

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: March 11, 1991

TO: JOEL WULFF
Executive Director
Board of Chiropractics

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 Graduate Preceptorship Program

The above-referenced rule has been approved as to its legality by the Attorney General on March 8, 1991.

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: Robert Holley
William Brown, Chief Judge
MaryAnn Hruby

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to Graduate Preceptorship Program

Rules as Adopted

2500.2500 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

2500.2505 PROGRAM ADMINISTRATOR.

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

2500.2510 ROLE OF THE PRECEPTOR.

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

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

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

(1) completing the history and examination;

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

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

(4) treatment of patients.

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

2500.2515 ELIGIBILITY AND RESPONSIBILITIES OF PRECEPTOR.

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

A. be licensed by the board;

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

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

D. be in good standing with the board; and

E. be in private practice only.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN.

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

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

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

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

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

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

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

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

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

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM.

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

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

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

2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM.

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

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

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

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

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 8 1991
Secretary of State

APPROVED AS TO LEGALITY

March 5, 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 8 1991

Joan Anderson Growe
Secretary of State

4pm

CH

RULE REVIEW CHECKLIST

File No. 1800
DATE RECEIVED 2-22-91
REVIEW DATE 3-4-91
DUE DATE 3-8-91
(DIS)APPROVED 3-5-91
WITHDRAWN _____

Docket No. 05 0007 0478
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 2-25-91
REVISOR (DIS)APPROVED 2-27-91
FILED W/SEC. OF STATE 3-8-91
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
November 15, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148.08 subd 3 Statutory Authority
NA Small Business Statement
NA Expenditure of public money statement
January 16, 1990 Signature

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

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

✓ Publication in State Register
December 24, 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
Feb 21, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
February 21, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Bob Holly Name of SAAG representing agency

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

Stat Authority 148.08 subd 2
The Board of Chiropractic examiners shall promulgate rules necessary to administer sections 148.01 to 148.105 to protect . . .

Notice of Intent
E (K) doesn't indicate rule is attached does give a 1 line summary "Graduate Preceptorship Program." Does indicate where you can get a free copy.

OK SOLAR indicates fee schedule is approved by Finance and is attached it isn't attached fee was approved in July 1990 O/K they shouldn't have to go back and get approval
Did they send SOLAR to LCARAR

STATE OF MINNESOTA **BEFORE THE MINNESOTA**

COUNTY OF RAMSEY **BOARD OF CHIROPRACTIC EXAMINERS**

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

Statement of Need and Reasonableness

Pursuant to Minn. Stat. 14.23 (1990), the Minnesota Board of Chiropractic Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of proposed Minnesota Rules 2500.2500 to 2500.2530, relating to Graduate Preceptorship Program.

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

1. **STATUTORY AUTHORITY**

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

Minnesota Statutes, 148.08, subdivision 3 (1990), authorizes the Board to promulgate rules necessary to administer section 148.01 to 148.105.

2. **STATEMENT OF NEED AND REASONABLENESS**

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

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

The Intern(s) involved in this program will be practicing chiropractic under the supervision of a Board-approved preceptor. They will be provided an opportunity to increase their knowledge and improve their skill while waiting for the opportunity to become licensed doctors of chiropractic.

2500.2500 **DEFINITIONS**

Diagnosis is defined in order to clarify what a diagnosis may consist of.

Intern is defined in order to limit participants in this program to those chiropractic students who have graduated and are waiting to take the Board's licensing examination. It is also defined in order to state that the intern will be performing chiropractic treatments outside of the school setting.

License is defined in order to state that the interns are not licensed in the state of Minnesota.

Practice of chiropractic is defined for the purpose of clarifying that the intern will be participating in a well-rounded internship program.

Preceptor is defined in order to limit the doctors participating in this program to those who have obtained the approval of the Board to supervise interns under this program. It is also defined to establish minimum and maximum duty parameters.

Preceptorship training program is defined in order to set the parameters of the program and to specifically state that the interns will be practicing chiropractic under the direct supervision of the preceptor.

Private practice is defined in order to clarify what a private practice may consist of.

2500.2505 **PROGRAM ADMINISTRATOR**

This provision is included for clarification that this program is run solely by the Board and is not affiliated with any college of chiropractic whatsoever.

2500.2510 **ROLE OF THE PRECEPTOR**

This provision has been established in order to clarify exactly what must be done during the training program.

A. This provision has been established in order to keep the intern and preceptor in contact with each other in a structured manner. In order to make this a valuable learning experience, the intern must be given constructive feedback on a regular basis. Likewise for the preceptor, the intern must give feedback regarding the relationship of preceptor/intern.

B. This provision outlines what the intern will be doing during the training program, and what the preceptor is required to provide for the intern during his training program. Items 1 to 4 encompass the most common happenings in a chiropractic environment and this is intended to give the intern a well-rounded experience.

C. This provision has been established to ensure that the preceptor is assuming the responsibility for the care given to his patients by the intern. It has also been established in order to provide guidance and feedback for the intern from the preceptor regarding diagnosis and treatments chosen to treat a patient.

2500.2515 **ELIGIBILITY AND RESPONSIBILITIES OF PRECEPTOR**

Subpart 1 Eligibility. The Board believes that these provisions are necessary to ensure that interns will receive skilled guidance from the preceptor that he is working with.

A. This is a requirement by law to practice chiropractic in the state.

B. & C. These requirements have been established because the Board believes that to be considered competent enough to be a preceptor a chiropractor must have obtained five years field experience in order to have been exposed to a wide variety of symptoms, diagnoses, and treatment, and have become competent enough in providing treatment that they may act as an instructor for the intern. The Board believes the chiropractor must have been in practice in Minnesota for the past three years in order to be fully familiar with the rules and regulations that govern the profession in this state. The three year minimum requirement has also been established in order to be a member of the Board. This precedent has been established and the Board wishes to continue with it for the reasons stated above.

D. This has been established in order to prevent doctors who have been disciplined by the Board or have pending disciplinary matters before the Board from getting involved in a program that is

intended to provide an atmosphere conducive to learning for the intern.

E. This has been established in order for the intern to receive training in an atmosphere that will facilitate learning in order for the intern to pass the Board's licensing examination. The Board believes that if an intern is allowed to intern in an insurance facility as an independent medical examiner, for example, the intern will not receive any benefit from that type of training.

Subpart 2 Doctor to intern ratio.

This provision has been established in order to prevent a preceptor from over extending himself. This training program is intended to benefit the intern. The Board believes that the most benefit will occur if the intern receives the full attention of the preceptor.

In the cases stated regarding the exceptions to this provision, the Board believes there will sometimes be extenuating circumstances in which it would be more of a detriment to one intern if the preceptor is not allowed to train more than one intern than receiving the one-to-one training.

Subpart 3 Fees

This provision has been established in order to cover administrative costs of approving applications, and monitoring the training programs in the field.
The table below indicates the amount of estimated revenue anticipated from the registration and annual renewal fees.

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

The Board believes its establishment of registration and annual renewal fees is needed and reasonable in order to ensure that qualified doctors of chiropractic are involved in the Graduate Preceptorship Program and to monitor interns in a controlled clinical setting.

Subpart 4 Application

Provisions A through E state the procedure for which a doctor may become a preceptor. The need for and reasonableness of these provisions have been previously explained in this statement of need and reasonableness.

Subpart 5 Continuing requirements

A. This provision has been established in order to monitor the qualifications of a preceptor. This

will help to ensure that the intern is receiving qualified instruction from the preceptor.

B. This provision has been established in order for the intern and the preceptor to keep in mind that this program is a "mentor"/"student" relationship and not one of employer to employee.

C. This provision has been established in order to prevent situations that would allow the preceptor to not be present in the environment at all times when an intern is working. The the "environment" is the clinic or office space, not the examination and treatment rooms.

D. This provision has been established in order to prevent the preceptor from utilizing experimental modalities and involving the intern. This program has been established in order to facilitate passing the Board licensure examination. Keeping within the preceptor's training will be conducive to the training of the intern.

E. This provision has been established to inform the patients that treatment they may receive may possibly be received from an intern. This is to protect both the patient (informed consent) and the doctors (malpractice).

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN

Subpart 1 Eligibility and limitations.

This provision has been established to ensure that only students who are ready and qualified to take the Board's licensure examination are allowed into the training program.

Subpart 2 Malpractice insurance

This provision has been established in order to ensure the intern and patients are covered from financial harm if a malpractice situation occurs.

The intern must fulfill the preceptor's malpractice insurance carrier's requirements in order to protect the preceptor from financial harm in cases where the preceptor would be held liable for the intern's behavior.

All documents must be received by the Board prior to approval because if the Board approves an applicant prior to receiving this information and the applicant is then denied malpractice coverage, it may create a burden for patients and preceptors alike in pulling the intern from the practice.

Subpart 3 Application

A. The Board must receive the application in order to process and determine the qualifications of the applicant.

B. This provision has been established in order to ensure that the applicant has graduated and is qualified to sit for the Board's licensing examination. It also establishes that this training program is intended for new graduates who intent to take the Minnesota licensing examination.

Subpart 4 Continuing requirements

This provision has been established in order to prevent the preceptor from getting away from the intent of the training program: to help the intern prepare for the Board's licensing examination.

2500.2525 **MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM**

A. & B. These provisions have been established in order to prevent doctors and graduates from setting up a training program outside of these rules.

2500.2530 **TERMINATION OF THE PRECEPTORSHIP PROGRAM**

These provisions have been set forth in order to stay with the intent of the training program: to prepare the intern for the Board's licensing examination. This provision will allow the intern to be on the program nine months. This gives the intern, from the time of graduation to the time of passing the Board's examination, adequate time to pass the examination (two chances within one year [the examination is given every six months]) and continue in

the training program if the intern fails the first examination..

A. The Board is reserving the right to terminate the program for preceptors or interns who violate Board statutes and rules.

B. This provision has been established in order to allow an option for terminating the program for personal reasons or other reasons determined by the preceptor or the intern.

C. This provision has been established in order to allow the smooth flow of the program. This will allow new graduates to begin training with an established preceptor.

D. This provision has been established for cases which involve disciplinary action regarding the preceptor only. This is in order to punish only the doctor involved and not punish the intern in the process.

3. **COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS**

Minnesota Statutes, sections 14.05 to 14.12 and 14.22 to 14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures applicable to all rules, Minnesota Statutes, sections 14.05 to 14.12, have been complied with by the Board as noted below.

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

14.28, except that no public hearing is presently planned and need not be held unless 25 or more persons submit a written request for a hearing within the 30-day comment period.

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

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

The Board will publish a Notice of Intent to Amend the Rules Without a Public Hearing in the **State Register** and mail copies of the notice and proposed amendment to persons registered with the Board pursuant to Minnesota Statutes, section 14.14, subdivision 1a. The notice will include the following information: a) that the public has 30 days in which to submit comments on the proposed amendment and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held unless 25 or more persons submit a written request for the public hearing on the rule within a 30-day comment period; c) that the rule may be modified if modifications are supported by data and the views submitted; and d) that notice of the date of submission of the proposed amendment to the Attorney

General for review will be mailed to any person requesting to receive the notice, and given information on how to request the notice.

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

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

4. **ADDITIONAL REQUIREMENTS**

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee is to be fixed by rule, the Commissioner of Finance must approve the fee, and the commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed fee is attached hereto.

Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small business as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1990). The Board noted the suggested methods for reducing the impact of the rules on small business. Since the proposed rule relates to the Graduate Preceptorship

Program and concern compliance, reporting requirements, and performance standards there would appear to be no impact or significant effect on small business.

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

Dated: 11-30-, 1990

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Joel B. Wulff, DC
Executive Director

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : February 22, 1991

TO : PATRICIA NOLTE
Legal Assistant
Public Finance

2-22-91

FROM : ROBERT T. HOLLEY RTH
Special Assistant
Attorney General

PHONE : 297-5938

SUBJECT : In the Matter of Proposed Rules of the Board of Chiropractic Examiners Relating to Graduate Preceptorship Rules - Your File No. 1753

This is a resubmission of the above subject rules.

The documents herewith submitted for review are itemized in the attached letter to you from Janice Le Tourneau, dated February 22, 1991.

I am advised that the proposed rules have not been changed in any respect since the date of their initial submission to your office.

If anything further may be required, please let me know as soon as possible.

RTH:tmr
Attachments
cc: Janice Le Tourneau

Bob Holly has a copy of the Withdrawn
if we need it

Minnesota Board of Chiropractic Examiners

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

February 22, 1991

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

Dear Ms. Nolte:

The Minnesota Board of Chiropractic Examiners has re-adopted the Graduate Preceptorship Program rules. I am, therefore, submitting all supplemental documents for review and final approval of these rules. Enclosed for your review are the following supplemental documents:

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

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

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rules Coordinator

Celebrate MINNESOTA 1990

AN EQUAL OPPORTUNITY EMPLOYER

CERTIFICATE OF BOARD OF CHIROPRACTIC EXAMINERS AUTHORIZING RESOLUTION

GRADUATE PRECEPTORSHIP PROGRAM

I, Wilma E. Behm, DC, do hereby certify that I am a member and the President of the Minnesota Board of Chiropractic Examiners, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 15th day of November, 1990, that a quorum was present at the meeting, that a majority of those present voted for the resolution and that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified:

> RESOLVED, that the Executive Director of the Minnesota Board of Chiropractic Examiners, be and hereby is granted the authority and directed to sign and publish in the State Register an order and notice of intent to adopt rules without a public hearing for the purpose of adopting rules relating to the Graduate Preceptorship Program and to proceed with a hearing if the statutorily required number of persons request a hearing in response to notice; and to cancel the hearing and proceed by noncontroversial rulemaking if less than the statutorily required number of persons request a hearing. The Executive Director is also granted the authority and directed to perform any and all acts incidental thereto, including but not limited to, signing a Notice of Hearing, requesting the assignment of an administrative law judge, giving the notice of the rulemaking proceeding to all persons who

have registered their names with the Board for the purpose, acting as the Board's representative at all hearings, and complying with all applicable provisions of the Minnesota Administrative Procedure Act, rules of the Office of Administrative Hearings, and rules of the Attorney General.

IN WITNESS WHEREOF, I have hereunto subscribe my name this 15th day of November, 1990.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Wilma E Behm DC

Wilma E. Behm, DC, President

Margaret Mellenberg

Attest by one other Board Member

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

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

Janice Le Tourneau, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Board of Chiropractic Examiners rulemaking mailing list is accurate, complete, and current as of this 30th day of November, 1990.

That on the 30th day of November, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the United States mail, a copy thereof and a copy of the proposed rule, with postage prepaid, to all persons and associations on the aforementioned mailing list.

That on the 30th day of November, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed, in the same manner, the above-mentioned documents and the related Statement of Need and Reasonableness to the Executive Director of the Legislative Commission to Review Administrative Rules.

Janice Le Tourneau
Janice Le Tourneau
Rules Coordinator

Subscribed and sworn to before me
this 30th day of November, 1990.

Debra J. Larson

Proposed Rules

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

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

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

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Graduate Preceptorship Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners, hereinafter "Board," intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1988). The statutory authority to adopt the rule is *Minnesota Statutes* 148.08, subdivision 3.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1988).

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

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

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

The rule proposed for adoption relates to the following matter: Graduate Preceptorship Program. A free copy of the rule is available upon request from the Executive Director at the above address.

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

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* Sec. 14.11 (1988). It is the position of the Board that it is not subject to *Minnesota Statutes* Sec. 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* Sec. 14.115, subd. 2 (1988), for reducing the impact of the proposed rules, should it be determined that the Board is governed by Section 14.115 are addressed in the Statement of Need and Reasonableness.

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.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the A... General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the d... submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney Ge... who wish to receive a copy of the adopted rule must submit the written request to the Executive Director at the above addres...

Dated: 16 November 1990

Joel B. Wulff, D...
Executive Dir...

Rules as Proposed (all new material)

2500.2500 DEFINITIONS.

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

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

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

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

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

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

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

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

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

2500.2505 PROGRAM ADMINISTRATOR.

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

2500.2510 ROLE OF THE PRECEPTOR.

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

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

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

(1) completing the history and examination;

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

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

(4) treatment of patients.

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

2500.2515 ELIGIBILITY AND RESPONSIBILITIES OF PRECEPTOR.

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

A. be licensed by the board;

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

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

D. be in good standing with the board; and

E. be in private practice only.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN.

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

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

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

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.

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

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

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

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

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

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

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM.

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

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

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

2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM.

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

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

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

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

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to the Practice of Chiropractic

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners, hereinafter "Board," intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1988). The statutory authority to adopt the rule is *Minnesota Statutes* 148.08, subdivision 3.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1988).

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

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

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

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

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) **NOTICE IS HEREBY GIVEN** that the Minnesota Board of Chiropractic Examiners, hereinafter "Board," intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes 14.22 to 14.28 (1988). The statutory authority to adopt the rule is Minnesota Statutes 148.08, subdivision 3.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change

proposed. (7) If a public hearing is required, the Board will proceed pursuant to Minnesota Statutes 14.131 to 14.20 (1988).

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

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

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

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

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

Promulgation of the proposed rule will not result in the expenditure of public monies by local pubic bodies nor have an impact on agricultural land; therefore, no further information need be provided under Minnesota Statutes Sec 14.11 (1988). It is the position of the Board that it is not subject o Minnesota Statutes Sec. 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods

contained in Minnesota Statutes Sec. 14.115, subd. 2 (1988), for reducing the impact of the proposed rules, should it be determined that the Board is governed by Section 14.115 are addressed in the Statement of Need and Reasonableness.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule must submit the written request to the Executive Director at the above address.

Dated: Nov. 16, 1990

Joel B. Wulff, DC
Executive Director

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Wilma E. Behm, DC, do hereby certify that I am a member of the Minnesota Board of Chiropractic Examiners, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Chiropractic Examiners, duly and properly called and held on the 21st day of February, 1991, that a quorum was present at said meeting, that a majority of those present voted for the resolution as set forth in the minutes of said meeting and has not been rescinded or modified.

"Resolved, that the rules proposed published at State Register, December 24, 1990, relating to Graduate Preceptorship Program hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes, sections 148.05 and 148.08, subdivision 3, and that the President or another officer of the Board of Chiropractic Examiners be and hereby is authorized to sign in order adopting the rules proposed and further is authorized to perform the necessary acts to provide that the rules proposed shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of February, 1991.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Wilma E Behm DC

Board Member

Richard C. Bastings DC

Attest Board Member

Attachment No. 1

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

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

STATEMENT OF NEED AND REASONABLENESS

Pursuant to Minn. Stat. 14.23 (1988), the Minnesota Board of Chiropractic Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of proposed Minnesota Rules 2500.2500 to 2500.2530, relating to Graduate Preceptorship Program.

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

1. STATUTORY AUTHORITY

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

Minnesota Statute 148.08, Subd. 3 (1988), authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.105.

2. STATEMENT OF NEED AND REASONABLENESS

Applicants for a license to practice chiropractic in the

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

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

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

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

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

The Board believes its proposed establishment of registration and

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

3. **COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS**

Minnesota Statutes, sections 14.05-14.12 and 14.22-14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures applicable to all rules, Minnesota Statutes, sections 14.05-14.12, have been complied with by the Board as noted below.

The Board proposes adoption of this rule as a noncontroversial rule in accordance with sections 14.22 to 14.28, except that no public hearing is presently planned and need not be held unless 25 or more persons submit a written request for a hearing within the 30-day comment period.

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

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

The Board will publish a Notice of Intent to Amend the Rules Without a Public Hearing in the **State Register** and mail copies of the notice and proposed amendment to persons registered with Minnesota Board of Chiropractic Examiners pursuant to Minnesota Statutes, section 14.14, subdivision 1a. The notice will

include the following information: a) that the public has 30 days in which to submit comments on the proposed amendment and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held unless 25 or more persons submit a written request for a public hearing on the rule within a 30-day comment period; c) that the rule may be modified if modifications are supported by data and the views submitted; and d) that notice of the date of submission of the proposed amendment to the Attorney General for review will be mailed to any person requesting to receive the notice, and giving information on how to request the notice.

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

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

4. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee is to be fixed by rule, the Commissioner of Finance must approve the fee, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed fee is set forth below.

APPROVAL is granted for the following fees:

Graduate Preceptorship Program:

Registration Fee	$100
Annual Renewal Fee	$100

Signature

Budget Operations Director
Title

7-9-90
Date

Department of Finance

Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small business as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1988). The Board noted that the suggested methods for reducing the impact of the rules on small business concern compliance and reporting requirements and performance standards. Since the proposed rule relates to the Graduate Preceptorship Program would appear to be no impact or significant effect on small business.

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

Dated: July 16, 1990

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Executive Director

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Graduate Preceptorship Program

Rules as Proposed (all new material)

2500.2500 DEFINITIONS.

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

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

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

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

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

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

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

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

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

Approved by Revisor

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

2500.2505 PROGRAM ADMINISTRATOR.

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

2500.2510 ROLE OF THE PRECEPTOR.

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

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

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

(1) completing the history and examination;

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

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

(4) treatment of patients.

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

2500.2515 ELIGIBILITY AND RESPONSIBILITIES OF PRECEPTOR.

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

A. be licensed by the board;

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

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

D. be in good standing with the board; and

Approved
by Revisor _____

E. be in private practice only.

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

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

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

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

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

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

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN.

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

Approved
by Revisor _____

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

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

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

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

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

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

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

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

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM.

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

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

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

Approved
by Revisor _____

2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM.

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

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

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

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

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

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Graduate Preceptorship Program

AGENCY: Board of Chiropractic Examiners

MINNESOTA RULES: Chapter 2500

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

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

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

(1) Notice of the Board's supplemental intent to adopt the above-entitled rule was published in the State Register on December 24, 1990, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statues, sections 14.14, subdivision 1a and 14.22 on November 30, 1990. (2) The revised statement of need and reasonableness was prepared before the supplemental notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. (3) Before the supplemental notice was submitted to the State Register, a copy of the supplemental notice of intent to adopt rules without a public hearing and the proposed rules was sent to the chairs of the house appropriations committee and senate finance committee.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after supplemental notice of proposed rulemaking. (5) No requests for a hearing on the rule were received by the Board.

(7) One comment on the rule was received by the Board. No requests for the submission to the attorney general were received by the Board.

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

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

NOW, THEREFORE, IT IS ORDERED that the rule identified as Graduate Preceptorship Program is adopted this 21st day of February, 1991, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.05 and 148.08.

(T)

Wilma E. Behm, DC
MBCE President

Minnesota Board of Chiropractic Examiners

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

November 28, 1990

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

Dear Senator Merriam:

I am submitting a copy of the Board's official Notice of Intent to Adopt a Rule without a Public Hearing relating to the Graduate Preceptorship Program rule. Also enclosed for your review is the rule as proposed.

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

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

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rules Coordinator

Celebrate MINNESOTA 1990

AN EQUAL OPPORTUNITY EMPLOYER

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

November 28, 1990

The Honorable Wayne Simoneau/Chair
House Appropriations Committee
365 State Office Building
St. Paul, MN 55115

Dear Representative Simoneau:

I am submitting a copy of the Board's official Notice of Intent to Adopt a Rule without a Public Hearing relating to the Graduate Preceptorship Program rule. Also enclosed for your review is the rule as proposed.

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

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

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rules Coordinator

Celebrate MINNESOTA 1990
AN EQUAL OPPORTUNITY EMPLOYER

Fitzgerald Chiropractic Clinic

133 WEST LAKE STREET
MINNEAPOLIS, MN 55408
(612) 827-3583

December 6, 1990

Minnesota Board of Chiropractic Examiners
2700 University Avenue West Suite 20
St. Paul, Minnesota 55114

Re: Notice of intent to adopt a rule without a public hearing relating to graduate preceptor program dated November 16, 1990.

Attn: Joel Wulff, D.C.
Executive Director

I refer to page 1, line 28, the added language as follows the word 'colleges': "for the purpose within the scope of practice described in M.S. Sect. 148.01 to 148.10".

There is subject matter taught in chiropractic colleges that is interesting knowledge, but it may not be in the scope of chiropractic. For example: psychology, acupuncture, prescribing viatmins and physical therapy.

I refer to page 1, line 34 after the word 'licensed', change to chiropractor; strike chiropractic physician.

M.S. Sect. 148.01 to M.S. Sect. 148.10 refers to the term only as chiropractor. The present Minnesota Statutes define a physician as an osteopath or medical doctor.

Sincerely,

Bob Fitzgerald

Bob Fitzgerald, B.S., D.C.
BF:sf

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DEC 07 1990
MINNESOTA BOARD OF
Chiropractic Examiners

2

STATE OF MINNESOTA

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

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

DECLARATION
OF COUNSEL

I, Robert T. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0478.

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

Dated: Feb. 22, 1991