed amendments or any part or subpart of the amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any changes proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests 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 amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

Thomas C. Newman
Waste Tire Management Unit
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7170

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

The proposed amendments, if adopted, will incorporate statutory changes made in *Minnesota Laws 1988*, ch. 685, sec. 14 and codified at *Minnesota Statutes* § 115A.913 (1988). The proposed amendments will also change the rule to reflect that this program is now administered by the Agency under Reorganization Order No. 155 and *Minnesota Laws 1989*, ch. 335, Art. 1, secs. 128-131. Certain other proposed amendments are intended to improve the administration of the program. The proposed amendments are published below. One free copy of the rules is available upon request from Thomas C. Newman at the address and telephone number stated above.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the
Adoption of Minnesota
Board of Medical Examiners
Rules Relating to Licensing

STATEMENT OF
NEED AND REASONABLENESS

Pursuant to Minn. Stat. § 14.23(1988), the Minnesota Board of Medical Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of proposed rules, Minn. Rules, pts. 5600.0605 and 5600.0610 and amendments to Minn. Rule, pt. 5605.0200, subp. 1, relating to the licensing of physicians.

In order to adopt the proposed rules and amendments, the Board must show that it has complied with all procedural and substantive requirements for rulemaking. These requirements are as follows: 1) there is statutory authority to adopt the rules; 2) the rules are needed; 3) the rules are reasonable; 4) all necessary procedural steps have been taken; and 5) any additional requirements imposed by law have been satisfied. This Statement of Need and Reasonableness demonstrates that the Board has met these requirements.

1. STATUTORY AUTHORITY

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

Minn. Stat. §§ 146.13(1989) and 214.06, subd. 2(1987) authorize the Board to promulgate rules for physician licensing and for the renewal of such licenses. Minn. Stat. § 147.01, subd. 3(1990) authorizes the Board to adopt rules as may be necessary to carry out the purposes of Minn. Stat. §§ 147.01 to 147.33.

2. STATEMENT OF NEED

The need for the proposed rules and amendments governing the licensing of physicians is based on the following considerations:

1. The large number of physicians currently licensed by the Board (approximately 15,000) and expected continued growth in the number of physician licensees;

2. The automation of the Board licensing process which will replace the current manually maintained/computer supplemented system.

3. The uneven workflow pattern created by the bulk of licensees renewing in December/January causing delays in processing licensure materials because of the sudden large influx renewal documents. (Renewal processing can take three weeks in January.)

4. The absence of regulatory information available to licensees concerning license registration and renewal deadlines, penalties for late submission of application or renewal materials, and notification requirements when applicants change their name or address.

The Board as of mid-1990 is licensing approximately 15,000 physicians with about 150-200 new applications for licensure received each month. With the large number of current licensees and the expected continued growth of the number of new licensees, the Board determined that computerization of its licensing process was necessary in order to more effectively and economically manage the amount of information received and to insure all licensees are properly licensed or renewed as expeditiously as possible. The number of new physicians licensed increased by 99 licensees with 767 in FY 1985 to 866 in FY 1990.

In developing a computerized information processing system for licensing, priority was given to establishing a system to more effectively manage the workflow involved. Under the present system, the majority of licensees renew their license in December/January and thus the workflow is centered around those months. It was decided that a system of license

registration/renewal based on the licensee's birth month would provide a more cost effective workflow arrangement for licensing purposes both in terms of license processing time and the amount of licensure staff needed.

With the birth month license renewal system, the workflow distribution is approximately 1/12 of the physician licensees per month (about 1250 licensees per month). Under the current January license renewal cycle system, the majority of licensees usually submit materials in December and January thus slowing the processing of licenses because of the sheer volume of documents received. With a more consistent workflow spread evenly over the year, processing time would be faster and could be done with existing staff.

The birth month license renewal system is consumer convenient with its built-in renewal reminder (the licensee's birthday) and more recognizable deadline for submission of materials (the end of the birth month rather that the first day of the month). Thus licensees may be less inclined to wait until the last day to apply for license renewal and delay processing.

The concept of the birth month license renewal is modeled after a similar system used by the Minnesota Board of Nursing but is done annually rather than on a two year renewal cycle. [See Attachment #1 Minnesota Board of Nursing Rule, pts. 6310.2800 and 6310.2900.] The Massachusetts Board of Registration in Medicine and Minnesota Department of Public Safety - Driver Services also employ the idea of a birth month registration but

the deadline is the birthday rather than the end of the birth month. [See Attachments #2 and #6 Massachusetts General Law, Chapter 112, section 2 (1986) and Minnesota Stat. § 171.27]

In the 1989 legislative session, Minn. Stat. § 146.13 was amended to permit the Board and other healing arts boards to conduct license renewal on an annual basis without a specified month for license renewal. Previously the law required license renewals occur in January of each year. [See Attachment #7 Minnesota Statute § 146.13]

With the decision of having a license renewal cycle based on the licensee's birth month, it is necessary for the Board to have rules which describe the new licensure cycle. Because there must be a transition from the January license renewal cycle to the licensee birth month cycle, rules are needed to explain the conversion period involved and how the conversion period affects reporting of continuing medical education credits and the amount of license fees to be paid. The rules would also establish deadlines for submission of materials to comport with the changed license renewal schedule. Lastly, the rules clarify requirements necessary to expedite processing of licensure materials such as procedures and penalties governing incomplete license documents and deadlines/protocols involving change of name and/or address.

These proposed rules will allow the Board to put in place a more modern, cost effective and consumer convenient licensing process to better serve its existing and expanding physician licensee population.

3. STATEMENT OF REASONABLENESS

On January 21, 1989, the Board approved a resolution authorizing the Executive Director of the Board, H. Leonard Boche, to sign and give the Notice of Board's Intent to adopt a Rule Amendment Without a Public Hearing governing the FLEX Examination and Licensing Registration and Renewal. The Board also approved a draft of the proposed rules subject to changes required by the Revisor's Office.

On November 13, 1989, the Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Relating to Licensing and Examination was published in the State Register.

The following is the text of the proposed rules and amendments and information regarding the need for and reasonableness of each provision.

5605.0200 LICENSEE CLASSES.

Subpart 1. ESTABLISHMENT. For the purpose of administering this chapter, each individual initially licensed on or after June 4, 1984, commences his or her first three-year cycle on January 1 following the date of initial licensure. <u>After January 1, 1991, the cycle of an individual starting a new three-year cycle will start on the first day of the individual's</u>

month of birth. The first three-year cycle of an individual initially licensed after January 1, 1991, will start on the first day of the individual's month of birth. Future cycles will run consecutively from that point. After January 1, 1991, continuing medical education taken between the expiration date of an individual's three-year cycle and the first day of the individual's birth month starting a new three-year cycle may be credited towards this first new three-year cycle. Continuing medical education taken between the date of initial licensure and the ~~January 1~~ first day of the individual's month of birth following the date of initial licensure may be credited towards the first cycle after January 1, 1991.

Those individuals assigned three-year reporting prior to June 4, 1984 shall remain in their assigned reporting cycle.

It is reasonable and necessary for the Board to amend Minn. Rule, pt. 5605.0200, subp. 1., in order to provide consistent cycles for both license registration/renewal and continuing medical education (hereinafter "CME") reporting. Because proposed Minn. Rule, pts. 5600.0605 and 5600.0610 will change the license cycle to one based on the licensee's birth month rather than a cycle which begins in January of each year, it is necessary the CME reporting cycle be merged into the new license cycle to avoid having licensees have separate CME reporting and license renewal deadlines.

Minn. Rule, pt. 5605.0900 establishes the reporting of CME as a condition of relicensure. The proposed rule language maintains the requirement of CME reporting as a condition of relicensure but accommodates the reporting to the licensee's birth month license renewal cycle. If left unchanged, licensees would be renewing their license on their birth month and reporting CME in January every three years. With the rule change, the CME reporting will coincide every three years with the birth month license renewal, thus eliminating the confusion that separate CME and license renewal cycles would produce.

The Board determined it would be less confusing for licensees and less costly administratively to allow current licensees to finish their existing three year continuing education reporting cycles as directed under Minn. Rule, pt. 5605.0200, subp. 1. and then merge into the birth month cycle with the new three year CME reporting cycle. To have attempted the immediate merger of the existing CME reporting cycle into the birth month license renewal cycle would have resulted in great confusion since the CME cycle would have had to have been shortened or extended to match the birth month license renewal cycle. This would have unnecessarily complicated the reporting deadlines for licensees or resulted in fractioning of credit hours to be reported during the transition period. Thus, the rule keeps the transition process simple and easy to comply with.

What will occur, is that about one-third of current licensees will report their CME in January 1991, the second one-third will report CME in January 1992 and the last third of

existing licensees will report CME in January 1993. The next three year CME reporting cycle will run from the licensee's birth month following the January in which their existing three year CME cycle was reported.

The effect of having licensees start their new three year continuing education reporting cycle on the birth month following the January they completed their previous CME cycle is to provide some licensees an extra one to eleven months before the start of their first three year reporting cycle starting on their birth month. The Board determined that this extra time does not significantly advantage those licensees with a birth month after January since all licensees will have three years to complete their CME requirements. Any incidental benefits some licensees may obtain by taking courses during the transition period is based solely on the licensee's choice to take the course at that time. The Board believes that the transition process described in the amendment to Minn. Rule, pt. 5600.0200 subp. 1, is simple and consumer convenient and that use of this transition process outweighs any incidental benefits which may occur for some licensees. It was also thought any attempt to require additional credits on a prorated basis for licensees with extra time would be unduly complicated and result in fractions of hours to be reported thus making the process unnecessarily confusing.

New licensees (after January 1, 1991) will also undergo a transition period between the time of initial licensure and the licensee's birth month following initial licensure in order to be

merged into the continuing education cycle starting on the licensee's birth month. Here again the Board believes in making as simple a transition as possible for new licensees into the three year continuing education cycle. Because any benefit, in terms of extra time to take courses prior to the start of a three year cycle is measured from the time of initial licensure, any advantage to new licensees is coincidental to time of initial licensure, and would not intentionally advantage any one group of new licensees over another. All new licensees will still have three years in which to complete their continuing education. As stated above with licensees existing as of December 31, 1990, the Board believes this transition method is the most simple and consumer-convenient way to have new licensees enter into the three year continuing education cycle starting on their birth month and outweighs any incidental benefits of time which may occur for some licensees. Likewise it avoids having additional credits on a fractional basis for licensees with extra time and the confusion attendant with reporting fractions of hours.

Rules as Proposed (all new material)

5600.0605 LICENSE RENEWAL PROCEDURES

Subpart 1. License renewal cycle conversion. This part converts the license renewal cycle for physicians from an annual cycle that begins on January 1 of each year to an annual cycle that begins with the last day of the licensee's month of birth. The conversion of the renewal cycle begins January 1, 1991. Subparts 2 to 12 contain license renewal procedures for licensees

who were licensed before the effective date of this part. Under the conversion requirements of subpart 2 or 3, the license period following license renewal is from six to 17 months ending the last day of the licensee's month of birth.

Subpart 2. Conversion of license renewal cycle for current licenses. After January 1, 1991, for a licensee whose license is current as of December 31, 1990, the licensee's first renewal cycle begins on January 1, 1991, and ends on the last day of the licensee's month of birth. However, if the licensee's month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 1992.

Subpart 3. Conversion of license renewal cycle for noncurrent licenses. This subpart applies to a person who was licensed before the effective date of this part, but whose license is not current as of December 31, 1990. When the licensee renews after the effective date of this part, the renewal period begins with the date the licensee applies for renewal and ends with the last day of the licensee's month of birth. However, if the last day of the month of birth is less than six months after the date the license is renewed, then the renewal period ends on the last day of the licensee's month of birth in the next year after the year in which the renewal period began.

Subpart 4. Subsequent renewal cycle. After the licensee's renewal during the conversion period under subpart 2 or 3, the subsequent renewal cycles shall be annual cycles that

begin on the last day of the month of the licensee's birth.

It is reasonable and necessary for the Board to have rules which describe its license renewal requirements so its licensees are fully aware of the procedures involved for compliance purposes. It is especially important the process be described because of the transition from a January renewal cycle to one based on the licensee's birth month.

To briefly summarizes the transition process for licensees existing as of December 31, 1990, a licensee who is currently licensed as of December 31, 1990 with a birth month of July, August, September, October, November or December, will have their first birth month renewal cycle start on their birth month in 1991 and end on their birth month in 1992. From then on the licensee is on the annual birth month license renewal cycle. For licensees currently licensed as of December 31, 1990 with a birth month of January, February, March, April, May or June, the first annual birth month license renewal cycle will begin on their birth month in 1992 and end on their birth month in 1993. From then on the licensee is on the annual birth month renewal cycle.

Thus, for licensees with the July-December birth months theirs is a six to 11 month conversion period which overlaps with the last January license renewal cycle. For licensees with a January-June birth month, the conversion period is 13 to 17 months covering the whole year of 1991 and the time up to their birth month in 1992. A graph outlining the renewal dates and fees can be found in the attachments (See Attachments #3 -

License Renewal Schedule and Fees for Licensees Current as of January 1, 1991.)

By having the conversion period split into a half year system (July-December and January-June), licensees can easily figure out when their first birth month license renewal cycle starts and the length of the conversion period involved. With this process all current licensees will be on their first birth month license renewal cycle by June of 1992.

In studying different options to change from a January license renewal cycle to a licensee birth month renewal cycle, the Board preferred the proposed conversion period/process because it finished the transition in only 17 months. Other approaches involved starting half the licensees in alternate years or extending the license renewal cycle to two years rather than an annual cycle. In either case the transition would be two years and would involve more complex rule changes.

Because licensees can reactivate a license not renewed for over one year, it is necessary the proposed rules include noncurrent licensees and describe how such licensees would be merged into the birth month license renewal cycle system. Here again the rules employ a split year placement concept but measures it starting from the time of license reactivation. If the birth month is more than six months from the month of license reactivation, then the first birth month license renewal cycle will start in the next year following the year the license was reactivated. In effect, reactivating licensees and licensee

current as of December 31, 1990 are following the same procedural process and conversion period to merge into the birth month license renewal cycle except that current licensees have a fixed time frame (July-December and January-June) whereas reactivating licensees merge using the time period of six months or greater from the month of reactivation as the standard. [See Attachment #4 License Renewal/Fee Schedule for Individuals Reactivating their License in 1991.]

With the language of Minn. Rule, pt. 5600.0605, subp. 3., there is procedural consistency in the treatment of different types of licensees. Proposed Minn. Rule, pt. 5600.0610 will also employ the same procedural mechanism for handling new licensees registering after January 1991. Thus, even with the existence of three different types of licensees, (existing as December 1990, reactivating, and new licensees), the rules will effectively process each licensee using the same procedural arrangement and therefore avoids creating any unfair benefits or hardships to a particular group of licensees.

Minn. Rule, pt. 5600.0605, subp. 4, makes clear that after the conversion period all subsequent renewals are annual cycles that begin on the last day of the licensee's month of birth. By having the cycle begin on the last day of the birth month, licensees are allowed the whole birth month to submit license documents. This avoids licensees presuming their birth date as the expiration date of their license and clearly reinforces the deadline for renewal application material as the end of the month.

As stated earlier, proposed Minn. Rules pt. 5600.0605, subps. 1-4 represents the process by which licensees will be merged into the birth month license renewal cycle. It is designed to be easily read and complied with by licensees. It also provides the Board the capability to administer the transition from the January license renewal cycle to the licensee birth month cycle in the most expeditious, simple and consistent manner for all present and future licensees.

Subp. 5. Service. The licensee must maintain a correct mailing address with the board for receiving board communications, notices and licensure renewal documents. Placing the license renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service. Failure to receive the renewal documents does not relieve a license holder of the obligation to comply with this part.

Proposed Minn. Rule, pt. 5600.0605, subp. 5, is a necessary and reasonable requirement so that licensees know of their obligation of keeping the Board informed of their current mailing address. Such an obligation is mandatory under Minn. Stat. § 146.13 and is reasonable since the Board has no way other than communication from the licensee to know this information. Without requiring this information, the Board could not issue or renew a license since the licensee could not be properly located. This language is patterned after a similar requirement in Minnesota Board of Nursing Rules. [See Minn.

Rules, pt. 6310.2900 subp. 1]

The language regarding valid service to the licensee by the Board of license renewal documents is a necessary procedural requirement to establish what steps the Board took in providing renewal documents to the licensees. Thus, if the Board should remove a licensee's name from the list of physicians authorized to practice in Minnesota for failing to send renewal documents, the licensee has been adequately warned that they have a continuous and affirmative obligation to maintain compliance with the rules regarding license renewal and to advise the Board of any problems which hinder compliance.

Subpart 6. Late submission. A license renewal application and annual license fee received in the Board office after the last day of the month in which the licensee's license expires shall not be processed and shall be returned to the licensee for payment of the late fee indicated in part 5600.2500, item K.

Subpart 7. Incomplete application: notice. If a licensee submits an application form or annual license fee that is incomplete, incorrect, or not in compliance with this part, the Board shall notify the licensee of the deficiency within 30 calendar days after the Board receives the licensee's application and shall give the licensee instructions for completing or correcting the application. The Board will nullify a license renewal if the correction required in the Board notice is not made within 30 days after the licensee receives the notice.

Proposed Minn. Rule, pt. 5600.0605 subps. 6 and 7, are reasonable and necessary regulations so that licensees are made aware of the procedural repercussions and/or financial penalties for a late and/or incomplete application for renewal of licensure. By informing licensees of the consequences, the Board seeks to avoid having applicants submit late or incomplete materials and insures compliance with the rules regarding license renewal. Subpart 6 is also necessary so that the rules on late submission comport with the change from the January renewal to the licensee's birth month renewal system.

In the event of an incomplete or non-complying renewal application form or renewal fee, the Board believes it to be reasonable to give licensees notice of the deficiencies and instructions to correct or complete the application form or fee in order to obtain compliance. Such notification will be given by the Board within 30 days after receiving the application. This is to insure rapid processing of incomplete applications by the Board. The Board also requires that the licensee, within 30 days of the Board's notice of deficiency and correction to the licensee, make such corrections and return the documents and fees. The 30 days is a sufficient time period to obtain any missing materials, fill in any missing information or correct any insufficient check or money order. The notice of deficiency and correction also serves as a warning regarding nullification of license renewal and thus practicing without a license. Here again the rule is modeled after Minnesota Board of Nursing regulations. [See Minnesota Board of Nursing Rule, pt. 6310.2900

subp. 5]

Subpart 8. Removal of name from list. The name of licensees who do not return a complete license renewal application, the annual license fee, or the late application fee within the time period listed in subpart 7, shall be removed from the list of individuals authorized to practice medicine and surgery during the current renewal period. Upon reinstatement of licensure, the licensee's name will be placed on the list of individuals authorized to practice medicine and surgery.

Proposed Minn. Rule pt. 5600.0605, subp. 8. is reasonable and necessary for the purpose of making licensees clearly aware that failure to comply with the requirements regarding submission of license renewal materials and fees will result in being withdrawn from the list of physicians authorized to practice medicine. Because the Board receives inquiries from hospitals, clinics, nursing homes, federal health agencies and other state medical boards regarding the license status of physicians, it is important such license information be as complete and correct as possible. By indicating to licensees the severe repercussion for non-compliance, the Board insures license information is kept current and complete. The rule also provides that with reinstatement of licensure (after coming into proper compliance for license renewal), the licensee will again be listed as authorized to practice. This provision is need to indicate to licensees that license reinstatement is a necessary prerequisite prior to being authorized to practice and that any previous deficiencies must be corrected to insure reinstatement.

By this language the Board does not require that a new license application be submitted only that a licensee correct past deficiencies which existed with the license renewal fees or forms.

The proposed rule is modeled after language found in Minnesota Board of Nursing regulations. [See Minn. Rule, pt. 6310.3100, subp. 1.]

Supbart 9. Conversion period and fees. A licensee who holds a license issued before the effective date of this part, and who renews that license during the conversion period under subpart 2 or 3, shall pay the required license fees according to items A to E.

A. Licensees will be charged the annual license fee listed in part 5600.2500, item E for the licensure renewal occurring at the start of the conversion period.

B. For licensees whose conversion period was six to 11 months, the first annual license fee charge after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the licensee's conversion period, up to 11 months, at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar.

C. For licensees whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. They will be charged the annual license fee listed in part 5600.2500, item E.

D. For licensees whose conversion period was between 13 and 17 months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of licensure months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar. The difference calculated is added to the full fee charged.

E. The second license renewal made after the conversion period and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

Proposed Minn. Rule pt. 5600.0605, subp. 9. Items A. to E. is needed to describe the payment schedule which will be used during the conversion period. The system involves having licensees with a conversion period of six to 11 months pay a full year's license renewal fee in January 1991 and then the Board credits the excess fee paid into the first birth month license renewal cycle in the conversion period. Licensees with a 12 month conversion period will pay the license renewal fee with no adjustments being necessary. Licensees with a conversion period

of 13 to 17 months will pay the regular license renewal fee in January 1991. Upon the start of the first birth month license renewal in 1992, the Board will adjust the licensee renewal payment to include the number of months in 1992 in excess of 12 months (during the licensee's conversion period) which were not paid for initially in 1991.

The above described payment arrangement is designed to coincide with the conversion period set out in Minn. Rule, pt. 5600.0605 Subps. 2 and 3. This approach was chosen because it allows for a relatively easy transition and does not burden licensees with any excessive advance payment of fees.

Initially, all renewing licensee (current as December 31, 1990) will pay the January license renewal cycle payment for 1991. Thus, no change is required either by licensees or the Board. The Board will start billing in 1991 on the birth month cycle starting with July licensees. Here again the transition is kept simple because the licensees will know they are starting their birth month renewal. Since their 1991 license was paid for in January 1991, licensees are only billed for the remaining months in 1992 prior to their birth month. Therefore licensees with the earliest payment time (July) only pay $58 to cover the first six months of 1992. The fees are prorated upward as the months get closer to January. After January 1992, licensees who had a birth month from February to June in 1991 pay both for the months prior to their birth month in 1992 and for the birth month license renewal cycle starting in 1992 when payment is due on their birth month.

If licensees were billed up front based on the length of their conversion period, those licensees with the 13 to 17 months time period would be confronted with much higher initial payments. Here licensees with the 13 to 17 month conversion period pay for both a new license year and the time prior to their birth month in 1992 but have the extra time before payment is required. Where advance payment is made (licensees with a July to December (1991) birth months), the fee assessed is reduced according to the amount already credited for 1991. Thus, licensees will have the benefit of a prorated fee or more time to pay for the longer period of licensure.

For February to June licensees (those with 13 to 17 month conversion period), the maximum payment amount required in addition to the next year's license renewal fee will be $58 for June licensees (i.e. $115 + $58=$163). The amount is prorated downward by about $10 per month as you get closer to January. The $58 was not considered unduly burdensome for licensees because of the extra time accompanying the added cost. Likewise, for July licensee's in 1991 paying $58 was not considered excessive and here again the cost only increases as the amount of time increases (about $10 per month going from July thru December).

As reflected by the chart explaining the conversion period and fee payment required found in the attachments (See Attachment #3) the transition from the January licensee renewal cycle to the birth month cycle for current licensee (those

existing on December 31, 1990) is relatively easy for licensees to understand needing only to know their birth month. Such information would accompany licensure documents during the transition process.

The process described under subpart 9. is one which can be readily implemented by the Board. With about six months between the last January billing and July 1991 birth month billing, the Board can reorganize staff and equipment to adjust to the new renewal cycle. Because only about 1/12 of the licensee will begin the new license renewal cycle in July 1991, the licensure staff will not be flooded with licensure renewals and processing should go faster.

Subpart 10. Change of name and address. A licensee shall notify the Board in writing within 30 days of any change in name or address. If the licensee is changing his or her name only, the licensee must request a revised licensure certificate. The licensee shall return the current certificate to the Board. If an address change is requested, no request for a revised licensure certificate is required. If the licensee's current license certificate has been lost, stolen, or destroyed, the licensee shall provide a written explanation of the situation.

The Board may require the licensee to substantiate the name change by submitting official documentation from a court of law or agency authorized under law to receive and officially record a name change.

Proposed Rule, Part 5600.0605, subpart 10. is reasonable and necessary so that the Board can maintain an accurate mailing address on its licensees. It is essential such information be accurate and up-to-date so that the licensee can receive license renewal materials and other official notices from the Board and that the Board is able to provide the most accurate identification information on a licensee if requested by authorized agencies, individuals, or organizations.

The 30 day notification time period for licensees to advise the Board of a change of name and/or address is reasonable and gives a licensee sufficient time to have settled into their new location or for a name change situation such as a marriage. The 30 day time period is modeled after a similar regulation used by the Minnesota Board of Nursing. [See Minn. Rule pt. 6310.3300]

The procedural language regarding the change of name or address is intended to inform licensees of the steps necessary to properly update their licensure record. A name change will require a revised licensure certificate with the previous certificate being returned to the Board. The return of the certificate is to prevent misidentification of the licensee by fraudulent use of the old certificate. Because a new identity is involved, a new certificate is necessary. An address change does not change the licensee's identity and can be temporarily recorded on computer till the next license renewal. Thus no new certificate of licensure is required as matter of convenience to the licensee.

The language regarding the reporting of the loss or destruction of a license certificate is necessary to protect licensees from having individuals wrongfully obtain an official copy of their license. By requiring a written explanation of the loss situation to be filed with the Board, the Board can assess the identity of the person making the request and deter any fraudulent attempt to secure records.

The written loss/destruction report will be on file with the Board in the event there is unlawful use of the lost license certificate and thus will assist the Board in determining if investigation of the licensee or other individuals is necessary.

The requirement of having licensees provide official documentation of a name change from a court of law or authorized agency is a simple identity verification method and insures such licensing information is accurate and reasonably verified as possible. Having such documentation provided does not unduly burden licensees and is similarly required for other licenses. (i.e. Minnesota Board of Nursing - Minn. Rule, pt. 6310.3300 subp. 1.)

5600.0610 INITIAL LICENSE PROCEDURES

Subpart 1. Applicability to persons initially licensed. Subparts 2 to 3 contain licensing procedures for persons who are

initially licensed by the Board after the effective date of this part.

Proposed Minn. Rule pt. 5600.0610, subp. 1 is reasonable and necessary to identify the individuals governed by the initial licensure registration procedures of Part 5600.0610.

Since individuals will become licensed after January 1, 1991, it is necessary that the rules be written to describe how such individuals will merge into the future license renewal cycle based on the licensee's month of birth.

Subpart 2. Initial licensure. An individual who is initially licensed by the Board after the effective date of this part shall pay the physician application and annual license fees listed in part 5600.2500, items D. and E.

Effective January 1, 1991, the initial licensure period begins with the date the person becomes licensed and ends the last day of the licensee's month of birth. However, if the last day of the individual's month of birth is less than six months after the individual becomes licensed, then the initial licensure period ends on the last day of the individual's month of birth in the next year after the initial licensure period began. After the initial licensure period, subsequent renewal periods shall be annual periods that begin on the last day of the month of the licensee's birth.

Under proposed Minn. Rule, pt. 5600.0610, subp. 2, new

licensees after January 1991 must pay the application fee and first annual license fee together. The reason for merging these fees is to avoid separate billings of the two fees. With two separate billings there is a greater chance the licensing process will be delayed by a late or incomplete payment. By making payment of the total amount a condition of licensure, there is less confusion regarding when payment is required and avoids having to disfranchise a newly licensed individual for failing to pay their first license year fee and thus delay their ability to practice medicine.

Proposed Minn. Rule, pt. 5600.0610, subp. 2. describes the process which will be used to merge individuals licensed after January 1991 into the birth month license renewal cycle. As a matter of procedural and administrative consistency, the process uses the same concept found in proposed Minn. Rule, pt. 5600.0605 but works from the date of initial licensure rather than fixed time period described in Part 5600.0605, Subp. 2. [See Attachment #5 - License Renewal/Fee Schedule for Individuals Initially licensed in 1991.] Here again, licensees whether renewing, new or reactivating will follow similar procedural standards.

To have allowed new licensees (after January 1991) or reactivating licensees to merge into the birth month cycle in less than six months would have created a confusing and cumbersome system of licensing. An example of this problem would be a licensee, granted licensure in September, with a December birth month. They are billed for a year in September and then

billed again three months later in December an additional three months to cover the months previous to their birth month in the next year not covered by the September payment. The most extreme variation of this problem is billing a licensee for one month the month after they become licensed when that month is their birth month. By having the conversion billing not start for at least six months, licensees do not get billed for an amount covering less than six months or as small as $10.

Proposed Minn. Rule, pt. 5600.0610, subp. 2 provides an easy to understand and a procedurally and administratively consistent system for merging new licensees into the birth month license renewal cycle. Without this system, the confusion of merging new and existing licensee renewals would create a billing nightmare and possibly create delays in the licensing process.

Subpart 3. Conversion period and fees. Individuals initially licensed by the Board after the effective date of this part will have a conversion period according to items A to F.

A. An individual will be assigned a conversion period of at least six months and no more than 17 months, ending on the last day of the individual's month of birth.

B. The full physician application fee and physician annual license fee found in part 5600.2500, items D. and E. will be charged to the individual at the start of the conversion period.

C. For an individual whose conversion period was 11

months or less, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the license fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the individual's conversion period, up to 11 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount.

D. For an individual whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. The individual will be charged the annual license fee listed in part 5600.2500, item E.

E. For an individual whose conversion period was between 13 and 17 full calendar months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between prorated license fee cost assessed using the number of months of the individual's conversion period, up to 17 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount. The difference calculated is added to the full fee charged.

F. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item

E.

Proposed Minn. Rule, pt. 5600.0610, subp. 3, is needed to explain the schedule for fee payment occurring during the conversion period established under subparts 1 and 2. The system used in this rule follows the same proration method found in proposed Minn. Rule, pt. 5600.0605, subp. 9. wherein licensees with a conversion period of 6-11 months pay a reduced first birth month license renewal fee adjusted to credit the amount paid at the time of initial licensure which overlaps the previous license year. Licensees with the 13 to 17 month conversion period are billed at the time of their first license renewal for the months prior to their birth month not cover by the license payment made at the month of initial licensure in addition to their next annual license renewal fee.

By having licensees (after January 1991), follow this billing arrangement, the billing is systematized and avoids the problems described earlier in the provisions discussed in subpart 2 with licensees being billed twice in less than six months for amounts as small as $10. This also makes for administrative and procedural consistency for compliance purposes by not having different systems for new licensees and existing licensees.

An additional benefit of proposed Minn. Rule, pt. 5600.0610 subp. 3, is that it removes an unfairness which exists under the current rules. Because licensees can become licensed during different times of the year (January, March, May, July, September or November), a situation exists where licensees are billed for an entire license year even though less than a

year existed from the time of initial licensure. The most extreme example of this was for licensees initially licensed in November. They are required to pay for the existing license year even though they are licensed for less than two months in it. They are again billed in January for the new license year. Under the proposed rules, new licensees pay from the time of initial licensure and are covered until their birth license renewal cycle starts as determined under the conversion period in the rules. Thus, new licensees will avoid being unfairly penalized because of the time of their initial licensure.

Here again this rule provision like proposed rule Minn. Rule, pt. 5600.0605 subp. 9 is modeled after a similar approach found in Minnesota Board of Nursing Rule pt. 6310.2900 subp. 6a, item A and B.

SUMMATION

The overall purpose of proposed Minnesota Rules, parts 5600.0605 and 5600.0610 and the amendments to Minnesota Rule, part 5605.0200, subp. 1., is to allow the Board to establish a system of licensing registration and renewal better adapted to serving its growing physician licensee population. To effectuate this purposee, these rules provide a transition to a new system for licensing. With the new system (involving the use of the birth month license renewal cycle), the Board will more

effectively manage the workflow involved in processing the licensing information and documents.

With only 1/12 of licensees renewing per month, the Board does not have to increase or change staff to handle the licensing process. If left unchanged, the burden of attempting to process licensing information and documents for nearly 15,000 licensees (and growing) in a January renewal cycle would have resulted in longer delays in processing licenses or would require increases in staff size necessary to meet the growing demand. With the birth month license renewal system, the cost of licensing remains stable since additional staffing is not required and the existing staff will be better able to process licensure materials because of a more even distribution of licensees submitting materials rather than the one large influx of documents.

The birth month license renewal system has a proven track record of success with large licensee populations as demonstrated by its use by the Minnesota Board of Nursing and similar systems as found with the Massachusetts Board of Registration in Medicine and Minnesota Department of Public Safety-Driver Services. An additional convenience of the birth month license renewal system is that it has a built in reminder for renewal with the licensee's birthday.

The transition process from the January renewal cycle to

the birth month renewal cycle was kept relatively simple and applies to all licensees whether new, existing or reactivating in a very similar manner. Allowing at least six months before starting the birth month license cycle avoids a confusing arrangement where licensees may be billed twice in less than six months. It also avoids billing in very small amounts such as $10 for one month. Alternative systems would have either taken more time to complete or resulted in larger up front payments by some licensees.

The proposed rules also make the transition from a (January) three year CME reporting cycle to a (licensee birth month) three year CME reporting cycle easy and convenient for licensees. Basically licensees complete their existing cycle and then merge into the birth month renewal cycle. All licensees will still have three years to complete the courses required. Any excess time for some individuals was preferred over establishing a system where fractions of hours would be required to be completed thus possibly complicating the rules.

The provisions of proposed Minn. Rule, pts. 5600.0605 and 5600.0610 also fill in informational gaps concerning the licensing process. The rules clarify for licensees the required document submission deadlines, the penalties for late or incomplete license renewal form or fees, the license nullification penalty for license materials are not received in time and licensee notification obligations to the Board regarding the licensee's identity (name/address change) or problems regarding compliance (obligation to report failure to receive documents).

With these rules in place the Board will have a good licensing system made better. The transition incorporated in the proposed rules is understandable, fair and the most expeditious process to accomplish the Board's purpose of having a birth month license renewal cycle. As noted earlier in this document, the Board is looking to the future in terms of computerization and constituency size. These rules are a necessary step to insure the Board will be ready and able to serve its physician constituency.

4. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minn. Stat., §§ 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, Minn. Stat., §§ 14.05-14.12, have been complied with by the Board as noted below. The procedures for adoption of non-controversial 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 make a timely written request for a public hearing.

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. The adoption of these rules could have negligible effect on small businesses as discussed below. See Minn. Stat., § 14.115. Pursuant to Minn.

Stat. § 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 Adopt Rules Without a Public Hearing in the State Register and mail copies of the notice and proposed rules to persons registered with the Minnesota Board of Medical Examiners pursuant to Minn. Stat. § 14.14, subd. 1a. The notice will include the following information: 1) that the public has thirty days in which to submit comments on the proposed rules and give information pertaining to the manner in which persons may comment; b) that no public hearing will be held pursuant to Minn. Stat. § 14.25, unless 25 or more persons request in writing a public hearing on the proposed rule within the 30 day comment period; 3) that the rule may be modified if modifications are supported by data and the view submitted; and 4) that notice of the date of submission of the proposed rules to the Attorney General for review will be mailed to any persons requesting to receive the notice and give information on how to request the notice.

5. ADDITIONAL REQUIREMENTS

Small Business Considerations

It is the position of the Board of Medical Examiners that Minn. Stat. § 14.115(1988), relating to small business considerations in rulemaking does not apply to the rules it promulgates. Minn. Stat. § 14.115, subd. 6 b, does not apply to "agency rules that do not affect small business directly." The Board's authority relates only to physicians and not to the

businesses they operate.

The Board is also exempt from the provisions of section 14.115, pursuant to subdivision 7(c) which states that section 14.115 does not apply to "service businesses regulated by government bodies, for standards and cost, such as...providers of medical care." Physicians provide medical care and are regulated by the state for standards and cost. The Board regulates physicians for standards. The Minnesota Department of Human Services regulates physicians for costs with respect to the Medicaid system.

However, should these proposed rules be construed as being subject to Minn. Stat. § 14.115 the Board notes below how the five suggested methods listed in section 14.115 subdivision 2, for reducing the impact of the rules on small businesses should be applied to the proposed amendments. The five suggested methods enumerated in subdivision 2 are as follows:

a) the establishment of less stringent compliance or reporting requirements for small business;

b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

c) the consolidation or simplification for compliance or reporting requirements for small businesses;

d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule;

e) the exemption of small businesses from any or all requirements of the rule.

The feasibility of implementing each of the five suggested methods and whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking are considered below.

1. It would not be feasible to incorporate any of the five suggested methods into these proposed rules.

Methods (a) to (c) of subdivision 2 relate to lessening compliance or reporting requirements for small businesses either by (a) establishing less stringent requirements (b) establishing less stringent schedules or deadlines for compliance with the requirements, or (c) consolidating or simplifying the requirement. Since the Board is not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen with respect to businesses. If, however, these proposed rules and amendments are viewed as compliance or reporting requirements for businesses, then the Board finds that it should be unworkable to lessen the requirements for those physicians who practice in the solo or clinic setting of fewer than 50 employees, since that would include the vast majority of

licensees. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The Board's rules do not propose design or operational standards for small businesses as a replacement for design or operation standards that do not exist. Finally, method (e) suggests exempting small businesses from any or all requirements of the rules. The application of this provision would exempt most licensees from the purview of the rules, a result which would be absurd.

2. Reducing the impact of the proposed rules on small businesses would undermine the objectives of the Minnesota licensing law for physicians.

Pursuant to Minn. Stat. §§ 147.01 et seq., the Board was designated as the agency for establishing requirements for licensure and for disciplinary action to govern the practices or behavior of all physicians. Pursuant to Minn. Stat. § 147.01, subd. 3., the Board is specifically mandated to promulgate rules as may be necessary to carry out the purposes of the Minn. Stat. §§ 147.01 to 147.33. Given these statutory mandates, it is the Board's duty to establish licensure qualifications and disciplinary standards which apply to and govern all applicants and licensees regardless of their practice. As it has been stated above, it is the Board's position that the proposed rules will not affect small businesses and certainly do not have the potential for imposing a greater impact on physicians in solo or small practice than those practices large enough to remove themselves from the definition of small business. It has also

been explained above that the Board considers it infeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent that the proposed rules may affect the business operation of a physician or group of physicians and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the Board believes it would be unwise and contrary to the purposes to be served by these rules for the board to exempt one group of physicians indeed possibly the vast majority of physicians, from the requirement of these rules. Similarly, the Board believes it would be unwise and contrary to its statutory mandate for the Board to adopt one set of standards for those physicians (which may consist of a nonexistent class) who work in a large business setting and adopt another, less stringent set of standards to be applied to those physicians who practice in a solo or small clinic type of setting. It is the Board's view that these rules must apply equally to all physicians or the licensing system will be chaotic.

Licensees, regardless of whether they are considered as individuals or small businesses, have had and will continue to have an opportunity to participate in the rulemaking process for the proposed rules and amendments. The Board has used a very open process to draft these rules. The Board has kept the various associations well informed of the proposed rules as they were developed and has also provided notices and articles about the proposed rules in its newsletter issued to all licensees.

LIST OF ATTACHMENTS

1. Rules Relating to the Minnesota Board of Nursing - Minn. Rules, pts. 6310.2600-6310.3700.

2. Massachusetts General Laws, Chapter 112, section 2 (1986) -Registration of Physicians; alien applicants, examinations; renewal; fees.

3. License Renewal Schedule and Fees for Licensees Current as of January 1, 1991.

4. License Renewal/Fee Schedule for Individuals Reactivating their License in 1991.

5. License Renewal/Fee Schedule for Individuals Initially Licensed in 1991.

6. Minnesota Statute, section 171.27.

7. Minnesota Statute, section 146.13.

Board of Medical Examiners

Proposed Permanent Rules Relating to Licensing

Rules as Proposed

5605.0200 LICENSEE CLASSES.

Subpart 1. **Establishment.** For the purpose of administering this chapter, each individual initially licensed on or after June 4, 1984, commences his or her first three-year cycle on January 1 following the date of initial licensure. After January 1, 1991, the cycle of an individual starting a new three-year cycle will start on the first day of the individual's month of birth. The first three-year cycle of an individual initially licensed after January 1, 1991, will start on the first day of the individual's month of birth. Future cycles will run consecutively from that point. After January 1, 1991, continuing medical education taken between the expiration date of an individual's three-year cycle and the first day of the individual's birth month starting a new three-year cycle may be credited towards this first new three-year cycle. Continuing medical education taken between the date of initial licensure and the ~~January 1~~ first day of the individual's month of birth following the date of initial licensure may be credited towards the first cycle after January 1, 1991.

Those individuals assigned three-year reporting prior to June 4, 1984 shall remain in their assigned reporting cycle.

Rules as Proposed (all new material)

5600.0605 LICENSE RENEWAL PROCEDURES

Subpart 1. **License renewal cycle conversion.** This part converts the license renewal cycle for physicians from an annual cycle that begins on January 1 of each year to an annual cycle that begins with the last day of the licensee's month of birth. The conversion of the renewal cycle begins January 1, 1991. Subparts 2 to 12 contain license renewal procedures for

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licensees who were licensed before the effective date of this part. Under the conversion requirements of subpart 2 or 3, the license period following license renewal is from six to 17 months ending the last day of the licensee's month of birth.

Subp. 2. **Conversion of license renewal cycle for current licenses.** After January 1, 1991, for a licensee whose license is current as of December 31, 1990, the licensee's first renewal cycle begins on January 1, 1991, and ends on the last day of the licensee's month of birth. However, if the licensee's month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 1992.

Subp. 3. **Conversion of license renewal cycle for noncurrent licenses.** This subpart applies to a person who was licensed before the effective date of this part, but whose license is not current as of December 31, 1990. When the licensee renews the license after the effective date of this part, the renewal period begins with the date the licensee applies for renewal and ends with the last day of the licensee's month of birth. However, if the last day of the month of birth is less than six months after the date the license is renewed, then the renewal period ends on the last day of the licensee's month of birth in the next year after the year in which the renewal period began.

Subp. 4. **Subsequent renewal cycles.** After the licensee's renewal during the conversion period under subpart 2 or 3, the subsequent renewal cycles shall be annual cycles that begin on the last day of the month of the licensee's birth.

Subp. 5. **Service.** The licensee must maintain a correct mailing address with the board for receiving board communications, notices, and licensure renewal documents. Placing the license renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service. Failure to receive the renewal documents does not relieve a license holder of the obligation to comply with this part.

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Subp. 6. **Late submission.** A license renewal application and annual license fee received in the board office after the last day of the month in which the licensee's license expires shall not be processed and shall be returned to the licensee for payment of the late fee indicated in part 5600.2500, item K.

Subp. 7. **Incomplete application; notice.** If a licensee submits an application form or annual license fee that is incomplete, incorrect, or not in compliance with this part, the board shall notify the licensee of the deficiency within 30 calendar days after the board receives the licensee's application and shall give the licensee instructions for completing or correcting the application. The board will nullify a license renewal if the correction required in the board notice is not made within 30 days after the licensee receives the notice.

Subp. 8. **Removal of name from list.** The names of licensees who do not return a complete license renewal application, the annual license fee, or the late application fee within the time period listed in subpart 7, shall be removed from the list of individuals authorized to practice medicine and surgery during the current renewal period. Upon reinstatement of licensure, the licensee's name will be placed on the list of individuals authorized to practice medicine and surgery.

Subp. 9. **Conversion period and fees.** A licensee who holds a license issued before the effective date of this part, and who renews that license during the conversion period under subpart 2 or 3, shall pay the required license fees according to items A to E.

A. Licensees will be charged the full annual license fee listed in part 5600.2500, item E, for the licensure renewal occurring at the start of the conversion period.

B. For licensees whose conversion period was six to 11 months, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the fee paid during

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the conversion period and the prorated license fee cost assessed based on the number of months of the licensee's conversion period, up to 11 months, at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar.

C. For licensees whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. They will be charged the annual license fee listed in part 5600.2500, item E.

D. For licensees whose conversion period was between 13 and 17 months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of licensure months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar. The difference calculated is added to the full fee charged.

E. The second license renewal made after the conversion period and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

Subp. 10. **Change of name and address.** A licensee shall notify the board in writing within 30 days of any change in name or address. If the licensee is changing his or her name only, the licensee must request a revised licensure certificate. The licensee shall return the current certificate to the board. If an address change is requested, no request for a revised licensure certificate is required. If the licensee's current license certificate has been lost, stolen, or destroyed, the licensee shall provide a written explanation of the situation.

The board may require the licensee to substantiate the name change by submitting official documentation from a court of law or agency authorized under law to receive and officially record a name change.

5600.0610 INITIAL LICENSE PROCEDURES.

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Subpart 1. **Applicability to persons initially licensed.** Subparts 2 and 3 contain licensing procedures for persons who are initially licensed by the board after the effective date of this part.

Subp. 2. **Initial license.** An individual who is initially licensed by the board after the effective date of this part shall pay the physician application and annual license fees listed in part 5600.2500, items D and E.

Effective January 1, 1991, the initial license period begins with the date the person becomes licensed and ends the last day of the licensee's month of birth. However, if the last day of the individual's month of birth is less than six months after the individual becomes licensed, then the initial license period ends on the last day of the individual's month of birth in the next year after the initial license period began. After the initial license period, subsequent renewal periods shall be annual periods that begin on the last day of the month of the licensee's birth.

Subp. 3. **Conversion period and fees.** Individuals initially licensed by the board after the effective date of this part will have a conversion period according to items A to F.

A. An individual will be assigned a conversion period of at least six months and no more than 17 months, ending on the last day of the individual's month of birth.

B. The full physician application fee and physician annual license fee found in part 5600.2500, items D and E, will be charged to the individual at the start of the conversion period.

C. For an individual whose conversion period was 11 months or less, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the license fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the individual's conversion period, up to 11 months, at the rate of 1/12 of the

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annual fee per month rounded upward to the nearest dollar amount.

D. For an individual whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. The individual will be charged the full annual license fee listed in part 5600.2500, item E.

E. For an individual whose conversion period was between 13 and 17 full calendar months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid at the start of the conversion period and the prorated license fee cost assessed using the number of months of the individual's conversion period, up to 17 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount. The difference calculated is added to the full fee charged.

F. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item E.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensing

AGENCY: Board of Medical Examiners

MINNESOTA RULES: Chapters 5600 and 5605

The attached rules are approved for
publication in the State Register

Kathleen T. Harrington
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the
Proposed Adoption of
Rules of the Minnesota
Board of Medical Examiners
Relating to Licensing

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

(1) Notice of the Minnesota Board of Medical Examiners (hereinafter "Board") intent to adopt the above-entitled rules was published in the State Register on September 24, 1990, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 on September 21, 1990.(2) The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt Rules Without a Public Hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rules for 30 days after notice of proposed rulemaking.(5) No requests for a public hearing on the rules were received by the Board.(6) No submissions or comments on the rules 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 Board, including the Statement of Need and Reasonableness which is incorporated herein as the Board's findings, the Board concludes that the above-captioned rules are both needed and reasonable.(8)

NOW, THERE, IT IS HEREBY ORDERED that the rules identified as Board of Medical Examiners Rules Relating to Licensing are adopted this 20th day of November, 1990, pursuant to authority vested in the Board by Minn. Stat. §§ 147.01, subd. 3 (1990) and 214.06 (1987).(9)

H. Leonard Boche
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the
Proposed Adoption of
Rules of the Board of
Medical Examiners Relating
to Licensing

DECLARATION OF COUNSEL

I, John A. Breviu, Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0480.

Dated: December 4, 1990.

JOHN A. BREVIU
Assistant Attorney General