

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 21, 1990

TO: LOIS E. MIZUNO
Board of Psychology

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

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

The above-referenced rule has been approved as to its legality by the Attorney General on December 20, 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.

MJC:sc

cc: Penny Troolin
William Brown, Chief Judge
MaryAnn Hruby

MJC

RULE REVIEW CHECKLIST

File No. 1773
DATE RECEIVED 12-7-90
REVIEW DATE 12-17-90
DUE DATE 12-21-90
(DIS)APPROVED 12-20-90mj
WITHDRAWN _____

Docket No. 05 0007 0486
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 12-13-90
REVISOR (DIS)APPROVED 12-19-90
FILED W/SEC. OF STATE 12-21-90
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

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

_____ ~~Petition for Adoption~~ of a Rule

_____ Board's Authorizing Resolution
~~Sept~~ 14,1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148.90 subd 2(4) (3) Statutory Authority 148.91 subd 3 216.06
_____ Small Business Statement
_____ Expenditure of public money statement
~~September~~ 28,1990 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
October 12,1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
October 15,1990 Date 30/25 days before adoption

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

✓ Resolution Adopting
~~December~~ 7,1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
~~December~~ 7,1990 Date

_____ ~~Written Requests,~~ Submissions or Comments

✓ Declaration of Attorney
~~Penny~~ Tooley Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

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

Board of Psychology

Adopted Permanent Rules Relating to Fees

Rules as Adopted

7200.6100 FEES.

Fees for licensure of psychologists payable to the board are as follows:

A. application for admission to examination, $25;

B. application for licensure, $250;

C. renewal of license, $250; and

D. late renewal of license, $160.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 21 1990

Joan Anderson Growe

Secretary of State

11:05 A.M

APPROVED AS TO FORM AND LEGALITY

December 20 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassidy

SPECIAL ASSISTANT ATTORNEY GENERAL

Stat Auth. 148.90 subd 2(4)

The members of the board shall:

(4) designate the officers of the board ... prescribe rules as may be necessary to enable it to carry out the provisions of laws 1973

subd (3) ... Provision of staff, administrative services .. setting of board fees

148.91 subd 3

Each applicant shall pay a nonrefundable application fee set by the board.

214.06 ... commissioner of health as authorized by section 214.13 all health-related licensing boards ... shall by rule, with approval of the commissioner of finance, adjust any fee.

Comment period expires November 14, 1990 stated in Notice of Intent

30 days

published in State Register = Oct 15

end of comment period Nov 14

Penny

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Psychology Relating to Licensure and Examination Fees

STATEMENT OF NEED

AND REASONABLENESS

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MINNESOTA BOARD OF PSYCHOLOGY

September 24, 1990

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

The Minnesota Board of Psychology is proposing amendments to existing rule part 7200.6100, increasing fees to cover a deficit from fiscal year 1990 and a projected deficit for fiscal year 1991. The existing rules are Minnesota Rules, Chapter 7200 (1990).

No internal references will be affected by the proposed change.

Small business considerations are addressed in the section following the Statement of the Board's Authority, which is in turn followed by the Statement of Need and Reasonableness.

STATEMENT OF THE BOARD'S STATUTORY AUTHORITY

The Board's statutory authority to adopt and amend rules relating to licensure fees is set forth in Minn. Stat. SS 148.90, subd. 2(4) and subd. 3; 148.91, subd. 3; and 214.06, subds. 1 and 2 (1988 and 1989 Supplement). Section 148.90, subdivision 2(4) grants the Board the authority to prescribe rules as may be necessary to effectuate the provisions of the licensing law. Section 148.90, subdivision 3 requires that the setting of board fees shall be as provided in Chapter 214. Section 148.91, subdivision 3 authorizes the Board to set application and renewal fees. Section 214.06, subdivision 1 requires each regulatory board to promulgate rules providing for the adjustment of fees so that the total fees collected will as closely as possible equal anticipated expenditures during the fiscal biennium. Section 214.06, subdivision 2 requires each regulatory board to promulgate rules providing for the renewal of licenses. Under these statutes, the Board has the authority to amend its rules relating to fees.

SMALL BUSINESS CONSIDERATIONS

Minn. Stat. § 14.115 requires administrative agencies, when proposing a rule or an amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small businesses and to provide opportunity for small businesses to participate in the rulemaking process. It is the Board's opinion that Minn. Stat. Section 14.115 does not apply to these proposed rule amendments.

However, in the event of disagreement with the Board's position, the Board has reviewed the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small businesses. The five suggested methods enumerated in subdivision 2 are as follows:

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

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

(c) the consolidation or simplification of 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; and

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

As part of its review the Board considered the feasibility of implementing each of the five suggested methods, and considered whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking.

1. <u>It would not be feasible to incorporate any of the five suggested methods into these proposed rule amendments.</u>

Methods (a)-(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 requirements. 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 small businesses. If, however, these proposed amendments are viewed

as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those psychologists who practice in a solo or clinic setting of fewer than 50 employees, since that would include the vast majority of psychologists. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The Board's amendments do not propose design or operational standards for businesses, and therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e) suggests exempting small businesses from any or all requirements of the rules. Under the Board's view that these proposed rule amendments do not in any way regulate the business operation of psychologists, there are no rule requirements from which to exempt small businesses. However, if these proposed amendments are viewed as regulating businesses insofar as they regulate psychologists, then it would hardly make sense for the Board to exempt from its rules those psychologists who practice in a solo or clinic setting with fewer than 50 employees, since they constitute the vast majority of psychologists. For all of these reasons, it is not feasible for the Board to incorporate into its proposed amendments any of the five methods specified in subdivision 2 of the small business statute.

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

Pursuant to the Minnesota licensing law for psychologists, Minn. Stat. §§ 148.88 to 148.98, the Board was created for the purpose of establishing requirements for licensure and adopting a code of ethics governing appropriate practices or behavior for psychologists. Pursuant to Minn. Stat. § 148.90, subd. 2(4), the Board is specifically mandated to "prescribe rules as may be necessary to enable it

to carry into effect" the Minnesota licensing law for psychologists. Given these statutory mandates, it is the Board's duty to establish rules relating to psychology practice which apply to and govern all applicants and licensees, regardless of the nature of their practice. As it has been stated above, it is the Board's position that the proposed amendments will not affect small businesses, and certainly do not have the potential for imposing a greater impact on psychologists in a solo or small practice than on psychologists practicing in a large business setting. 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 rule amendments may affect the business operation of a psychologist or group of psychologists, 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 psychologists - indeed, the majority of psychologists - from the requirements 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 licensure requirements for those psychologists who work in a large business setting and adopt another, less stringent, set of licensure requirements to be applied to those psychologists who practice in a solo or small clinic practice. It is the Board's view that these rule amendments must apply equally to all psychologists, if the public whom they serve is to be adequately protected.

STATEMENT OF NEED AND REASONABLENESS

The proposed amendments to rule part 7200.6100 increase the fees for application for admission to examination, licensure, license renewal, and late renewal of license as follows:

Table I

Fee Source	Current	Proposed Increase	Proposed Total Fee
Application: Admission to Examination	$15	$10	$25
Application for Licensure	170	80	250
Application for License Renewal	170	80	250
Late Renewal	150	10	160

The purpose of the proposed amendments is to generate sufficient revenue to cover an actual deficit from fiscal year 1990 and an anticipated deficit for fiscal year 1991, as is required by Minn. Stat. S 214.06, subd. 1.

Statement of Need

As Table II on the next page indicates, the revenue generated from existing fees in FY 90 was approximately $20,000 less than expenditures in the same time period, and revenue for FY 91 is anticipated to be approximately $40,000 less than anticipated expenses, for a total deficit of slightly more than $60,000.

Because Minn. Stat. S 214.06, subd. 1 requires fees to equal expenditures within the biennium, the fee increase is needed to comply with that statutory mandate.

It should be noted that in both FY 89 and FY 90 the actual payments for services rendered by the Attorney General's office exceeded anticipated payments by $30,000, for a total of $60,000, and that this underestimate contributed heavily to the accumulated deficit. (Attorney General's fees are not part of appropriations made to regulatory boards and are, therefore, not subject to expenditure restrictions, but must be covered by fee-generated revenue.) A regulatory board has little or no control over these expenses: they are largely governed by the number and seriousness of the complaints of unethical practice received by the Board. The unpredictability of these complaints makes it extremely difficult to anticipate with reasonable accuracy what the total costs will be. However, there is no valid reason to believe that total costs for Attorney General's services will be less in FY 91 than they were in FY 89 and FY 90.

Board of Psychology - Statement of Need and Reasonableness

Table II - Receipts and Expenditures

Receipts

Fee Type	Fee Amount	FY 1990 # Paying	FY 1990 Receipts	Estimated FY 1991 # Paying	Estimated FY 1991 Receipts
App Exam	FY 90 $150 FY 91 15	506	$ 75,985	500	$ 7,500
App License	170	234	39,780	250	42,500
Renewal	170	1,074	182,585	1,150	195,500
Late Renewal	150	61	9,210	60	9,000
Corp Regist.	100	4	400	1	100
Corp. Re-regist .	25	42	1,050	40	1,000
Miscellaneous			1,195		1,000
TOTAL			310,205		256,600

Expenditure Summary

Cost Code	Category	FY90 Actual Expenditures	Holdover to FY91	FY91 Anticipated Expenditures	Actual Avail.
01-03	Salaries	$107,768	$	$ 126,860	$
08	Per Diem	8,090	1,435	10,000	8,565
10	Rent	10,797	188	12,148	12,000
12-16	Repairs, Etc.*	7,393		8,000	
18	Purchased Serv	71,693	8,270	15,000	6,730
20	Communications	7,051		6,000	
21-22	Travel In/Out S	10,514	1,181	10,863	6,200
29	AASPB Fees	2,190		2,500	
30	Supplies	551		2,500	
84	Refunds	320		0	
90	Agency Indirect	1,904		2,000	
92	State Indirect	2,924		6,900	
	TOTAL	231,195		202,771	
	Atty Gen Fees	98,474	est. thru 6/30**	102,000	
	GRAND TOTAL	330,669		304,871	
	Receipts	310,205		265,000	
	Negative Bal.	[20,424]		[39,871]	
	TOTAL DEFICIT			[60,315]	

* Etc. = Bonds/Insurance/Printing/Consultants/Prof/Tech Service

** Actual through 6/19/90 = $96,974; estimate 6/20 -6/30/90 = $2,500.

Statement of Reasonableness

Table III indicates the amount of additional revenue anticipated to be generated by the proposed fee increases.

Table III

Fee	Est. No. Paying	Proposed Increase	Proposed Total $ Generated
Licensure and Renewal	715	$80	$57,200
Appl. for Examination	280	10	2,800
Late Renewal Fee	30	10	300
TOTAL			$60,300

The Board holds that the proposed fee increase for licensure and license renewal of $80 is reasonable, based upon the following facts:

(1) The Board's chief sources of revenue are the licensure application fee and the renewal fee. These two sources cover most of the overall operating expenses of the Board, including the Attorney General's fees. Since July, 1988, these fees have been the same because they serve the same purpose - a payment for the right to engage in private practice. For practical purposes, the two fees should be considered as one source of revenue. Because these are the chief sources of revenue for operating expenses, it is reasonable that these fees be the source of needed additional funds.

(2) Because of the amount of lead time necessitated by following required administrative procedures, the increases cannot be implemented until December, 1990, at the earliest. This means that only approximately one-half of the population normally paying fees in any one year will be affected by the increase. With a smaller base available to pay the fee, the amount of the increase must be greater, and only licensure applicants and renewing licensees are sufficiently numerous (taking both as one group) to keep the increase within rational bounds. For example, a $10 increase in licensure/renewal fees would generate $7,150 in FY 91, compared with $2,800 from applications for admission to examination or $300 for late renewals. If the needed revenue were to be raised from an equal increase to all fees, the amount would be $60 per individual paying any one of the fees, which does not decrease the amount to be paid by licensure applicants/renewing licensees sufficiently to justify the excessive amount which would have to be paid by exam applicants and licensees who renew late.

Board of Psychology - Statement of Need and Reasonableness

The Board holds that the proposed $10 increase in the application for admission to examination is reasonable because the existing $15 fee is insufficient to cover the costs incurred in processing exam applications and administering the national examination. (It should be noted that beginning in FY 91 applicants pay $135 to take the exam directly to the testing service.) The fee paid to the Board should cover staff time, Board members' per diem for application review, rental of space and tables, postage, stationery, forms, supplies, and compensation for exam monitors. It is also reasonable to expect that the fee should cover only expenses associated with exam administration because the unpredictability of numbers of applicants for examination in any year makes the fee an unreliable and potentially erratic source of income.

The Board holds that a $10 increase in the late renewal fee is reasonable because the revenue generated will contribute to the total needed to cover the deficit without being unduly burdensome to the licensee whose renewal is late.

The Board will make every effort to hold down expenditures so that the total will be less than the budgeted amount, but cannot predict how much saving might be possible.

SF-00006-05 (4/86)

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : September 24, 1990

TO : Lois E. Mizuno, Executive Director
Board of Psychology

FROM : Bruce J. Reddemann, Director
Budget Operations

PHONE : 296-5188

SUBJECT : Change in Fees

The following fees are approved for the Board of Psychology:

		Current Fee	Approved Proposed Fee
A.	Application for admission to examination	$ 15	$ 25
B.	Application for licensure	$ 170	$ 250
C.	Renewal of license	$ 170	$ 250
D.	Late renewal of license	$ 150	$ 160

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : December 7, 1990

TO : ~~RITA DESMOND~~ PATTI NOLTE
Legal Assistant

12-7-90

FROM : PENNY TROOLIN
Special Assistant
Attorney General

PHONE : 297-5935

SUBJECT : **In the Matter of the Proposed Adoption of Rules of the Board of Psychology Relating to Licensure and Examination Fees**

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 rule:

1. Certificate of Board's Authorizing Resolution;

2. Rules as proposed with a certificate of approval as to form by the Revisor of Statutes attached;

3. Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing (as mailed);

4. Statement of Need and Reasonableness (as submitted to LCAR);

5. Affidavit of Mailing the Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing;

6. Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing (as published in the State Register);

7. Rules as adopted (original and three copies);

8. Certificate of Board's Resolution Adopting Rules;

9. Findings of Fact, Conclusions, and Order Adopting Rules Without a Public Hearing;

10. Declaration of Counsel.

PT:dmf:BT6
Enclosures

CERTIFICATE OF THE MINNESOTA BOARD OF PSYCHOLOGY AUTHORIZING RESOLUTION

I, DAVID BARAGA, PhD, do hereby certify that I am a member and the chair of the Minnesota Board of Psychology (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 14th day of September, 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 Lois E. Mizuno, Executive Director of the Board, is hereby granted the authority and directed to sign and to give Notice of the Board's Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing relating to licensure and examination fees to all persons who have registered their names with the Board for that purpose, to publish the notice and rules in the State Register, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, Lois E. Mizuno is hereby granted the authority and directed to perform any and all acts incidental thereto, including, but not limited to, acting as the Board's representative at such hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14 day of September, 1990.

David Baraga

DAVID BARAGA, PhD
Chair

Attest by one other Board Member

Board of Psychology

Proposed Permanent Rules Relating to Fees

Rules as Proposed

7200.6100 FEES.

Fees for licensure of psychologists payable to the board are as follows:

A. application for admission to examination, ~~$15~~ $25;

B. application for licensure, ~~$170~~ $250;

C. renewal of license, ~~$170~~ $250; and

D. late renewal of license, ~~$150~~ $160.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Psychology

MINNESOTA RULES: Chapter 7200

The attached rules are approved for
publication in the State Register

Carla M. Riehle

Carla M. Riehle
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the Proposed Adoption of Rules of the Board of Psychology Relating to Licensure and Examination Fees

ALTERNATIVE NOTICES

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES.

(1) The Minnesota Board of Psychology (hereinafter "Board") is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of Minn. Stat. §§ 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rules pursuant to Minn. Stat. §§ 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. Also, the hearing will be cancelled if a sufficient number of people withdraw their requests for a hearing in response to proposed revisions of the proposed rules by the Board. With the comment period closing on November 14, 1990, there will be 5 days before the scheduled hearing date which is November 19, 1990. This 5-day period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that the Minnesota Board of Psychology (hereinafter "Board") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1988).

(2) Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on November 14, 1990. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. (8) The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. (1) Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Board be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. (4) A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by November 14, 1990. (7) If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Lois E. Mizuno, Executive Director
Minnesota Board of Psychology
Room 101
2700 University Avenue West
St. Paul, Minnesota 55114-1095

Telephone: (612) 642-0587

(1) The statutory authority of the Board to adopt the proposed rules is contained in Minn. Stat. §§ 148.90, subd. 2(4) and subd. 3; 148.91, subd. 3; and 214.06 (1988 and Supp. 1989).

(11) If adopted, the proposed rules would (1) increase the application for licensure fee and renewal fee for all licensees by $80, (2) increase the application for admission to examination fee for all applicants by $10, and (3) increase the late renewal fee by $10, to commence on the effective date of the rules. The proposed rules will be published in the State Register issue of October 15, 1990, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

(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 changes has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

(13) Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under Minn. Stat. § 14.11 (1988).

(14) It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1988) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

(9) Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 amendments as adopted should submit a written request to Lois E. Mizuno at the address listed above.

III.

NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 19, 1990, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to Minn. Stat. § 14.131 to 14.20 (1988), in the lower level joint board conference room located at 2700 University Avenue West, St. Paul, Minnesota, on November 19, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, Fifth Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1988) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would (1) increase the application for licensure fee and renewal fee for all licensees by $80, (2) increase the application for admission to examination fee for all applicants by $10, and (3) increase the late renewal fee by $10, to commence on the effective date of the rules. The proposed rules will be published in the State Register issue of October 15, 1990, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in Minn. Stat. §§ 148.90, subd. 2(4) and subd. 3; 148.91, subd. 3; and 214.06 (1988 and Supp. 1989).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
>
> (b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so

notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under Minn. Stat. § 14.11 (1988).

It is the position of the Board that it is not subject to Minn. Stat. § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1988) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE. ALSO, THE HEARING WILL BE CANCELLED IF A SUFFICIENT NUMBER OF PEOPLE WITHDRAW THEIR REQUEST FOR A HEARING IN RESPONSE TO PROPOSED REVISIONS OF THE PROPOSED RULES BY THE BOARD.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before November 9, 1990, and leave your name, address, and telephone number. You will be notified after November 14, 1990, if the hearing has been cancelled. You may also call the Board after November 14, 1990, for oral confirmation regarding the scheduled hearing.

Dated: September 28, 1990

Lois E. Mizuno

LOIS E. MIZUNO
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of
Rules of the
Board of Psychology
Relating to Licensure
and Examination Fees

AFFIDAVIT OF MAILING
ALTERNATIVE NOTICES AND
CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

LOIS E. MIZUNO, being duly sworn, says:

I hereby certify that the attached list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1(a) and 14.22 or 14.30, that their names be placed on the Board of Psychology's rulemaking mailing list is accurate, complete, and current as of this 22nd day of October, 1990.

That on the 12th day of October, 1990, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Alternative Notices by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Lois E Mizuno

LOIS E. MIZUNO
Executive Director

Subscribed and sworn to before me
this 22nd day of October, 1990.

Dana M Ferrazzo

NOTARY PUBLIC

DANA M. FERRAZZO
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 17, 1993

Rhonda Robinson
221 West 59th Street
Minneapolis MN 55419

Tamara Kaiser
5104 Newton Avenue South
Minneapolis MN 55419

Bill Lewinski
Box 7. Mankato State Clinic
Mankato MN 56001

Eunice Gelb
2160 Upper St. Dennis Road
St. Paul MN 55116

Isabel Harris
7201 York Avenue South #206
Edina MN 55435

Sherryl Cantor Ogren
6423 Minnestonka Blvd
Minneapolis MN 55426

William Struskinski
475 Rice Street
St. Paul MN 55103

Mike Miller
Mankato State Univ-Box 52
Mankato MN 56001

Lou Fuller
3741 Grenada Court
Oakdale MN 55128

Ron Brand
1603 Laurel Avenue
St. Paul MN 55104

Judith Britton
1415 East River Road
Minneapolis MN 55414

Martha Bordwell
12856 Crooked Lake Blvd
Coon Rapids MN 55433

Barbara Boerboon
5470 Balsom Lane
Plymouth MN 55442

Barbara Baker
5533 Chantrey Road
Edina MN 55436

Pat Buckle
Southwest MHC--Round Wind Road
Luverne MN 56156

Andrea Benjamin
1542 Baker Lake Road
Maple Plain MN 55359

Scott Crouse
4242 Grand Avenue South
Minneapolis MN 55409

Mary Ann Cincotta
1397 Ashland Avenue
St. Paul MN 55104

Rebecca Dnistran
1517 Glenhill Road
Arden Hills MN 55112

Betty Ann Dilley
8600 11th Avenue South
Bloomington MN 55420

Robert Dougherty
641 Lincoln
St. Paul MN 55105

Kate Dockley
2501 Irving Avenue South
Minneapolis MN 55405

Debbie Dunkel
2820 Pleasant Avenue South
Minneapolis MN 55408

Elizabeth Ellis
32 Baytree Way
San Mateo CA 94402

Francis Gleckman
174 Nevada Avenue South
Minneapolis MN 55426

Penny Giesbrecht
761 Cottage Place
Shoreview MN 55126

Lee Gehrls
317 Fifth Avenue Southeast
St. Cloud MN 56304

Polly Hutson
3908 Beau D Rue Drive #302
Eagan MN 55122

Roseanna Hudgins
2709 Pleasant Avenue South
Minneapolis MN 55408

Patricia Heddell
3404 Parkview Blvd
Robbinsdale MN 55422

Mary Adsolon
MN Nurse Assoc-1295 Bandana Bl
St. Paul MN 55108

Antitrust Division
117 Univers Ave-200 Ford Bldg
St. Paul MN 55155

Sister Mary Madonna Asnton
MPH--717 SE Delaware Street
Minneapolis MN 55440

Jean Breitenbucher
225 Luverne
Minneapolis MN 55419

Douglas R. Sell
Dentristy Brd-2700 Univ Ave W

Brd/Medical Examiner
2700 Univ Avenue West

David Holstrom
Brd/Pharmacy-2700 Univ Ave W

Minnesota Board of Nursing
2700 University Avenue West

John M. Broeker
8500 Normandale Lake Blvd
Bloomington MN 55437

Harold J. Hebl
478 West Arlington Avenue
St. Paul MN 55117

Karen Christoff
Psych Dept - U of Mississippi
University MS 38677

Jean Dawson
MN Govmt Report--B-28 Press Rm
State Capitol

Robert Eelkema
MN MD Assoc-2221 Univ Ave SE
Minneapolis MN 55414

Conrad M. Fredin
515 Providence Building
Duluth MN 55802

Verona C. Gordon
308 Harvard St SE--Schl/Nurse
Minneapolis MN 55455

Diane Heins
701 Fourth Avenue South #1800
Minneapolis MN 55415

Commissioner of Human Services
444 Lafayette Road
St. Paul MN 55155

Ethical Practices Board
625 North Robert Street
St. Paul MN 55101

Susan Lentz
4270 Glenwood Avenue
Minneapolis MN 55422

R.A. Parvin
Psy Srv Ctr-Normal Rd/Lincoln
DeKalb IL 60115

Phillips Legislative Service
459 Rice Street
St. Paul MN 55103

Mimi Sands
504 Selby Avenue #5
St. Paul MN 55102

John L. Schlichting
1020 Tenth Street Southeast
St. Cloud MN 56304

Ronald Shepps
4390 Ramsgate Lane
Bloomfield Hills MI 48013

Karen Christoff
Psych Dept - U of Mississippi
University MS 38677

Julie Vikmanis
520 Lafayette Rd--DOER 3rd Flr
St. Paul MN 55115

Bonnie Awes
Route Box 276A
Maple Lake MN 55358

Luann Laurents
2056 Summit Avenue
St. Paul MN 55105

Karen Edmonson
634 Jackson Street Northeast
Minneapolis MN 55413

Board of Marriage & Family Therapy
2700 University Ave West

Jennifer Chalmers
1696 Edmond Avenue
St. Paul MN 55104

Judy Boyum
1060 East 2nd Street #85
West Fargo ND 58078

Marilyn Halverson
Methodist Hosp-6500 Excel Blvd
St. Louis Park MN 55440

Chuck Haavik
1703 East Eighth Street
Duluth MN 55812

Sandy Hoffman
PO Box 353
Windom MN 56101

Burt Jenson
Route 2, Box 117
Braham MN 55006

Kathryn Kivret
2401 Dresden Lane
Golden Valley MN 55422

Betsy Marx
13161 182nd Street North
Marine on St Croix MN 55047

Phylis Mathis
8033 Orchard Avenue North
Brooklyn Park MN 55443

Kathy Mostrom
4721 Portland Avenue South
Minneapolis MN 55407

Janice Maidman
507 West 33rd Street
Minneapolis MN 55408

Donna Miller
5761 Auburn Avenue
White Bear Lake MN 55110

Sharon Morey
1059 West Marie Avenue
Mendota Heights MN 55118

Joan Ostergren
1463 West Larpenteur
Falcon Heights MN 55113

Curt Paulsen
1425 Grantham
St. Paul MN 55108

David J Baraga, PhD
33919 91st Avenue North
St. Joseph MN 56374

Peter L Flint, PhD
5655 Vagabond Lane
Plymouth MN 55446

Lou Fuller
3741 Grenada Court
Oakdale MN 55128

Eunice Gelb
2160 Upper St. Dennis Rd
St. Paul MN 55116

Isabel Harris, PhD
7201 York Ave South #206
Edina MN 55435

Nancy G Hawkins, MS
1255 Rose Vista Ct
Roseville MN 55113

Robert W Hoffman, PhD
9014 Thompson Lake Road
Duluth MN 55803

Hommey Kanter, MA
2836 London Road
Duluth MN 55804

Sherryl C Ogren
6423 Minnetonka Blvd
St. Louis Park MN 55426

Pearl Rosenberg, PhD
1313 SE 5th St, #126A
Minneapolis MN 55414

Barbara Seldin, PhD
6419 Stauder Circle
Edina MN 55436

Proposed Rules

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

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

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

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

Board of Psychology

Proposed Permanent Rules Relating to Fees

Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Board of Psychology (hereinafter "Board") is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rules pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. Also, the hearing will be cancelled if a sufficient number of people withdraw their requests for a hearing in response to proposed revisions of the proposed rules by the Board. With the comment period closing on November 14, 1990, there will be 5 days before the scheduled hearing date which is November 19, 1990. This 5-day period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Psychology (hereinafter "Board") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on November 14, 1990. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Board be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more

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.

persons submit in writing requests for a hearing on the proposed rules or a portion thereof by November 14, 1990. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Lois E. Mizuno, Executive Director
Minnesota Board of Psychology
Room 101
2700 University Avenue West
St. Paul, Minnesota 55114-1095
Telephone: (612) 642-0587

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.90, subd. 2(4) and subd. 3; 148.91, subd. 3; and 214.06 (1988 and Supp. 1989).

If adopted, the proposed rules would (1) increase the application for licensure fee and renewal fee for all licensees by $80, (2) increase the application for admission to examination fee for all applicants by $10, and (3) increase the late renewal fee by $10, to commence on the effective date of the rules. The proposed rules will be published in the *State Register* issue of October 15, 1990, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

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 changes has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 amendments as adopted should submit a written request to Lois E. Mizuno at the address listed above.

III. Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing

PLEASE NOTE that If 25 or More Persons Submit Written Requests for a Public Hearing With Respect to the Above-Captioned Rules Within the 30-Day Comment Period Pursuant to the Notice Given in Part II Above, a Hearing Will Be Held on November 19, 1990, in Accordance With the Following Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* § 14.131 to 14.20 (1988), in the lower level joint board conference room located at 2700 University Avenue West, St. Paul, Minnesota, on November 19, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, Fifth Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (11989). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would (1) increase the application for licensure fee and renewal fee for licensees by $80, (2) increase the application for admission to examination fee for all applicants by $10, and (3) increase the late renewal fee by $10, to commence on the effective date of the rules. The proposed rules will be published in the *State Register* issue of October 15, 1990, and a free copy

of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.90, subd. 2(4) and subd. 3; 148.91, subd. 3; and 214.06 (1988 and Supp. 1989).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

IV. Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing in Response to the Notice Given in Part II Above. Also, the Hearing Will Be Cancelled If a Sufficient Number of People Withdraw Their Request for a Hearing in Response to Proposed Revisions of the Proposed Rules By the Board

To be informed whether the hearing noticed in Part III above will be held, please call the Board before November 9, 1990, and leave your name, address, and telephone number. You will be notified after November 14, 1990, if the hearing has been cancelled. You may also call the Board after November 14, 1990, for oral confirmation regarding the scheduled hearing.

Dated: 28 September 1990

Lois E. Mizuno
Executive Director

Rules as Proposed

7200.6100 FEES.

Fees for licensure of psychologists payable to the board are as follows:

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.

A. application for admission to examination, ~~$15~~ $25;

B. application for licensure, ~~$170~~ $250;

C. renewal of license, ~~$170~~ $250; and

D. late renewal of license, ~~$150~~ $160.

Board of Social Work

Proposed Permanent Rules Relating to Social Worker Licenses

Alternative Notices: Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Board of Social Work (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 14.22 to 14.28 (1988). However, in the event that 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of hearing on the proposed rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on November 15, 1990. This period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

The Board recently gave notice of its intent to adopt rules in the *State Register* September 4, 1990 issue, Volume 15, Number 10. Due to procedural defects, the Board is republishing its intent and extending the comment period for an additional 30 days.

II. Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Social Work (hereinafter "Board") intends to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* sections 14.22 to 14.28 (1988).

All persons have 30 days from the date this notice is published in the *State Register* in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30 days will expire on November 15, 1990. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

Any person may make a written request for a public hearing on the proposed 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 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 hearing is not required, the agency will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Patricia Puetz, Excutive Director
State of Minnesota, Board of Social Work
2700 University Avenue, Suite 225
St. Paul, MN 55114
(612) 643-2580

The statutory authority to adopt the rule is contained in *Minnesota Statutes* Sections 148B.17, 148B.20, Subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules were published in the *State Register* issue of September 4, 1990, Volume 15, Number 10. A free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

CERTIFICATE OF THE

BOARD OF PSYCHOLOGY'S

RESOLUTION ADOPTING RULE AMENDMENTS

I, David Baraga, PhD, do hereby certify that I am a member and the chair of the Minnesota Board of Psychology (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 7th day of December, 1990, that a quorum was present, and that a majority of those present voted for the following resolution which has not been rescinded or modified:

> RESOLVED, that the rule amendments relating to licensure and examination fees are approved and adopted pursuant to authority vested in the Board by Minn. Stat. §§ 148.90, subd. 2(4) and subd. 3; 148.91, subd. 3; and 214.06, subds. 1 and 2 (1990). Lois E. Mizuno, Executive Director of the Board, is authorized to sign the findings of fact, conclusions and order adopting the rule amendments and further is authorized to modify the rule amendments if necessary to obtain the approval of the rule amendments by the Attorney General and to perform the necessary acts to provide that the rule amendments shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7 day of December, 1990.

David L. Baraga

DAVID BARAGA, PhD, Chair

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the Proposed Adoption of Rules of the Board of Psychology Relating to Licensure and Examination Fees

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

(1) Notice of the Board of Psychology's (hereinafter "Board's") intent to adopt the above-entitled rule amendments was published in the State Register on October 15, 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. 1(a) and 14.22 or 14.30 on October 12, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt rule amendments was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. (3) Before the notice was submitted to the State Register, a copy of the notice of intent to adopt the rule amendments and the proposed rule amendments were sent to the chairs of the house appropriations committee and senate finance committee.

(4) All persons were given the opportunity to submit comment on the rule amendments for 30 days after notice of proposed rulemaking. (5) The Board received no requests for a public hearing. Therefore, the Board did not receive requests for a public hearing from 25 or more persons.

(6) No other submissions or comments on the rule amendments were received by the Board. No requests for notice of submission to the Attorney General were received by the Board.

Based on the comments and evidence in the record before the Board, including the statement of need and reasonableness which is incorporated herein as the

Board's findings, the Board concludes that the above-captioned rule amendments are both needed and reasonable. (8)

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule amendments identified as Minn. Rules pt. 7200.6100 are adopted this 7th day of December, 1990, pursuant to authority vested in the Board by Minn. Stat. §§ 148.90, subd. 2(4) and subd. 3; 148.91, subd. 3; and 214.06, subds. 1 and 2 (1990). (9)

Lois E. Mizuno

LOIS E. MIZUNO
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of
Rules of the Board of
Psychology Relating
to Licensure and
Examination Fees

DECLARATION OF COUNSEL

I, Penny Troolin, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule amendments 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 .0486.

Dated: December 7, 1990

PENNY TROOLIN
Special Assistant
Attorney General