

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: March 26, 1991

TO: JOEL WULFF
EXECUTIVE DIRECTOR
Board of Chiropractic Examiners

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

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to the Practice of Chiropractic

The above-referenced rule has been approved as to its legality by the Attorney General on March 25, 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

3118
CH

RULE REVIEW CHECKLIST

File No. 1808
DATE RECEIVED 3-14-91
REVIEW DATE 3-25-91
DUE DATE 3-27-91
(DIS)APPROVED Charlene 325
WITHDRAWN _____

Docket No. 05.0009.0478
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 3-19-91
REVISOR (DIS)APPROVED 3-25-91
FILED W/SEC. OF STATE 3-25-91
RETURNED TO AGENCY 3-26-91

✓ 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 5 Statutory Authority
✓ Small Business Statement - addressed in SONAR
NA Expenditure of public money statement
~~Jan~~ 16, 1990 Nov. Signature of ~~Robert Hall Jan 16, 1991~~

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

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

✓ Publication in State Register
Dec. 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
Feb 21, 1991 Date

✓ Written Requests, Submissions or Comments

_____ Declaration of Attorney
Robert Hall Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to the Practice of Chiropractic

Rules as Adopted

2500.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Certification of good standing.** "Certification of good standing" means the issuance of an official notice from another state certifying the licensee has no pending or final disciplinary action.

Subp. 3. **Inactive license.** "Inactive license" means a restricted license that allows the licensee to maintain a license but does not allow the licensee to actively practice in Minnesota.

~~Subp. 4. **Nonstandard methods.** "Nonstandard methods" means those methods and diagnostic procedures and devices within the scope of practice that have not been researched by parties other than the manufacturer and deemed safe for and of benefit to the public, and taught in or accepted by board approved chiropractic colleges or Minnesota Medical Board accepted medical schools as intended for use in a chiropractic setting.~~

~~Subp. 5. **Standard methods.** "Standard methods" means those chiropractic methods and diagnostic procedures and devices that have been researched by parties other than the manufacturer and deemed safe for and of benefit to the public or taught in board approved chiropractic colleges or Minnesota Medical Board accepted medical schools and are within the provisions in Minnesota Statutes, section 148.01.~~

2500.0500 ADVERTISING FREE SERVICES.

Free or discounted chiropractic services shall be provided to all patients during the period of time specified in the advertisements, whether or not the consumer is aware of the free services or discounted fee, and whether or not payment is to be

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made by the individual or a third-party payer such as an insurance company.

Free or discounted examinations or chiropractic treatments shall be equivalent to the same examinations or chiropractic treatments as provided at a full charge.

When using the word "free," or any other term with essentially the same meaning, in reference to any service, examination, or treatment, the following statement must be submitted by the doctor to the patient or guardian upon completion of the free services for signature and kept on file:

"I understand all services to this point have been free of charge. Any subsequent services will be provided for at the fees explained to me at this time."

2500.1110 LICENSE TERMINATION PROCEDURE.

Subpart 1. **For failure to renew license.** The procedures in this part shall be followed by the board for all licensees who have failed to submit the annual renewal application according to parts 2500.1000 to 2500.2000 including, where applicable, required information about continuing education and applicable fees, except as provided in parts 2500.1000 to 2500.2000.

Subp. 2. **Notice.** By January 31 of each year, the board shall send to the address on file with the board, a notice to each licensee who has not made application for license renewal. The notice shall state that:

A. the licensee has failed to make application for renewal;

B. the amount of renewal and late fees;

C. the information required about continuing education hours as specified in part 2500.1200 which must be submitted in order for the license to be renewed;

D. the licensee may voluntarily retire the license by notifying the board or that the licensee may apply for an inactive license; and

E. failure to respond to the notice by the date

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by Revisor _____

specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, or the information required about continuing education hours, or by notifying the board that the licensee has voluntarily retired the licensee's license shall result in termination of the license to practice chiropractic in Minnesota.

Subp. 3. **Date of termination.** If the application for renewal, including required information about continuing education, and the annual and late fees or notice of voluntary retirement is not received by the board by the date specified in the notice, the license shall expire and the licensee's right to practice chiropractic in the state of Minnesota shall terminate as of the date specified in the notice. The termination shall not be considered a disciplinary action against the licensee.

Subp. 4. **Deferment of continuing education deadline.** If a deferment of continuing education has been granted according to part 2500.2000, the license will expire at the end of the extension granted if the licensee does not submit within that time period evidence of having accumulated the required hours of continuing education. Any continuing education hours accumulated during the extension period shall not count toward the meeting of requirements of the next year's renewal requirements.

Subp. 5. **Requests for deferment extension.** If the board grants permission, a licensee may submit a request for an extension of the first deferment period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of the license shall not meet these standards. The burden rests on the licensee to prove that an extension should be granted which in no case shall exceed an additional six months.

2500.1200 CONTINUING EDUCATION.

[For text of subps 1 to 4, see M.R.]

~~Subp. 5. IME requirements. In addition to the 20 hours of~~

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~~continuing-education-hours-required-for-annual-license-renewal,~~ ~~all-licensed-chiropractors-registered-with-the-board-to-perform independent-medical-examinations-must-attend-ten-hours-of continuing-education-annually-relating-to-independent-medical examinations.--All-courses-and-seminars-must-be-approved-by-the board-as-provided-in-part-2500.1400.~~

~~Subp.-6.--**Acupuncturists.**--In-addition-to-the-20-hours-of continuing-education-hours-required-for-annual-license-renewal, all-licensed-chiropractors-registered-with-the-board-in acupuncture-must-attend-ten-hours-of-continuing-education annually-relating-to-the-practice-of-acupuncture.--All-courses and-seminars-must-be-approved-by-the-board-as-provided-in-part 2500.1400.~~

Subp. ~~7.~~ 5. **Sexual abuse recognition.** All chiropractors applying for licensure or for the renewal of a license on or after January 1, 1992, inclusive in the 20 hours of continuing education hours required for annual license renewal, must have completed eight hours of course work or training regarding the establishment of professional boundaries in the clinical setting, and the identification and reporting of child and vulnerable adult abuse and maltreatment. The course work or training must be obtained from an institution or provider which has been approved by the board to provide such course work or training.

The course work or training must include the following:

A. boundary training as it relates to professional conduct in the clinical setting;

B. information regarding the physical and behavioral indicators of child and vulnerable adult abuse and maltreatment; and

C. the statutory reporting requirements in Minnesota Statutes, chapter 626, including, but not limited to, when and how a report must be made, what other actions a reporter is mandated or authorized to take, the legal protections afforded reporters, and their consequences for failure to report.

Each chiropractor must provide the board with documentation

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showing proof of attendance and successful completion of the required training.

Each chiropractor who is applying for licensure must fulfill this provision before taking the board licensure examination.

This provision must be fulfilled by licensed chiropractors every four years after commencing January 1, 1992.

2500.2000 WAIVER OR DEFERMENT OF CONTINUING EDUCATION REQUIREMENTS.

The board shall waive or defer compliance with some or all annual continuing education requirements for any licensee presenting satisfactory written evidence to the board of illness or hardship making it impossible or highly impractical for the licensee to attend or to have attended a sufficient number of approved continuing education class hours. No deferment shall last more than 60 days.

2500.2020 INACTIVE LICENSE.

A Minnesota licensed chiropractor may apply to the board for an inactive license according to items A to C. An inactive license is intended for those chiropractors who will be in active practice elsewhere.

A. Applicants must complete a board-approved application which must include a signed affidavit stating that the applicant will no longer be actively practicing chiropractic in the state of Minnesota.

B. Upon approval of an application, the board will modify the annual license certificate to indicate inactive licensure.

C. The board may refuse to approve an application if:

(1) a pending or final disciplinary action exists against an applicant's Minnesota license;

(2) a pending or final disciplinary action exists against an applicant's license in another state where the applicant has been licensed to practice chiropractic; or

(3) the applicant's Minnesota license is not

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current in fees and penalties paid, or in continuing education hours obtained for annual license renewal.

2500.2030 ANNUAL RENEWAL OF INACTIVE LICENSE.

The annual renewal fee for an inactive license is 75 percent of the current fee imposed by the board for license renewal.

2500.2040 REINSTATEMENT OF INACTIVE LICENSE.

An inactive license may be reinstated to a nonrestricted license according to items A to E:

A. completion of a board-approved application of reinstatement;

B. payment of a reinstatement fee in the amount of $100;

C. submission of a certification of good standing from each state the doctor was granted a license;

D. submission of a notarized statement from the doctor stating:

(1) that the doctor has remained in active practice in another state or country during the period of inactive license status in Minnesota;

(2) that the doctor has met the continuing education requirements as approved by Minnesota or the states or countries in which the doctor practiced chiropractic, or has taken at least 12 hours of continuing education each year of inactive license status, whichever is greater; and

(3) the specific addresses of where the doctor has been in active practice; and

E. completion of 20 hours of continuing education as approved by the board the year prior to application for reinstatement.

If any of the requirements of items A to E are not met by the doctor, the board will deny approval of the application for reinstatement.

2500.2050 INACTIVE RETIRED LICENSE.

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by Revisor _____

A Minnesota licensed chiropractor who intends to retire from the practice of chiropractic may apply to the board for an inactive retired license.

The licensee must apply for an inactive retired license according to part 2500.2020.

2500.2060 ANNUAL RENEWAL OF INACTIVE RETIRED LICENSE.

The annual renewal fee for an inactive retired license is 75 percent of the current fee imposed by the board for license renewal.

2500.2070 REINSTATEMENT OF INACTIVE RETIRED LICENSE.

An inactive retired license may be reinstated to a nonrestricted license within three years from the date that inactive retired status is in effect according to items A to D.

A. The doctor must have been licensed for at least five years previous to inactive retired license status.

B. The doctor must obtain 30 hours of board-approved continuing education hours within the year before application for reinstatement.

C. The doctor must be in good standing with the board and must provide certificates of good standing from all other states in which the doctor is licensed.

D. The doctor must pay a reinstatement fee in the amount of $100.

After three years from the date inactive retired license status is in effect, this reinstatement provision will not be an available option. Proof of 20 board-approved continuing education hours per year of inactive retired license status will be required for reinstatement. Without proof of 20 hours of continuing education, reexamination will be required to obtain full license status.

If any of the requirements of items A to D are not met by the doctor, the board shall deny approval of the application for reinstatement.

~~2500.4010 NONSTANDARD METHODS PERMITTED.~~

Approved
by Revisor _____

~~In order to clarify for the patient the use of nonstandard methods as compared to standard methods in the treatment or diagnosis of a chiropractic condition, written informed consent of the patient must be obtained by the doctor of chiropractic before the use of any nonstandard method. The amount of compensation, if any, for the use of nonstandard methods shall be paid upon written agreement between the patient and the doctor of chiropractic. This includes methods, procedures, and devices being used in conjunction with formal research which are considered to be nonstandard methods. Nothing in this part constitutes authorization for the use of illegal practice methods or methods without the authorization of the scope of chiropractic practice.~~

STATE OF MINNESOTA
DEPARTMENT OF ...
FILED
MAR 25 1991
...
Secretary of State

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

March 25 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene Hatcher/mjc
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 25 1991 3:55

Joan Anderson Growe P. M.

Secretary of State

Stat. Authority

148.08 subd 3

The board of chiropractic examiners shall promulgate rules necessary to administer sections . . .

~~SONAR was mailed~~

~~Nothing in Sole relates to 2500.4010 Nonstandard Methods Permitted~~

~~4 Fees no memo from Finance Comm.~~

Finding of Fact indicate = 27 requests for

parts 2500.0100, subparts 4 and 5 ✓

2500.1200 subpart 5 ✓

2500.1200 subpart 6 ✓

2500.4010

These were deleted from the adopted rules

~~3-15-91 Going to Sen~~

7 exs

Sent letters to House Appropriations Senate

Memo from Finance

Sent SONAR

Requests for hearing letters

2500.1200 subpart 6

5 22 (27)

2500.1200 sub 5

1,000 22 (23)

2500.4010

5 22 (27)

2500.0100 sub 4 and 5

1,000 22 (23)

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : March 14, 1991

3-14-91 Rec

TO : PATRICIA NOLTE
Legal Assistant
Public Finance

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 Free Services, Advertising, Continuing Education Requirements, Inactive License Status, and License Termination Procedure

The above subject rules are hereby submitted for your review and approval. All documents required under Minn. Rules pt. 2010.0300 are attached. Should there be questions, please contact me or Janice Le Tourneau of the Board Office.

RTH:tmr
Attachment
cc: Janice Le Tourneau
Joel B. Wulff, DC

Minnesota Board of Chiropractic Examiners

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

March 4, 1991

Patricia Nolte
Attorney General's Office
Public Finance Division
525 Park Street, 5th Floor
St. Paul, MN 55103

Dear Ms. Nolte:

The Minnesota Board of Chiropractic Examiners has adopted rule relating to Free Services Advertising, Continuing Education Requirements, Inactive License Status, and License Termination Procedure. I am, therefore, submitting all documents for review and approval of these rules. Enclosed for your review are the following 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
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

Since the Board will be holding a hearing on several parts of the proposed rule, I have split out the Statement of Need and Reasonableness to reflect the currently adopted rules. However, at the time of publication those rules were included in the SONAR.

Celebrate MINNESOTA 1990

AN EQUAL OPPORTUNITY EMPLOYER

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

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rules Coordinator

CERTIFICATE OF THE
MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

AUTHORIZING RESOLUTION
RELATING TO THE PRACTICE OF CHIROPRACTIC
PROPOSED RULES, FILE NO. 1736

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

"**RESOLVED**, that Joel B. Wulff, DC, the Executive Director of the Board of Chiropractic Examiners, is hereby granted the authority and directed to sign and to give the Notice of Intent to Adopt a Rule without a Public Hearing regarding Rules File No. 1736, relating to Advertising Free Services, License Termination Procedure, Continuing Education requirements, Inactive License status, and Nonstandard Methods governing the practice of chiropractic to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

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

Wilma E Behm DC
Wilma E. Behm, DC

Margaret Mullenbring
Attest by one other Board Member

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rules of the State Board of Chiropractic Examiners Relating to Free Services Advertising, Nonstandard Methods of Practice, Continuing Education Requirements, Inactive License Status, and License Termination Procedure

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.

(11) The rule proposed for adoption relates to the following matters: Free Services Advertising, Nonstandard Methods of Practice, Continuing Education Requirements, Inactive License Status, and License Termination Procedure. A free copy of the rule is available upon request from the Executive Director at the above address.

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

(13) Promulgation of the proposed rule will not result in the expenditure of public monies by local 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: Jan. 16, 1990

Joel B. Wulff, DC
Executive Director

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing Free Services Advertising, Nonstandard Methods of Practice, Continuing Education Requirements, Inactive License Status, and License Termination Procedure

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.

Micki King

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

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 matters: Free Services Advertising, Nonstandard Methods of Practice, Continuing Education Requirements, Inactive License Status, and License Termination Procedure. A free copy of the rule is available upon request from the Executive Director at the above address.

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

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

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

Dated: 16 November 1990

Joel B. Wulff, DC
Executive Director

Rules as Proposed

2500.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Certification of good standing.** "Certification of good standing" means the issuance of an official notice from another state certifying the licensee has no pending or final disciplinary action.

Subp. 3. **Inactive license.** "Inactive license" means a restricted license that allows the licensee to maintain a license but does not allow the licensee to actively practice in Minnesota.

Subp. 4. **Nonstandard methods.** "Nonstandard methods" means those methods and diagnostic procedures and devices within the scope of practice that have not been researched by parties other than the manufacturer and deemed safe for and of benefit to the public, and taught in or accepted by board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools as intended for use in a chiropractic setting.

Subp. 5. **Standard methods.** "Standard methods" means those chiropractic methods and diagnostic procedures and devices that have been researched by parties other than the manufacturer and deemed safe for and of benefit to the public or taught in board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools and are within the provisions in *Minnesota Statutes*, section 148.01.

2500.0500 ADVERTISING FREE SERVICES.

Free or discounted chiropractic services shall be provided to all patients during the period of time specified in the advertisements, whether or not the consumer is aware of the free services or discounted fee, and whether or not payment is to be made by the individual or a third-party payer such as an insurance company.

Free or discounted examinations or chiropractic treatments shall be equivalent to the same examinations or chiropractic treatments as provided at a full charge.

When using the word "free," or any other term with essentially the same meaning, in reference to any service, examination, or treatment, the following statement must be submitted by the doctor to the patient or guardian upon completion of the free services for signature and kept on file:

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.

"I understand all services to this point have been free of charge. Any subsequent services will be provided for at the fees explained to me at this time."

2500.1110 LICENSE TERMINATION PROCEDURE.

Subpart 1. **For failure to renew license.** The procedures in this part shall be followed by the board for all licensees who have failed to submit the annual renewal application according to parts 2500.1000 to 2500.2000 including, where applicable, required information about continuing education and applicable fees, except as provided in parts 2500.1000 to 2500.2000.

Subp. 2. **Notice.** By January 31 of each year, the board shall send to the address on file with the board, a notice to each licensee who has not made application for license renewal. The notice shall state that:

A. the licensee has failed to make application for renewal;

B. the amount of renewal and late fees;

C. the information required about continuing education hours as specified in part 2500.1200 which must be submitted in order for the license to be renewed;

D. the licensee may voluntarily retire the license by notifying the board or that the licensee may apply for an inactive license; and

E. failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, or the information required about continuing education hours, or by notifying the board that the licensee has voluntarily retired the licensee's license shall result in termination of the license to practice chiropractic in Minnesota.

Subp. 3. **Date of termination.** If the application for renewal, including required information about continuing education, and the annual and late fees or notice of voluntary retirement is not received by the board by the date specified in the notice, the license shall expire and the licensee's right to practice chiropractic in the state of Minnesota shall terminate as of the date specified in the notice. The termination shall not be considered a disciplinary action against the licensee.

Subp. 4. **Deferment of continuing education deadline.** If a deferment of continuing education has been granted according to part 2500.2000, the license will expire at the end of the extension granted if the licensee does not submit within that time period evidence of having accumulated the required hours of continuing education. Any continuing education hours accumulated during the extension period shall not count toward the meeting of requirements of the next year's renewal requirements.

Subp. 5. **Requests for deferment extension.** If the board grants permission, a licensee may submit a request for an extension of the first deferment period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of the license shall not meet these standards. The burden rests on the licensee to prove that an extension should be granted which in no case shall exceed an additional six months.

2500.1200 CONTINUING EDUCATION.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **IME requirements.** In addition to the 20 hours of continuing education hours required for annual license renewal, all licensed chiropractors registered with the board to perform independent medical examinations must attend ten hours of continuing education annually relating to independent medical examinations. All courses and seminars must be approved by the board as provided in part 2500.1400.

Subp. 6. **Acupuncturists.** In addition to the 20 hours of continuing education hours required for annual license renewal, all licensed chiropractors registered with the board in acupuncture must attend ten hours of continuing education annually relating to the practice of acupuncture. All courses and seminars must be approved by the board as provided in part 2500.1400.

Subp. 7. **Sexual abuse recognition.** All chiropractors applying for licensure or for the renewal of a license on or after January 1, 1992, inclusive in the 20 hours of continuing education hours required for annual license renewal, must have completed eight hours of course work or training regarding the establishment of professional boundaries in the clinical setting, and the identification and reporting of child and vulnerable adult abuse and maltreatment. The course work or training must be obtained from an institution or provider which has been approved by the board to provide such course work or training.

The course work or training must include the following:

A. boundary training as it relates to professional conduct in the clinical setting;

B. information regarding the physical and behavioral indicators of child and vulnerable adult abuse and maltreatment; and

C. the statutory reporting requirements in *Minnesota Statutes*, chapter 626, including, but not limited to, when and how a report must be made, what other actions a reporter is mandated or authorized to take, the legal protections afforded reporters, and their consequences for failure to report.

Each chiropractor must provide the board with documentation showing proof of attendance and successful completion of the required training.

Each chiropractor who is applying for licensure must fulfill this provision before taking the board licensure examination.

This provision must be fulfilled by licensed chiropractors every four years after commencing January 1, 1992.

2500.2000 WAIVER OR DEFERMENT OF CONTINUING EDUCATION REQUIREMENTS.

The board shall waive or defer compliance with some or all annual continuing education requirements for any licensee presenting satisfactory written evidence to the board of illness or hardship making it impossible or highly impractical for the licensee to attend or to have attended a sufficient number of approved continuing education class hours. No deferment shall last more than 60 days.

2500.2020 INACTIVE LICENSE.

A Minnesota licensed chiropractor may apply to the board for an inactive license according to items A to C. An inactive license is intended for those chiropractors who will be in active practice elsewhere.

A. Applicants must complete a board-approved application which must include a signed affidavit stating that the applicant will no longer be actively practicing chiropractic in the state of Minnesota.

B. Upon approval of an application, the board will modify the annual license certificate to indicate inactive licensure.

C. The board may refuse to approve an application if:

(1) a pending or final disciplinary action exists against an applicant's Minnesota license;

(2) a pending or final disciplinary action exists against an applicant's license in another state where the applicant has been licensed to practice chiropractic; or

(3) the applicant's Minnesota license is not current in fees and penalties paid, or in continuing education hours obtained for annual license renewal.

2500.2030 ANNUAL RENEWAL OF INACTIVE LICENSE.

The annual renewal fee for an inactive license is 75 percent of the current fee imposed by the board for license renewal.

2500.2040 REINSTATEMENT OF INACTIVE LICENSE.

An inactive license may be reinstated to a nonrestricted license according to items A to E:

A. completion of a board-approved application of reinstatement;

B. payment of a reinstatement fee in the amount of $100;

C. submission of a certification of good standing from each state the doctor was granted a license;

D. submission of a notarized statement from the doctor stating:

(1) that the doctor has remained in active practice in another state or country during the period of inactive license status in Minnesota;

(2) that the doctor has met the continuing education requirements as approved by Minnesota or the states or countries in which the doctor practiced chiropractic, or has taken at least 12 hours of continuing education each year of inactive license status, whichever is greater; and

(3) the specific addresses of where the doctor has been in active practice; and

E. completion of 20 hours of continuing education as approved by the board the year prior to application for reinstatement.

If any of the requirements of items A to E are not met by the doctor, the board will deny approval of the application for reinstatement.

2500.2050 INACTIVE RETIRED LICENSE.

A Minnesota licensed chiropractor who intends to retire from the practice of chiropractic may apply to the board for an inactive retired license.

The licensee must apply for an inactive retired license according to part 2500.2020.

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.

2500.2060 ANNUAL RENEWAL OF INACTIVE RETIRED LICENSE.

The annual renewal fee for an inactive retired license is 75 percent of the current fee imposed by the board for license renewal.

2500.2070 REINSTATEMENT OF INACTIVE RETIRED LICENSE.

An inactive retired license may be reinstated to a nonrestricted license within three years from the date that inactive retired status is in effect according to items A to D.

A. The doctor must have been licensed for at least five years previous to inactive retired license status.

B. The doctor must obtain 30 hours of board-approved continuing education hours within the year before application for reinstatement.

C. The doctor must be in good standing with the board and must provide certificates of good standing from all other states in which the doctor is licensed.

D. The doctor must pay a reinstatement fee in the amount of $100.

After three years from the date inactive retired license status is in effect, this reinstatement provision will not be an available option. Proof of 20 board-approved continuing education hours per year of inactive retired license status will be required for reinstatement. Without proof of 20 hours of continuing education, reexamination will be required to obtain full license status.

If any of the requirements of items A to D are not met by the doctor, the board shall deny approval of the application for reinstatement.

2500.4010 NONSTANDARD METHODS PERMITTED.

In order to clarify for the patient the use of nonstandard methods as compared to standard methods in the treatment or diagnosis of a chiropractic condition, written informed consent of the patient must be obtained by the doctor of chiropractic before the use of any nonstandard method. The amount of compensation, if any, for the use of nonstandard methods shall be paid upon written agreement between the patient and the doctor of chiropractic. This includes methods, procedures, and devices being used in conjunction with formal research which are considered to be nonstandard methods. Nothing in this part constitutes authorization for the use of illegal practice methods or methods without the authorization of the scope of chiropractic practice.

Department of Commerce

Proposed Permanent Rules Relating to Real Estate Appraiser Licensing, Education, and Conduct

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statute* Section 82B.13 and Section 82B.19 and Section 82B.20.

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 department will proceed pursuant to *Minnesota Statutes*, Section 14.131 to 14.20.

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

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

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.

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to the Practice of Chiropractic

Rules as Proposed

2500.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Certification of good standing.** "Certification of good standing" means the issuance of an official notice from another state certifying the licensee has no pending or final disciplinary action.

Subp. 3. **Inactive license.** "Inactive license" means a restricted license that allows the licensee to maintain a license but does not allow the licensee to actively practice in Minnesota.

Subp. 4. **Nonstandard methods.** "Nonstandard methods" means those methods and diagnostic procedures and devices within the scope of practice that have not been researched by parties other than the manufacturer and deemed safe for and of benefit to the public, and taught in or accepted by board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools as intended for use in a chiropractic setting.

Subp. 5. **Standard methods.** "Standard methods" means those chiropractic methods and diagnostic procedures and devices that have been researched by parties other than the manufacturer and deemed safe for and of benefit to the public or taught in board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools and are within the provisions in Minnesota Statutes, section 148.01.

2500.0500 ADVERTISING FREE SERVICES.

Free or discounted chiropractic services shall be provided to all patients during the period of time specified in the advertisements, whether or not the consumer is aware of the free

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services or discounted fee, and whether or not payment is to be made by the individual or a third-party payer such as an insurance company.

Free or discounted examinations or chiropractic treatments shall be equivalent to the same examinations or chiropractic treatments as provided at a full charge.

When using the word "free," or any other term with essentially the same meaning, in reference to any service, examination, or treatment, the following statement must be submitted by the doctor to the patient or guardian upon completion of the free services for signature and kept on file:

"I understand all services to this point have been free of charge. Any subsequent services will be provided for at the fees explained to me at this time."

2500.1110 LICENSE TERMINATION PROCEDURE.

Subpart 1. **For failure to renew license.** The procedures in this part shall be followed by the board for all licensees who have failed to submit the annual renewal application according to parts 2500.1000 to 2500.2000 including, where applicable, required information about continuing education and applicable fees, except as provided in parts 2500.1000 to 2500.2000.

Subp. 2. **Notice.** By January 31 of each year, the board shall send to the address on file with the board, a notice to each licensee who has not made application for license renewal. The notice shall state that:

A. the licensee has failed to make application for renewal;

B. the amount of renewal and late fees;

C. the information required about continuing education hours as specified in part 2500.1200 which must be submitted in order for the license to be renewed;

D. the licensee may voluntarily retire the license by notifying the board or that the licensee may apply for an inactive license; and

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E. failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, or the information required about continuing education hours, or by notifying the board that the licensee has voluntarily retired the licensee's license shall result in termination of the license to practice chiropractic in Minnesota.

Subp. 3. **Date of termination.** If the application for renewal, including required information about continuing education, and the annual and late fees or notice of voluntary retirement is not received by the board by the date specified in the notice, the license shall expire and the licensee's right to practice chiropractic in the state of Minnesota shall terminate as of the date specified in the notice. The termination shall not be considered a disciplinary action against the licensee.

Subp. 4. **Deferment of continuing education deadline.** If a deferment of continuing education has been granted according to part 2500.2000, the license will expire at the end of the extension granted if the licensee does not submit within that time period evidence of having accumulated the required hours of continuing education. Any continuing education hours accumulated during the extension period shall not count toward the meeting of requirements of the next year's renewal requirements.

Subp. 5. **Requests for deferment extension.** If the board grants permission, a licensee may submit a request for an extension of the first deferment period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of the license shall not meet these standards. The burden rests on the licensee to prove that an extension should be granted which in no case shall exceed an additional six months.

2500.1200 CONTINUING EDUCATION.

[For text of subps 1 to 4, see M.R.]

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Subp. 5. **IME requirements.** In addition to the 20 hours of continuing education hours required for annual license renewal, all licensed chiropractors registered with the board to perform independent medical examinations must attend ten hours of continuing education annually relating to independent medical examinations. All courses and seminars must be approved by the board as provided in part 2500.1400.

Subp. 6. **Acupuncturists.** In addition to the 20 hours of continuing education hours required for annual license renewal, all licensed chiropractors registered with the board in acupuncture must attend ten hours of continuing education annually relating to the practice of acupuncture. All courses and seminars must be approved by the board as provided in part 2500.1400.

Subp. 7. **Sexual abuse recognition.** All chiropractors applying for licensure or for the renewal of a license on or after January 1, 1992, inclusive in the 20 hours of continuing education hours required for annual license renewal, must have completed eight hours of course work or training regarding the establishment of professional boundaries in the clinical setting, and the identification and reporting of child and vulnerable adult abuse and maltreatment. The course work or training must be obtained from an institution or provider which has been approved by the board to provide such course work or training.

The course work or training must include the following:

A. boundary training as it relates to professional conduct in the clinical setting;

B. information regarding the physical and behavioral indicators of child and vulnerable adult abuse and maltreatment; and

C. the statutory reporting requirements in Minnesota Statutes, chapter 626, including, but not limited to, when and how a report must be made, what other actions a reporter is mandated or authorized to take, the legal protections afforded reporters, and their consequences for failure to report.

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Each chiropractor must provide the board with documentation showing proof of attendance and successful completion of the required training.

Each chiropractor who is applying for licensure must fulfill this provision before taking the board licensure examination.

This provision must be fulfilled by licensed chiropractors every four years after commencing January 1, 1992.

2500.2000 WAIVER OR DEFERMENT OF CONTINUING EDUCATION REQUIREMENTS.

The board shall waive or defer compliance with some or all annual continuing education requirements for any licensee presenting satisfactory written evidence to the board of illness or hardship making it impossible or highly impractical for the licensee to attend or to have attended a sufficient number of approved continuing education class hours. No deferment shall last more than 60 days.

2500.2020 INACTIVE LICENSE.

A Minnesota licensed chiropractor may apply to the board for an inactive license according to items A to C. An inactive license is intended for those chiropractors who will be in active practice elsewhere.

A. Applicants must complete a board-approved application which must include a signed affidavit stating that the applicant will no longer be actively practicing chiropractic in the state of Minnesota.

B. Upon approval of an application, the board will modify the annual license certificate to indicate inactive licensure.

C. The board may refuse to approve an application if:

(1) a pending or final disciplinary action exists against an applicant's Minnesota license;

(2) a pending or final disciplinary action exists against an applicant's license in another state where the applicant has been licensed to practice chiropractic; or

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(3) the applicant's Minnesota license is not current in fees and penalties paid, or in continuing education hours obtained for annual license renewal.

2500.2030 ANNUAL RENEWAL OF INACTIVE LICENSE.

The annual renewal fee for an inactive license is 75 percent of the current fee imposed by the board for license renewal.

2500.2040 REINSTATEMENT OF INACTIVE LICENSE.

An inactive license may be reinstated to a nonrestricted license according to items A to E:

A. completion of a board-approved application of reinstatement;

B. payment of a reinstatement fee in the amount of $100;

C. submission of a certification of good standing from each state the doctor was granted a license;

D. submission of a notarized statement from the doctor stating:

(1) that the doctor has remained in active practice in another state or country during the period of inactive license status in Minnesota;

(2) that the doctor has met the continuing education requirements as approved by Minnesota or the states or countries in which the doctor practiced chiropractic, or has taken at least 12 hours of continuing education each year of inactive license status, whichever is greater; and

(3) the specific addresses of where the doctor has been in active practice; and

E. completion of 20 hours of continuing education as approved by the board the year prior to application for reinstatement.

If any of the requirements of items A to E are not met by the doctor, the board will deny approval of the application for reinstatement.

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2500.2050 INACTIVE RETIRED LICENSE.

A Minnesota licensed chiropractor who intends to retire from the practice of chiropractic may apply to the board for an inactive retired license.

The licensee must apply for an inactive retired license according to part 2500.2020.

2500.2060 ANNUAL RENEWAL OF INACTIVE RETIRED LICENSE.

The annual renewal fee for an inactive retired license is 75 percent of the current fee imposed by the board for license renewal.

2500.2070 REINSTATEMENT OF INACTIVE RETIRED LICENSE.

An inactive retired license may be reinstated to a nonrestricted license within three years from the date that inactive retired status is in effect according to items A to D.

A. The doctor must have been licensed for at least five years previous to inactive retired license status.

B. The doctor must obtain 30 hours of board-approved continuing education hours within the year before application for reinstatement.

C. The doctor must be in good standing with the board and must provide certificates of good standing from all other states in which the doctor is licensed.

D. The doctor must pay a reinstatement fee in the amount of $100.

After three years from the date inactive retired license status is in effect, this reinstatement provision will not be an available option. Proof of 20 board-approved continuing education hours per year of inactive retired license status will be required for reinstatement. Without proof of 20 hours of continuing education, reexamination will be required to obtain full license status.

If any of the requirements of items A to D are not met by the doctor, the board shall deny approval of the application for reinstatement.

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2500.4010 NONSTANDARD METHODS PERMITTED.

In order to clarify for the patient the use of nonstandard methods as compared to standard methods in the treatment or diagnosis of a chiropractic condition, written informed consent of the patient must be obtained by the doctor of chiropractic before the use of any nonstandard method. The amount of compensation, if any, for the use of nonstandard methods shall be paid upon written agreement between the patient and the doctor of chiropractic. This includes methods, procedures, and devices being used in conjunction with formal research which are considered to be nonstandard methods. Nothing in this part constitutes authorization for the use of illegal practice methods or methods without the authorization of the scope of chiropractic practice.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Practice of Chiropractic

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

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Adoption of Rules Relating to Free Services Advertising, Continuing Education Requirements, Inactive License Status, and License Termination Procedure

STATEMENT OF NEED AND REASONABLENESS

Pursuant to Minnesota Statutes 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 relating to the above mentioned areas in the practice of chiropractic.

In order to adopt the proposed rules, 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 he 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. In particular, the Board wishes to promulgate rules that will define, clarify, or establish Board policies in

regard to the above-mentioned areas in the practice of chiropractic.

2. STATEMENT OF NEED AND REASONABLENESS

I. Advertising Free Services

The Board has received several complaints and questions from the public and from doctors of chiropractic alike, which pertain to the offering of free services by doctors of chiropractic. Most of the complaints center around when the free services end and services for a fee begin. For example, x-rays are often offered to be taken for patients during an "initial consultation" which is free. However, the x-rays offered to be taken are billed to the patient. The patient is not aware that x-rays are not taken for free. Therefore, patients file complaints with the Board regarding false advertising practices.

The Board intends to set in rule procedures which will eliminate any questions regarding how to advertise and offer to the public free chiropractic services.

Free services offers: The Board believes that this provision regarding who can take advantage of the free services offer is necessary because of problems that can later arise regarding billing matters. This provision puts everyone on the same level during the period of time the advertisement is in effect.

Level of services given - examinations: The Board believes that this provision is necessary in order to establish what the

public can expect from all advertised free services that doctors of chiropractic offer.

Advertising statement: The Board believes that this provision is necessary in order to give the public a means of contesting services not rendered properly in this proposed rule. This provision is also necessary in order for doctors of chiropractic to acknowledge their responsibility in the proper treatment and billing of patients in regard to free services advertisements.

II. License Termination Procedure

Upon the prior recommendation of the Attorney General's office, the Board has decided to promulgate these rules. **See** Richard Wexler memo. The Board currently has no means of expeditiously dealing with delinquent license matters. The Board currently must follow disciplinary procedures in order to take care of these matters. Whereas in the proposed rule the Board will be able to bypass administrative hearings, conference notices, and disciplinary status for failure to renew the license. The Board believes this is necessary in order to keep records up to date, save in attorney's fees and administrative costs, and time processing these matters in the Board office.

Failure to submit renewal application: The Board believes that setting out the procedures the Board will follow is necessary and reasonable. The procedures are proposed in order to maintain consistency and expediency in processing delinquent licenses.

If the doctor of chiropractic does not meet the requirements to renew the license in the specified time period, the Board believes that most efficient way to proceed is by automatic expiration of the license. With these provisions, doctors still have adequate due process safeguard. They will be served notice and have 30 days in which to respond to the notice. This will not be considered disciplinary action by the board. This is important to the doctors in order to remain in good standing with the Board and other boards throughout the country. It will rather be considered an administrative "house cleaning" function.

If the doctor of chiropractic does not wish to have his license cancelled, and presents circumstances to the Board which would qualify as hardship, the Board is granted the right to waive the requirements of license renewal in accordance with the standards set out in Subpart 5, or defer the requirements for the specified time limit proposed in the rule.

This provision is proposed because the Board realizes that special circumstances do exist of some doctors of chiropractic, and the Board wishes to include a possible alternative for those doctors who qualify for a waiver or deferment of requirements. However, a limit of six months has been established in order to keep these provisions from becoming more of an incentive for doctors to be late in fulfilling license renewal requirements.

III. Sexual Abuse Recognition and Prevention

The Board believes that because of the increase in sexual abuse involving children and vulnerable adults, that a course in the recognition, prevention, and reporting thereof, is necessary

for doctors of chiropractic to be more aware of the issues and reporting requirements.

The courses the Board will approve must encompass the requirements set forth in the proposed rule. The Board believes that these requirements help fulfill the reporting laws' requirements and help doctors of chiropractic have a better understanding of what is required of them. Because of the depth in which the continuing education seminars or courses entail, the Board determined that at least eight hours would be necessary in order to cover all subjects thoroughly.

There have been numerous complaints in the area of professional boundaries, many of which are still pending. Of those doctors scheduled for disciplinary conferences in fiscal year 1991 alone, 10 out of 13 conferences relate to nonreporting and sexual misconduct of doctors.

The doctors of chiropractic or applicants for the licensure examination must provide proof to the Board that they have fulfilled the continuing education requirements proposed in this rule.

This provision is proposed in order to have each newly licensed doctor fully aware of his responsibilities and duties regarding this subject.

This provision is proposed in order for all doctors of chiropractic to be kept up to date regarding new laws or reporting requirements, and in order to mandate a "refresher" course in the subject matter. **Source:** New York Statutes 413.

Therefore, the Board believes this proposed rule is needed and reasonable.

IV. Waiver or Deferment of Continuing Education Requirements

The addition of this provision has been made in order to limit the Board's discretionary powers, and also to let doctors know that they must have some sort of plan in order to get continuing education hours fulfilled on time.

V. Inactive License Status

The Board has determined a need to provide current, active Minnesota licensees a form of licensure that would allow doctors of chiropractic to be licensed in Minnesota without practicing in Minnesota. The Board has received numerous requests from licensees for an inactive form of licensure.

The Board has determined that without an inactive form of license a substantial number of licensees will retire their license with the State of Minnesota, resulting in a significant revenue loss to the Board.

Full licensure requirements present a hardship to many licensees who are: 1) licensed in several other states and need to meet multiple license renewal requirements; 2) not in active practice in the state of Minnesota; 3) retired and need to maintain a license; and 4) intending to return to Minnesota in the future.

The Board has determined that an inactive form of licensure would decrease administrative costs for processing and verifying license by approximately 25 percent of the current cost.

Inactive License

The provisions set forth in this part are necessary in order to explain how to apply for and how one qualifies for inactive license status. The Board is requiring all licensees to be up to date with fees and continuing education due for annual license renewal in order to start all inactive licensees on the same level.

Annual Renewal

The annual renewal fee is 75 percent of the current Board fee for annual license renewal. This has been established to reduce the fee for those doctors who are not practicing in Minnesota. The considerations mentioned previously for those who hold multiple licenses is also a factor in this provision.

The Board has also made budget provisions for this fee. **See** Fee Review forms.

Reinstatement of Inactive License

The provision outlines all requirements in order to be reinstated to an active license. The submission of an affidavit and certificates of good standing are required in order to verify that the doctor has been complying with the current state in which he is practicing in and that he has complied with the requirements for reinstatement.

The continuing education requirements have been established in order to ensure that doctors are keeping current with the profession at large. Twelve hours of continuing education per year has been established because this is the national median. **See** Inactive.CE attached hereto.

Inactive Retired License

This provision has been set forth solely for the purpose of those considering to retire completely from the practice of chiropractic in Minnesota or elsewhere.

Annual Renewal of Inactive Retired License

The provision is the same as Inactive License in order to keep both inactive licenses the same for administrative ease in processing the licenses. Also, it is the same in order not to penalize one doctor because of the inactive status he chooses.

Reinstatement of Inactive Retired License

This provision allows for the inactive retired doctor to reinstate to a full license within three years of inactivity. This has been established in order to provide an alternative to those doctors who change their minds regarding retirement, and for those who are seeking only a short-term retirement.

Provision A. has been established in order to provide a safeguard for the Board. This would prevent doctors from jumping back and forth between license stati in order to avoid fee and continuing education requirements.

Provision B. has been established in order to ensure the public and the Board that the doctor has obtained current information regarding the profession. Thirty hours has been established because this is half of the amount normally required over a three year period of active licensure. The Board believes that 30 hours is not unreasonable to expect from these doctors. Thirty hours is considered attainable without imposing a hardship on the doctor who wishes to reinstate.

Provisions C. and D. have been established in order to ensure the doctor has not been disciplined in another state while not practicing in Minnesota. In addition, a fee must be paid in order to reinstate; this fee has been established in order to process the licensee's license again.

The three year limit has been established because the Board believes this to be enough time for a doctor to make the decision for full retirement or to go back into active practice in the state of Minnesota.

Therefore, the Board believes that these provisions are needed and reasonable.

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 these rules as noncontroversial rules in accordance with section 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 Adopt Rules without a Public Hearing in the **State Register** and mail copies of the notice and proposed amendments 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 a public hearing on the rule within the 30-day comment period; c) that the rule may be modified if modifications are supported by 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 rule and notice as published, the rule 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 relating to Inactive License Status is given in the memorandum attached hereto.

Small Business Considerations. In preparing to propose these rules, the Board considered the methods for reducing the impact of the rules on small business as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1990). The Board noted that the suggested methods for reducing the impact of the rules on small business concern compliance, reporting requirements, and performance standards. Since the proposed rules relate to the definition of methods of practice, advertising, and licensure, there would appear to be no impact or significant affect 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 rule.

Dated: 11-28-90

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Joel B. Wulff, D.C.

Joel B. Wulff, DC
Executive Director

(11/21/90)

Kent Jackson

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

PHONE : 341-7272

DATE : March 17, 1986

Rules

TO : Executive Directors
Health Licensing Boards

FROM : Richard A. Wexler
Assistant Attorney General

SUBJECT : License expirations and continuing education exemptions

At our meeting of March 11, 1986, I mentioned that I would send each of you a copy of changes made to the Board of Dentistry rules which have simplified the process of dealing with individuals who do not pay their annual license renewal fee. The change eliminates the need for a disciplinary proceeding as the license now expires administratively both for failure to pay the renewal fee as well as for failure to meet continuing education requirements. The Board also adopted a new rule which allows an individual to maintain a license in a nonpracticing status and therefore eliminates the need to meet continuing education requirements.

I know that some Boards already have processes similar to those contained in the new Board of Dentistry rules. For those Boards which do not, you may want to consider amending your rules to provide for a similar process.

If you want to consider amending your Board's rules in a manner similar to what the Board of Dentistry has done, please feel free to talk to your attorney.

RAW:lb

Attachments

cc: John A. Breviu
Terry P. O'Brien
Audrey Kaiser Manka
Catherine E. Avina
Paul G. Zerby
Penny Troolin
Robert T. Holley
(all with attachments)

3100.1700 TERMS AND RENEWAL OF LICENSE AND REGISTRATION.

Subpart 1. Terms. Each initial license or registration issued by the board is valid from the date issued until renewed or terminated in accordance with the procedures specified in this part. Each annually renewed license or registration issued by the board is valid from January 1 of the year for which it was issued until renewed or terminated in accordance with the procedures specified in this part.

Subp. 2. Renewal applications including information regarding CDE and fees. Each dentist, and dental hygienist and each registered dental assistant, shall submit an application for renewal of his license or registration together with the necessary fee no later than December 31 of the year preceding that for which the license or registration renewal is requested. Applications for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office via United States first class mail on the first workday after December 31. The application form shall must provide a place for the renewal applicant's signature and shall must solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether such the licensee or registrant has been engaged during the year preceding the year for which renewal is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

For those licensees or registrants whose five-year CDE cycle expired the previous June 30 and who have not submitted evidence of compliance with the five-year CDE requirement set forth in part 3100.4100, the board will include in its written notice relating to annual renewal, that the licensee or registrant shall submit verified evidence of having taken the requisite number of CDE credit hours or of having passed the applicable examinations listed in part 3100.1850, subpart 4, in order to have his or her license or registration renewed.

Subp. 3. Failure to submit renewal application. The following procedure will be followed by the board for all licensees and registrants who have failed to submit the annual renewal application in accordance with subpart 2 including, if applicable, required information about CDE, and applicable fees, except as provided in subpart 5.

A. Any time after January 1, the board will send, to the last address on file with the board, a notice to all licensees or registrants who have not made application for the renewal of their license or registration. The notice will state that licensee or registrant has failed to make application for renewal; the amount of the renewal and late fees and or the information required about CDE as specified in subpart 2 which must be submitted in order for the license or registration to be renewed; that licensee or registrant may voluntarily terminate the license or registration by notifying the board; and that failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, and or the information required about CDE, or by notifying the board that licensee or registrant has voluntarily terminated his or her license or registration will result in the expiration of the license or registration and termination of the right to practice.

B. If the application for renewal, including required information about CDE and the applicable annual and late fees or notice of voluntary termination is not received by the board by the date specified in the notice, the license or registration will expire and the licensee's or registrant's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee or registrant.

C. Notwithstanding items A and B, the expiration date shall be extended six months when a licensee or registrant failed to meet the CDE requirements and requests permission to take the applicable examination specified in part 3100.1850, subpart 2, item A. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of having passed the examination. In those cases where a licensee or registrant was physically incapable, at the end of that person's five-year reporting cycle, of taking CDE courses, the expiration date shall also be extended six months for the purpose of giving the person an opportunity to take the necessary number of CDE course hours. The licensee or registrant must submit clear and convincing evidence of physical incapability. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of taking the number of CDE course hours necessary to comply with part 3100.4100, subpart 2. Any CDE hours accumulated during the six-month extension shall not count toward meeting the requirement of the new CDE cycle.

In either instance referenced above, a licensee or registrant may submit a request for an extension of the six-month period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of license shall not meet these standards. The burden rests on the licensee or registrant to prove that an extension should be granted, which in no case shall exceed an additional six months.

Subp. 4. Reinstatement. A license or registration which has expired pursuant to this part may be reinstated pursuant to part 3100.1850.

Subp. 5. Contested case proceedings. The board, in lieu of the process set out in subpart 3, may initiate a contested case hearing to revoke or suspend a license or registration for failure to submit the fees and CDE information requested on the renewal application, at the same time that it initiates disciplinary proceedings against the licensee or registrant for other grounds specified in Minnesota Statutes, section 150A.08, subdivision 1, and parts 3100.6100 to 3100.7200 and 3100.8100.

3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.

Subpart 1. Requirements. Upon complying with the requirements specified in this part, the applicant's license or registration shall be reinstated. Any person desiring the reinstatement of a license or registration shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in part 3100.2000 subpart 6;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the applicable provisions of subparts 2 to 5. Upon reinstatement, the person shall be assigned to the CDE cycle to which the licensee or registrant was assigned prior to termination of the license or registration.

Subp. 2. Expiration or voluntary termination of less than five years. Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration less than five years previous to the application for reinstatement must:

A. Submit evidence of having completed the CDE requirements that would have applied to them had their licenses or registration not expired. If the license or registration had expired because of failure to meet CDE requirements or if the applicant's CDE cycle concluded during the time that the license or registration was in expired status and the requirements had not been complied with, the applicant must first successfully complete part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the examination for initial registration for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of licensure or registration and filing a reinstatement application.

Subp. 3. Expiration or voluntary termination of more than five years. Applicants whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated their license or registration more than five years previous to the application for reinstatement must:

A. Submit evidence of having successfully completed part II of the national board examination and the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination and the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the registration examination specified in part 3100.1300, item C, for registered dental assistants.

B. Pay the annual renewal fees and applicable penalty fees for the five years immediately preceding application for reinstatement.

Subp. 4. Revoked or suspended licenses. No license or registration which has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license or registration was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action were based in part on failure to meet CDE requirements, the license or registration may not be reinstated until the applicant has successfully completed the applicable examination specified in part 3100.1850, subparts 2 and 3.

Subp. 5. Scope. Nothing in this part prohibits a dentist or dental hygienist from applying for licensure pursuant to part 3100.1400.

Subp. 4. **Exemptions.** A licensee or registrant who pays an annual license or registration renewal fee and meets any of the following conditions is exempt from complying with the CDE requirements if he or she files with the board an affidavit specifying the condition within which he or she falls:

A. resides permanently outside the state and does not practice within the state; or

B. is retired from practice and does not perform any dental services on a volunteer or free basis; or

C. is permanently disabled and unable to practice dentistry.

Subp. 5. **Expiration of exemption.** A licensee or registrant claiming exemption under subpart 4 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed CDE requirements equivalent to what the requirements would have been without the exemption for the five years immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee or registrant has not complied with the CDE requirements, the licensee or registrant must comply with part 3100.1850, subpart 2, if the licensee or registrant had been exempt from complying with CDE requirements for less than five years and with part 3100.1850, subpart 3, if exempt more than five years. The licensee or registrant may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee or registrant will be placed into the CDE cycle that he or she would have been in if the exemption was not claimed.

Statutory Authority: *MS s 214.12*

RECEIVED
JUL 0 9 1990
MINNESOTA BOARD OF
Chiropractic Examiners

IDENTIFICATION AND REPORTING OF CHILD ABUSE AND MALTREATMENT—EXPLAINING REPORTING REQUIREMENTS—STUDY REQUIREMENTS FOR LICENSING

CHAPTER 544

A. 10835-A

Memorandum relating to this chapter, see Legislative Memoranda, post

Approved Aug. 11, 1988, effective Jan. 1, 1989

AN ACT to amend the social services law and the education law, in relation to the mandated reporting of suspected cases of child abuse and maltreatment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section four hundred thirteen of the social services law, as amended by chapter seven hundred eighteen of the laws of nineteen hundred eighty-six, is amended to read as follows:

§ 413. Persons and officials required to report cases of suspected child abuse or maltreatment

1. The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician,; surgeon,; medical examiner,; coroner,; dentist,; osteopath,; optometrist,; chiropractor,; podiatrist,; resident,; intern,; psychologist,; registered nurse,; hospital personnel engaged in the admission, examination, care or treatment of persons,; a Christian Science practitioner,; school official,; social services worker,; day care center worker,; provider of family or group family day care; employee or volunteer in a residential care facility defined in subdivision seven of section four hundred twelve of this chapter or any other child care or foster care worker,; mental health professional,; peace officer,; police officer,; district attorney or assistant district attorney,; investigator employed in the office of a district attorney; or other law enforcement official. Whenever such person is required to report under this title in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he or she shall immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent, who then also shall become responsible to report or cause reports to be made. However, nothing in this section or title is intended to require more than one report from any such institution, school or agency. At the time of the making of a report, or at any time thereafter, such person or official may exercise the right to request, pursuant to paragraph (A) of subdivision four of section four hundred twenty-two of this article, the findings of an investigation made pursuant to this title or section 45.07 of the mental hygiene law.

2. Any person, institution, school, facility, agency, organization, partnership or corporation which employs persons mandated to report suspected incidents of child abuse or maltreatment pursuant to subdivision one of this section shall provide consistent with section four hundred twenty-one of this chapter, all such current and new employees with written information explaining the reporting requirements set out in subdivision one of this section and in sections four hundred fifteen through four hundred twenty of this title. The employers shall be responsible for the costs associated with printing and distributing the written information.

3. Any state or local governmental agency or authorized agency which issues a license, certificate or permit to an individual to operate a family day care home or group family day care home shall provide each person currently holding or seeking such a license, certificate or permit with written information explaining the reporting requirements set out in subdivision one of this section and in sections four hundred fifteen through four hundred twenty of this title.

§ 2. Section three thousand three of the education law is amended by adding a new subdivision four to read as follows:

4. Notwithstanding any other provision of law, the commissioner shall require that any person applying, on or after January first, nineteen hundred ninety-one, for a superintendent's certificate shall, in addition to all the other requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavorial indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

§ 3. Section three thousand four of such law is amended by adding a new closing paragraph to read as follows:

Notwithstanding any other provision of law, the commissioner shall prescribe regulations requiring that all persons applying, on or after January first, nineteen hundred ninety-one, for a certificate or license to be a teacher shall, in addition to all the other certification or licensure requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavorial indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

§ 4. The closing paragraph of section three thousand seven of such law is amended to read as follows:

Such endorsement confers on the holder of such diploma or certificate the privileges conferred by law on the holder of the diploma of a state teachers college or state college for teachers or state certificate issued in this state. Notwithstanding any other provision of law, the commissioner shall require that any person seeking endorsement of a foreign certificate or diploma, on or after January first, nineteen hundred ninety-one, shall have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such course work or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each

applicant shall provide the department with documentation showing that he or she has completed the required training.

§ 5. Subdivision three of section five thousand three of such law, as amended by chapter six hundred eighty of the laws of nineteen hundred eighty-six, is amended to read as follows:

3. Teachers and directors. No person shall be engaged or employed by a private school as a director or teacher who is not licensed in such capacity by the department pursuant to regulations of the commissioner which shall take into consideration such factors as moral character, educational qualifications and practical experience. This subdivision shall not apply to directors or teachers employed on or before July first, nineteen hundred seventy-two.

Notwithstanding any other provision of law, the commissioner shall require that all persons applying, on or after January first, nineteen hundred ninety-one, for a license to be a teacher or director of a private school shall, in addition to all the other licensure requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

§ 6. Paragraph a of subdivision three of section sixty-five hundred seven of such law, as added by chapter nine hundred eighty-seven of the laws of nineteen hundred seventy-one, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, or psychologist shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

§ 7. This act shall take effect January first, nineteen hundred eighty-nine.

* dental hygienists were added by amendment
(Chapter 194 of the Laws of 1989)

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: June 21, 1990

Department/Agency: Minnesota Board of Chiropractic Examiners

Budget Activity:

Fee Name: Inactive License Renewal/Reinstatment Fee

Legal Citation: MS 148.08, Subd. 3 (1988)

Fee Set By: [ ] Law [X] Agency

Purpose of Fee:

See Attached Sonar

[ ] Dedicated [X] Non-Dedicated

Revenue Code:

APID: 21506:00 | Fund: 17 | Accumulated Difference Thru 1986

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Actual/Anticipated Receipts					$8.5
Less Actual/ Anticipated Costs					$8.5
Current Difference					-0-
Accumulated Difference					-0-
Number Paying Fee					110
Present Fee					N/A
Date Fee Last Changed					N/A

Remarks:

TITLE	No. Paying Fee	Fee Amount	Estimated Revenue
Inactive Status Renewal Fee	100	75% of current Board License Renewal Fee	$7,500
Reinstatement Fee	10	$100	$1,000

MBCE recommends the fee amounts be established at the proposed rates above

Department Authorized Signature:

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00195-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: June 21, 1990

Department/Agency: Minnesota Board of Chiropractic Examiners

Budget Activity:

Fee Name: Inactive License Renewal/Reinstatement Fee

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06				Dollars in Thousands (137,522 = 137.5)	
Agency Direct Expenditures					$7
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX		.2
Attorney General					.8
Statewide Indirect					.4
Agency Indirect					.1
Totals – must agree with cost on Fee Review Form					$8.5

Remarks:

SF-00006-05 (4/86)

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : September 25, 1990

TO : Janice LeTourneau
Rules Coordinator
Board of Chiropractic Examiners

FROM : Bruce Reddemann, Director
Budget Operations

BJR

PHONE : 296-5188

SUBJECT : Approval of Proposed Fees

The following fees are approved to become effective when the necessary rulemaking procedures have been accomplished:

	Approved Fee
■ Inactive License Fee	75% of current Licensing Renewal Fee
■ License Reinstatement Fee	$100.00
■ Acupuncture Registration Fee	$100.00
■ Annual Registered Status Renewal	$ 50.00

SEP 2 7 1990
BOARD OF

12 CE Hours/Year	> 12 CE Hours/Year	No CE Hours/Year	< 12 CE Hours/Year
Alaska	Hawaii	Arizona	Alabama
California	Illinois	Connecticut	Arkansas
Delaware	Indiana	Utah	Colorado
District of Columbia	New Mexico	Vermont	Florida
Georgia	Texas	Virginia	Iowa
Idaho			Kansas
Kentucky			Maryland
Lousiana			Michigan
Maine			Minnesota
Massachusetts			Mississippi
Missouri			Nebraska
Montana			Oregon
Nevada			Washington
New Hampshire			
North Carolina			
North Dakota			
Ohio			
Oklahoma			
Pennsylvania			
Rhode Island			
South Carolina			
South Dakota			
Tennessee			
West Virginia			
Wisconsin			
Wyoming			

Source: Federation of Chiropractic Licensing Boards, February 1990

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rule the State Board of Chiropractic Examiners Governing Free Services Advertising, Continuing Education Requirements, Inactive License Status, and License Termination Procedure

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

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on 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 statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. (3) Before the notice was submitted to the State Register, a copy of the 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 notice of the proposed rulemaking.

(5) Twenty-seven requests for a hearing on the rule were received by the Board. However, the Board received further

clarification from seven persons requesting a hearing only for parts 2500.0100, subparts 4 and 5; 2500.1200, subpart 5; 2500.1200, subpart 6; and 2500.4010. Therefore, the Board has split these parts out and will hold a public hearing specific to the parts indicated above.

(7) No other comments on the rule were 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 rules identified as Free Services Advertising, Continuing Education Requirements, Inactive License Status, and License Termination Procedure, is adopted this 21st (9) day of February, 1991, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.05 and 148.08.

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 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 Free Services Advertising, Nonstandard Methods of Practice, Continuing Education Requirements, Inactive License Status, and License Terminiation Procedure. 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 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 Free Services Advertising, Nonstandard Methods of Practice, Continuing Education Requirements, Inactive License Status, and License Termination Procedure. Also enclosed for your review is the rule as proposed.

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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 Free Services Advertising, Continuing Education Requirements, Inactive License Status, and License Termination Procedure, 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 A Hastings DC

Attest Board Member

STATE FUND MUTUAL INSURANCE COMPANY

January 22, 1991

PATRICIA R. JOHNSON
VICE PRESIDENT AND GENERAL COUNSEL

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

Re: Proposed Permanent Rules Relating to the Practice of Chiropractic

Dear Sir/Madam:

Please be advised that the undersigned request a public hearing in connection with the Proposed Permanent Rules Relating to the Practice of Chiropractic published December 24, 1990.

The undersigned object to proposed Section 2500.1200, Subpart 6, which references registration of a chiropractor with the Board in acupuncture and continuing education regarding acupuncture. Legislation regarding the permissible scope of practice of chiropractors does not permit acupuncture. Specifically, note the opinion of the Minnesota Attorney General, 303c-2, March 10, 1975, construing Minnesota Statute, Section 148.01.

We also object to Section 2500.4010. It is unclear to us why the Board would be providing a procedure for obtaining compensation for treatment of any kind, much less for use of "nonstandard methods." The heading of this proposed section is disturbing. Is it the goal of the Board to clarify that nonstandard methods of treatment are permitted, or to limit the use of nonstandard methods? It is our opinion that nonstandard methods ought not to be permitted, given the proposed definition of "nonstandard method." In any event, the Board should not become involved in issues of compensation for chiropractic services.

Sincerely,

Patricia R. Johnson
Vice President and General Counsel

Joining me in requesting a hearing are the following individuals:

900 WILSON RIDGE • 7500 FLYING CLOUD DRIVE
EDEN PRAIRIE, MINNESOTA 55344-3758
(612) 944-3260

4054 Blaisdel Avenue So.
Minneapolis, MN 55409

January 11, 1991

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

RECEIVED
JAN 14 1991

Dear Dr. Wulff:

I request a Public Hearing on the proposed Rules 2500.0100 - 500.4010, as published in the December 24, 1990 State Register.

I specifically object to the following:

2500.0100, Subp. 4 and 5

It is not clear whether the research referred to in the Sections refer to Methods, Diagnostic Procedures and Devices or only to Devices.

2500.1200, Subp. 5

The Continuing Education Requirement of an additional 10 hours is excessive, since an IME is an examination no different than any other examination. Furthermore, such a requirement would increase the cost of already expensive IME's.

2500.1200, Subp. 6

Rules regarding Continuing Education for Acupuncture are unnecessary, since Minnesota Statute 148.01 specifically prohibits invasive procedures.

2500.4010

This provision expands the scope of practice permitted by Minnesota Statute 148. Further, it creates an obligation to pay by a third party without input by that party. It also permits use of devices where the research is inadequate, and it obligates the parties to pay for services which ultimately are determined to be ineffective. New devices which manufacturers' research shows patient benefit regularly appear. Many, like Thermography, ultimately are proven to be of little value.

These are my primary concerns. A more detailed study of the proposed Rules may uncover additional concerns.

Sincerely,

Randy Hedman

3915 Harriet Avenue South
Minneapolis, MN 55409

January 11, 1991

RECEIVED
JAN 16 1991
MINNESOTA BOARD OF
Chiropractic Examiners

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

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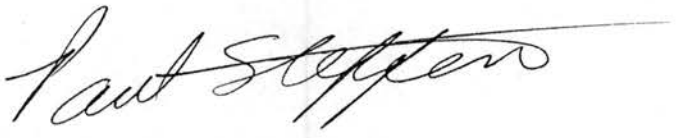

Paul Steffen

6121 - 12th Avenue South
Minneapolis, MN 55417

January 11, 1991

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

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Sincerely,

Patty Prentice

Patty Prentice

264 River Woods Lane
Burnsville, MN 55337

January 11, 1991

RECEIVED
JAN 15 1991
MINNESOTA BOARD OF
Chiropractic Examiners

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

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Sincerely,

Harlan Smith

Harlan Smith

404 Hawes Avenue
Vadnais Heights, MN 55127

January 11, 1991

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

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Sincerely,

James Vannelli

857 - 23rd Avenue S.E.
Minneapolis, MN 55414

January 11, 1991

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JAN 15 1991
MINNESOTA BOARD OF
Chiropractic Examiners

Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue, Suite 20
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Sincerely,

Linda Falkowski

Linda Falkowski

7360 Gallagher Drive, #302A
Edina, MN 55435

January 11, 1991

RECEIVED
JAN 15 1991
MINNESOTA BOARD OF
Chiropractic Examiners

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

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Sincerely,

Jason R. Pribbernow

Jason Pribbernow

4217 Marlborough Court
Minnetonka, MN 55345

RECEIVED
JAN 15 1991
MINNESOTA BOARD OF
Chiropractic Examiners

January 11, 1991

Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue, Suite 20
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Sincerely,

Bruce Franzen

Bruce Franzen

1245 - 79-1/2 Street
Victoria, MN 55386

January 11, 1991

RECEIVED
JAN 16 1991
MINNESOTA BOARD OF
Chiropractic Examiners

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

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Sincerely,

Dick Sagara

5574 Sherwood Drive
Mound, MN 55362

January 11, 1991

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JAN 16 1991
MINNESOTA BOARD OF
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Sincerely,

Denise Larson

Denise Larson

2508 Highland View Avenue
Burnsville, MN 55337

January 11, 1991

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

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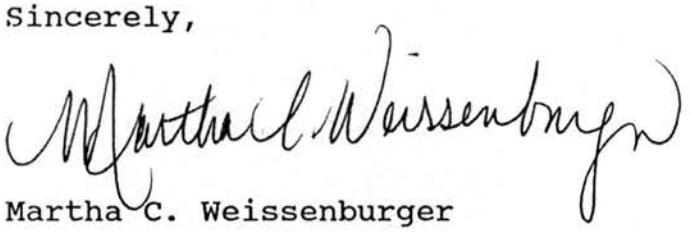

Martha C. Weissenburger

6824 Kentucky Avenue North
Brooklyn Park, MN 55428

January 11, 1991

RECEIVED

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

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Sincerely,

Marilyn Berthiaume

Marilyn Berthiaume

16780 No. Hillcrest Court
Eden Prairie, MN 55417

January 11, 1991

RECEIVED
JAN 16 1991
MINNESOTA BOARD OF
Chiropractic Examiners

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Kathy Heyer

Kathy Heyer

10266 Cavell Circle
Bloomington, MN 55438

January 11, 1991

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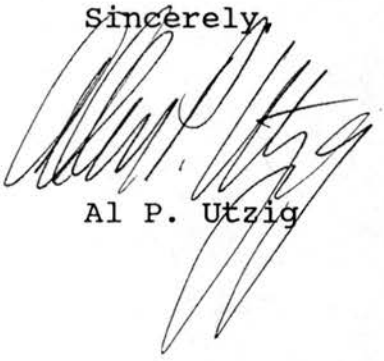

Al P. Utzig

2338 Marshall Avenue, #206
St. Paul, MN 55104

January 11, 1991

RECEIVED
JAN 15 1991
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Sincerely,

Deborah McClure

Deborah McClure

8032 Aldrich Avenue North
Brooklyn Park, MN 55444

January 11, 1991

RECEIVED
JAN 14 1991
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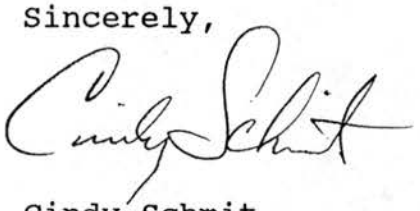

Cindy Schmit

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MINNESOTA BOARD OF
Chiropractic Examiners

9890 180TH STREET WEST
LAKEVILLE MN 55044

January 11, 1991

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

Dear Dr. Wulff:

I request a Public Hearing on the proposed Rules 2500.0100 - 500.4010, as published in the December 24, 1990 State Register.

I specifically object to the following:

2500.0100, Subp. 4 and 5

It is not clear whether the research referred to in the Sections refer to Methods, Diagnostic Procedures and Devices or only to Devices.

2500.1200, Subp. 5

The Continuing Education Requirement of an additional 10 hours is excessive, since an IME is an examination no different than any other examination. Furthermore, such a requirement would increase the cost of already expensive IME's.

2500.1200, Subp. 6

Rules regarding Continuing Education for Acupuncture are unnecessary, since Minnesota Statute 148.01 specifically prohibits invasive procedures.

2500.4010

This provision expands the scope of practice permitted by Minnesota Statute 148. Further, it creates an obligation to pay by a third party without input by that party. It also permits use of devices where the research is inadequate, and it obligates the parties to pay for services which ultimately are determined to be ineffective. New devices which manufacturers' research shows patient benefit regularly appear. Many, like Thermography, ultimately are proven to be of little value.

These are my primary concerns. A more detailed study of the proposed Rules may uncover additional concerns.

Sincerely,



John Grotkin

1512 Independence Avenue North
Minneapolis, MN 55427

January 11, 1991

RECEIVED
JAN 14 1991
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Sincerely,

Dale Haug

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1728 Berkeley Avenue
St. Paul, MN 55105

January 11, 1991

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Sincerely,



Will Ribbens

4610 Ithaca Lane North
Plymouth, MN 55446

January 11, 1991

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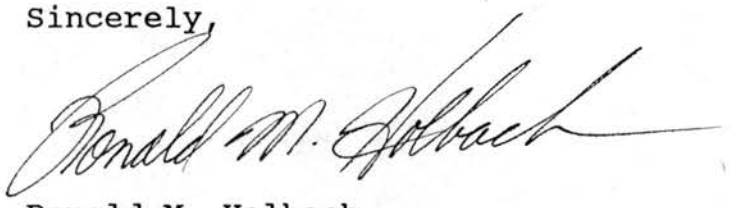

Ronald M. Holbach

135 Nathan Lane, #230
Plymouth, MN 55441

January 11, 1991

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JAN 14 1991
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Sincerely,

Diane Vos

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JAN 14 1991
MINNESOTA BOARD OF
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9501 Trenton Lane
Maple Grove, MN 55369

January 11, 1991

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

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Sincerely,

Robert Dahl

Robert Dahl

Minnesota Board of Chiropractic Examiners

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

January 31, 1991

Patricia Johnson
900 Wilson Ridge 7500 Flying Cloud Drive
Eden Prairie MN 55344-3758

Dear Ms. Johnson:

The Minnesota Board of Chiropractic Examiners is in receipt of your request for a hearing regarding Proposed Permanent Rules Relating to the Practice of Chiropractic as published in the State Register, December 24, 1990. The Board has received a sufficient number of requests in order to hold a public hearing. The Board will begin making arrangements to schedule a hearing as soon as possible.

In your letter of request, you mention requesting a hearing relating to the entire proposed set of rules. However, you have specifically objected to the following portions:

(X) 2500.0100, Subps. 4 and 5 - Definitions Nonstandard and Standard Methods
( ) 2500.1200, Subp. 5 - Continuing Education Hours for IMEs
(X) 2500.1200, Subp. 6 - Continuing Education Hours for Acupuncturist
(X) 2500.4010 - Nonstandard Methods Allowed

It is the Board's intention to hold a hearing specific to the above-mentioned portions of the proposed rules. The remaining "noncontroversial" portions will be split out, and the Board will proceed with the adoption of these.

Please indicate below whether this is acceptable to you or not:

(X) I **agree** to a public hearing specific to the concerns indicated above.
( ) I **do not agree** to a public hearing without the inclusion of all portions of the proposed rules.

Celebrate MINNESOTA 1990

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Rules of the Board of Chiropractic Examiners Relating to Free Services Advertising, Continuing Education Requirements, Inactive License Status, and License Termination Procedure

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: March 13, 1991.