

Minnesota Attorney General: Administrative Rules Proceedings

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DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: May 29, 1991

TO: JOEL B. WULFF
Executive Director
Minnesota Board of Chiropractic

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Examination Procedures

The above-referenced rule has been approved as to its legality by the Attorney General on May 28, 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.

MJC:sc

cc: Robert T. Holly
William Brown, Chief Judge
MaryAnn Hruby

MJC

RULE REVIEW CHECKLIST

File No. 1825 Docket No. 05.0009.1478
DATE RECEIVED 5-16-91 ADOPTED W/O HEARING _____
REVIEW DATE 5-28-91 EMERGENCY RULE _____
DUE DATE 5-30-91 TO REVISOR ON 5-17-91
(DIS)APPROVED 5-28-91 mjc REVISOR (DIS)APPROVED 5/28/91
WITHDRAWN _____ FILED W/SEC. OF STATE 5/29/91
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

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

_____ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
February 21, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148.08 Statutory Authority
_____ Small Business Statement
_____ Expenditure of public money statement
3-13-91 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
March 22, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register also mailed SOLAR
April 8, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
NA Effective date of law requiring rule
(14.12) ✓ (both rules) amendments don't apply already an existing 2500. so doesn't apply even though it indicates new material
_____ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
May 9, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
May 9, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
~~Bob Holly~~ _____ Name of SAAG representing agency

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

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

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Board of Chiropractic Examiners

Adopted Permanent Rules Relating to Examination Procedures

Rules as Adopted

2500.2500 TEST ADMINISTRATION.

The board may solicit the help of Minnesota licensed chiropractors for the purpose of:

A. examination development;

B. examination administration; and

C. postexamination audit.

Each chiropractor must be in good standing with the board and must have been licensed in Minnesota three years before helping with any portion of the examination.

Other than board members, no chiropractor may participate in more than one portion of the examination process for any single administration of the examination.

2500.2510 CONTINUING EDUCATION HOURS FOR EXAMINERS.

Minnesota licensed chiropractors who contribute at least two hours of time in the development of an examination, the administration of the examination, or the postexamination audit shall receive two regular continuing education hours applied toward the next license renewal. No chiropractor may receive more than four hours per calendar year.

2500.2520 APPLICATION PREREQUISITES.

In addition to the prerequisites in Minnesota Statutes, section 148.06, evidence of passing the National Board of Chiropractic Examiners' tests: Part I, Part II, the Written Clinical Competency Examination, and the Physiotherapy Examination, is required for the applicant to be permitted to sit for the examination.

2500.2530 EXAMINATION DEADLINE.

All applications, all other required documents, and fees must be received by the board not less than four weeks before

the first day of the scheduled examination. During the fourth week before the examination, notices of approval to sit for the boards, notices of application deficiency, and notices of denial to sit for the boards shall be mailed to each applicant.

If an applicant receives a notice of application deficiency, the applicant has until two weeks before the first day of the examination to submit to the board missing documents.

If an application is still incomplete two weeks before the first day of the examination, the applicant shall not be allowed to sit for the boards, and the board shall mail a notice of denial to sit for the boards.

2500.2540 REGRADES.

Applicants who want the board to verify that the score reported to them is accurate may request a hand grading of their examinations. The board shall honor the request if the following criteria are met:

A. requests must be received by the board no later than 30 days after the examination results have been mailed by the board;

B. requests must be in writing, indicating which subjects the applicant wishes to have regraded; and

C. a money order or cashier's check must be submitted in the amount of $30 a subject.

Payment must be received before the regrade. To protect the integrity of the examination process, applicants may not review their examinations under any circumstances.

2500.2550 RETAKING EXAMINATION.

Applicants who fail portions of the licensure examination may retake the failed portions once at the next scheduled examination.

Applicants need not reapply to the board for examination; however, applicants must notify the board of their intention to sit for the boards not later than 30 days before the examination.

If, after retaking the failed portions of the examination, the applicant fails to pass that examination, the applicant must

resubmit an application, pay the required examination fee, and retake the entire examination.

APPROVED AS TO FORM AND LEGALITY

May 28 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 29 1991 pk

Joan Anderson Growe
Secretary of State

330

Stat Auth. 148.08
subd 3 The board of chiropractic examiners shall promulgate rules necessary to administer sections 148.08 to 148.105 to protect the health safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms.

end of comment period May 8, 1991

E. (4) The statement in the Notice states that interested persons may request in writing during the 30-day comment period that a hearing will be held - doesn't indicate that if 25 people request a hearing - a hearing will be held

Minnesota Board of Chiropractic Examiners

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

May 13, 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 rules relating to Examination Procedures. 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

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

Sincerely,

Janice Le Tourneau

Janice Le Tourneau
Rules Coordinator

Celebrate MINNESOTA 1990

AN EQUAL OPPORTUNITY EMPLOYER

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : May 15, 1991

TO : PATRICIA NOLTE
Legal Assistant
Public Finance

FROM : ROBERT T. HOLLEY RTH
Special Assistant
Attorney General

PHONE : 297-5938

SUBJECT : In the Matter of the Adoption of Rules Relating to Examination Procedures

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

CERTIFICATE OF BOARD OF CHIROPRACTIC EXAMINERS
AUTHORIZING RESOLUTION

EXAMINATION PROCEDURES

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

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

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

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Attest Board Member

Wilma E. Behm, DC, President

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the
Adoption of Rules Relating
To Examination Procedures

NOTICE OF INTENT
TO ADOPT A RULE
WITHOUT A PUBLIC
HEARING

(1) **NOTICE IS HEREBY GIVEN** the Minnesota Board of Chiropractic Examiners (hereinafter "Board") proposed to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.22 to 14.28 (1990).

Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rules.(2) The 30 days will expire on May 8, 1991, 4:30 p.m. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules and any change proposed to the rules by the comment.(8) The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

(4) In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules.(6) Any person requesting a hearing should state his or her name, address, and telephone number and is encourage to identify the portion of the proposed

rules addressed, the reason for the request, and any changes they want made on the proposed rules or a portion thereof by May 8, 1991, 4:30 p.m. If a hearing is required, it will be held in accordance with the provisions of Minnesota Statutes section 14.131 to 14.20 (1990) and the hearing notice provided below.

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

Joel B. Wulff, DC
Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue, Suite 20
St. Paul, MN 55114
612/642-0591

The statutory authority to adopt the rule is contained in Minnesota Statutes sections 148.08.

If adopted, the proposed rules would establish examination procedures and requirements for licensure applicants and the Board. The proposed rules are published below and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or the telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact

on agricultural land. It is the position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statutes section 14.115, subdivision 2 (1990) for reducing the impact of the proposed rules on small businesses, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

(9) Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any difference between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the rules as adopted should submit a written request to the Board at the address listed above.

DATED: 3-13-91

Joel B. Wulff, DC
Executive Director

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the
Adoption of Rules Relating
To Examination Procedures

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

The Minnesota Board of Chiropractic Examiners is required to examine each doctor of chiropractic who wishes to practice in this state for minimal competency. Therefore, the Board is charged with the task of examining applicants in various aspects of the healing art of chiropractic. The Board administers a written examination and a practical examination. The areas of examination include, but are not limited to, basic sciences, chiropractic technique, clinical competency, and x-ray safety. Minnesota Statues 148.06 gives the Board authority to consider a valid certificate of examination from the National Board of Chiropractic Examiners as evidence of compliance with the written requirements. The Board also administers further testing in the areas of jurisprudence, historical foundations, and clinical nutrition. In order to faciliate standards relating to examination procedures, it was determined necessary to promulgate these rules.

2500.2500 Test Administration

The Board has established this rule in order to provide a quality examination. The Board often relies on the chiropractic profession to administer the practical portions of its examination. The Board relies these on doctors as "experts" qualified enough to determine if an applicant is performing a

procedure correctly. Because of the subjective nature of a practical examination, the Board sets a three year minimum to be considered qualified. This is also in keeping with the guidelines set to be qualified to be a board member. **MS 148.03.**

The areas listed in which a doctor may participate are the only areas of the examination process in which the Board may need help administering. Therefore, no doctor will be allowed to participate in any other area of the examination process. For example--scoring examinations, regrade requests. "Post-exam Audit" is explained further in the **Regrade** portion of this statement.

The Board requires that a doctor who wishes to participate in an area of the examination must be in good standing with the Board. This means that the Board will not enlist or accept the help of a doctor who has current disciplinary action against her/himself, or pending disciplinary action which the doctor has been informed of. This has been established in order to keep a high standard of integrity associated with the examination and those involved.

To protect the integrity of the examination, no one doctor will be allowed to participate in more than one aspect of the examination process. Board members are exempt from this rule because they are involved in board-related activities that would involve them in several aspects of the examination. Therefore, the Board believes these rules to be needed and reasonable.

2500.2510 Continuing Education Hours for Examiners

The Board has established this rule in order to give incentive to the profession to help with the examination. A two hour minimum for a doctor to participate in the administration of the examination is required in order to obtain continuing education hours. This has been established in order to determine what the Board means by "participating" in the examination process. Two regular hours of continuing education has been chosen in order not to have doctors rely solely on fulfilling continuing education requirements with examination related activities. This would defeat the purpose of requiring continuing education hours for furthering one's knowledge of chiropractic.

Four hours each calendar year has been established in order to provide an opportunity to participate in both examinations given each year. Therefore, the Board believes these rules to be needed and reasonable.

2500.2520 Application Prerequisites

The National Board of Chiropractic Examiners provides testing in the subjects listed in MS 148.06 as subjects the Board must test in prior to the applicant being allowed to sit for the state license examination.

The cost of developing independent examinations in these subjects is beyond the resources of the Board. Requiring that applicants receive a passing score in the National Board of Chiropractic Examiners examinations fulfills some testing

requirements of MS 148.06 in an effective, objective, and cost effective way.

MS 148.06 and MS 214.03 allows the Board to use standard examinations as a substitute for direct testing by the Board. The resources of the NBCE allows it to maintain a high quality examination which meets or exceeds Board standards.

For clarification, the Written Clinical Competency Examination is often referred to as "Part III" of the National Board of Chiropractic Examiners' examination. Therefore, the Board believes these rules to be needed and reasonable.

2500.2530 Examination Deadline

Not less than four weeks prior to the first day of the examination has been established in order for the Board to make all necessary accommodations for the examination. The Board generally examines 70 to 85 applicants at each examination. Four weeks allows the Board to reserve a large enough space to examine all applicants in an adequate area, recruit enough examiners for the practical portion of the examination, and have enough materials for each applicant.

The Board will send out all notices during the fourth week prior to the first day of the examination in order to provide sufficient time for delinquent materials to arrive at the Board office. Two weeks prior was chosen in order for the Board to have enough time to make all final arrangements.

The Board in the past, without having rules established, has had to accept applicants at the last minute. Thus providing for

disruption in the administration of the examination process. The Board believes with the deadlines established, there is no longer reason for an applicant to provide the Board with late materials. Therefore, in keeping with this, the Board believes it is reasonable to deny an applicant to sit for the examination if materials are not received on time. Therefore, the Board believes these rules to be needed and reasonable.

2500.2540 Regrades

The Board has established this option in order to provide an applicant some recourse to contest a failing score of her/his examination.

Regrades provide for one more check to find errors of any kind in the examination process. The Board takes four steps to ensure the validity, determine the difficulty and practicality of each examination: Test Item Review, Test Development Committee, and Postexam Audit. After exams are initially scored, all questions answered incorrectly by 30 percent or more applicants are examined by the postexam audit committee to determine the validity, difficulty, and practicality of the questions. The 30 percent cut-off has been established by the Board because it believes that if 30 percent of all applicants answer the same question incorrectly, there may be some kind of defect in the questions itself. The fourth step is Regrading Examinations. This available to recheck, by hand, scoring or questions missed by the Postexam Audit.

The requirements set forth are established for consistency in the regrade process. Receiving requests within 30 days after scores have been mailed, has been established in order not to prolong the regrade process. Thirty days has also been established in order for staff to begin the next examination's work free of the last examination's results.

The $30 fee requirement has been set forth in M.R. 2500.1150, item B. Therefore, the Board has not sought further approval of any kind from the Commissioner of Finance.

The Board will exercise its option not to allow applicants to review their examinations. All necessary measures will be taken in order to protect the integrity of the test for all applicants and future applicants. **See** MS 13.34. Therefore, the Board believes these rules to be needed and reasonable. **See** Attachment No. 1.

2500.2550 Retaking Examination

MS148.06 allows for letting the applicant's fee of $150 last for one year. Therefore, the Board will allow first time applicants to retake the portion(s) of the examination they have failed at the next examination. The Board is requiring applicants to take the examination at the next given examination in order to keep financial records regarding the $150 fee in line with fiscal year planning.

Applicants need not reapply because their applications are complete and the Board will hold them over to the next

examination. Retakes must meet the same deadline as first-time applicants in order for the Board to plan for their attendance.

If an applicant fails to pass the examination in two consecutive attempts, the applicant must resubmit an application in order to have the most current information available on the applicant. This may include a certificate of good standing from another state, or perhaps a report regarding disciplinary action from another state. The applicant must also pay the application fee again in order for the Board's fiscal year records to be in line and also to be consistent with statutory guidelines stating that the application fee lasts only one year. The applicants must retake the entire examination because after two unsuccessful attempts, the Board requires the applicant to prove that she/he is a competent chiropractor. After failing twice, the Board may reasonably have reservations in the applicants' ability to practice competently without having passed the entire examination successfully. Therefore, the Board believes these rules to be 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. However, since the fee for Regrades has been set forth in M.R. 2500.1150, item B, the Board has not sought the further approval from the Commissioner of Finance.

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 Examination Procedures, 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: 3-11-91

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Joel B. Wulff, DC
Executive Director

Attachment No. 1

Proposed Rules

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

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

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

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Board Fees

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

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

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

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

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

The rule proposed for adoption relates to the following matter: Board Fees. 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: 22 August 1990

Dr. Joel B. Wulff
Executive Director

Rules as Proposed (all new material)

2500.1150 FEES.

The fees charged by the board are fixed at the following rates:

A. peer review fee to be paid by a requesting doctor or by a requesting insurance company, $100;

B. licensing examination regrade fee, $30;

C. copy of a board order or stipulation fee, $10 each;

D. certificate of good standing or licensure verification to other states, $10 each;

E. duplicate of the original license or of an annual renewal, $10;

F. miscellaneous copying fee, 25 cents per page;

G. independent medical examination registration fee, $150;

H. independent medical examination annual renewal fee, $100; and

I. continuing education seminar approval and registration fee, $100.

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Graduate Preceptorship Program

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

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

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

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

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

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

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

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

B. be licensed to practice as a dentist or dental hygienist by the Minnesota Board of Dentistry;

C. have a bachelor's degree or above with a major in a health science or health occupation discipline; and

D. have 4,000 hours of occupational experience as a licensed dentist or dental hygienist in clinical practice providing direct dental hygiene patient care. A minimum of 2,000 of the hours must be in adult care and include the recency requirement of subpart 2.

Subp. 4. **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content in an accredited ADA dental hygiene program for up to 1,500 of the 2,000 hours required in part 3700.0400, provided that experience occurred within the last five years. Two hours of teaching equal one hour of occupational experience.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to Board Fees

The rule proposed and published at *State Register*, Volume 15, Number 10, pages 550-551, September 4, 1990 (15 SR 550) is adopted as proposed.

State Board of Chiropractic Examiners

Adopted Permanent Rules Relating to the Practice of Chiropractic

The rules proposed and published at *State Register*, Volume 14, Number 44, pages 2527-2530, April 30, 1990 (14 SR 2527), and Volume 15, page 699, September 17, 1990 (15 SR 699) are adopted with the following modifications:

Rules as Adopted

2500.0100 DEFINITIONS.

Subp. 3. **Certification of good standing.** [Withdrawn at 15 SR 699]

Subp. 4. **Inactive license.** [Withdrawn at 15 SR 699]

2500.2020 APPLICATION PROCESS. [Withdrawn at 15 SR 699]

2500.2030 ANNUAL RENEWAL. [Withdrawn at 15 SR 699]

2500.2040 REINSTATEMENT PROCESS. [Withdrawn at 15 SR 699]

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.

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing Examination Procedures

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

STATE OF MINNESOTA

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 22nd day of March, 1991.

That on the 22nd day of March, 1991, 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 22nd day of March, 1991, 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 22nd day of March, 1991.

Maki King

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Examination Procedures

Rules as Proposed (all new material)

2500.2500 TEST ADMINISTRATION.

The board may solicit the help of Minnesota licensed chiropractors for the purpose of:

A. examination development;

B. examination administration; and

C. postexamination audit.

Each chiropractor must be in good standing with the board and must have been licensed in Minnesota three years before helping with any portion of the examination.

Other than board members, no chiropractor may participate in more than one portion of the examination process for any single administration of the examination.

2500.2510 CONTINUING EDUCATION HOURS FOR EXAMINERS.

Minnesota licensed chiropractors who contribute at least two hours of time in the development of an examination, the administration of the examination, or the postexamination audit shall receive two regular continuing education hours applied toward the next license renewal. No chiropractor may receive more than four hours per calendar year.

2500.2520 APPLICATION PREREQUISITES.

In addition to the prerequisites in Minnesota Statutes, section 148.06, evidence of passing the National Board of Chiropractic Examiners' tests: Part I, Part II, the Written Clinical Competency Examination, and the Physiotherapy Examination, is required for the applicant to be permitted to sit for the examination.

2500.2530 EXAMINATION DEADLINE.

All applications, all other required documents, and fees must be received by the board not less than four weeks before

Approved by Revisor

the first day of the scheduled examination. During the fourth week before the examination, notices of approval to sit for the boards, notices of application deficiency, and notices of denial to sit for the boards shall be mailed to each applicant.

If an applicant receives a notice of application deficiency, the applicant has until two weeks before the first day of the examination to submit to the board missing documents.

If an application is still incomplete two weeks before the first day of the examination, the applicant shall not be allowed to sit for the boards, and the board shall mail a notice of denial to sit for the boards.

2500.2540 REGRADES.

Applicants who want the board to verify that the score reported to them is accurate may request a hand grading of their examinations. The board shall honor the request if the following criteria are met:

A. requests must be received by the board no later than 30 days after the examination results have been mailed by the board;

B. requests must be in writing, indicating which subjects the applicant wishes to have regraded; and

C. a money order or cashier's check must be submitted in the amount of $30 a subject.

Payment must be received before the regrade. To protect the integrity of the examination process, applicants may not review their examinations under any circumstances.

2500.2550 RETAKING EXAMINATION.

Applicants who fail portions of the licensure examination may retake the failed portions once at the next scheduled examination.

Applicants need not reapply to the board for examination; however, applicants must notify the board of their intention to sit for the boards not later than 30 days before the examination.

If, after retaking the failed portions of the examination, the applicant fails to pass that examination, the applicant must

Approved
by Revisor _____

resubmit an application, pay the required examination fee, and retake the entire examination.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Examination Procedures

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

Proposed Rules

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

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

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

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Examination Procedures

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN the Minnesota Board of Chiropractic Examiners (hereinafter "Board") proposed to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* section 14.22 to 14.28 (1990).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on May 8, 1991, 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made on the proposed rules or a portion thereof by May 8, 1991, 4:30 p.m. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* section 14.131 to 14.20 (1990) and the hearing notice provided below.

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

Joel B. Wulff, DC
Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue, Suite 20
St. Paul, MN 55114
(612) 642-0591

The statutory authority to adopt the rule is contained in *Minnesota Statutes* sections 148.08.

If adopted, the proposed rules would establish examination procedures and requirements for licensure applicants and the Board. The proposed rules are published below and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or the telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonbleness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on

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agricultural land. It is the position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 (1990) for reducing the impact of the proposed rules on small businesses, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any difference between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the rules as adopted should submit a written request to the Board at the address listed above.

Dated: 13 March 1991

Joel B. Wulff, DC
Executive Director

Rules as Proposed (all new material)

2500.2500 TEST ADMINISTRATION.

The board may solicit the help of Minnesota licensed chiropractors for the purpose of:

A. examination development;

B. examination administration; and

C. postexamination audit.

Each chiropractor must be in good standing with the board and must have been licensed in Minnesota three years before helping with any portion of the examination.

Other than board members, no chiropractor may participate in more than one portion of the examination process for any single administration of the examination.

2500.2510 CONTINUING EDUCATION HOURS FOR EXAMINERS.

Minnesota licensed chiropractors who contribute at least two hours of time in the development of an examination, the administration of the examination, or the postexamination audit shall receive two regular continuing education hours applied toward the next license renewal. No chiropractor may receive more than four hours per calendar year.

2500.2520 APPLICATION PREREQUISITES.

In addition to the prerequisites in *Minnesota Statutes*, section 148.06, evidence of passing the National Board of Chiropractic Examiners' tests: Part I, Part II, the Written Clinical Competency Examination, and the Physiotherapy Examination, is required for the applicant to be permitted to sit for the examination.

2500.2530 EXAMINATION DEADLINE.

All applications, all other required documents, and fees must be received by the board not less than four weeks before the first day of the scheduled examination. During the fourth week before the examination, notices of approval to sit for the boards, notices of application deficiency, and notices of denial to sit for the boards shall be mailed to each applicant.

If an applicant receives a notice of application deficiency, the applicant has until two weeks before the first day of the examination to submit to the board missing documents.

If an application is still incomplete two weeks before the first day of the examination, the applicant shall not be allowed to sit for the boards, and the board shall mail a notice of denial to sit for the boards.

2500.2540 REGRADES.

Applicants who want the board to verify that the score reported to them is accurate may request a hand grading of their examinations. The board shall honor the request if the following criteria are met:

A. requests must be received by the board no later than 30 days after the examination results have been mailed by the board;

B. requests must be in writing, indicating which subjects the applicant wishes to have regraded; and

C. a money order or cashier's check must be submitted in the amount of $30 a subject.

Payment must be received before the regrade. To protect the integrity of the examination process, applicants may not review their examinations under any circumstances.

2500.2550 RETAKING EXAMINATION.

Applicants who fail portions of the licensure examination may retake the failed portions once at the next scheduled examination.

Applicants need not reapply to the board for examination; however, applicants must notify the board of their intention to sit for the boards not later than 30 days before the examination.

If, after retaking the failed portions of the examination, the applicant fails to pass that examination, the applicant must resubmit an application, pay the required examination fee, and retake the entire examination.

Department of Education

Proposed Permanent Rules Relating to Education; Repealing Certain Veterans Education Requirements

Notice of Intent to Repeal Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota State Board of Education (Board) intends to repeal the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The Board's authority to repeal the rules is set forth in *Minnesota Statutes* § 124.625 (1990).

All persons have 30 days in which to submit comments in support of or in opposition to repeal of the rules or any part or subpart of the rules. That date would end on May 7, 1991 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 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 requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

John Allen, Supervisor
Minnesota Department of Education
Capitol Square Building, Room 718
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-7998

The rules proposed for repeal 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 rule to be repealed as noticed.

A copy of the rules to be repealed are attached to this notice.

A free copy of the rules to be repealed are available upon request from John Allen at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for reasonableness of the rule appeal and identifies the data and information relied upon to support the rule repeal has been prepared and is available from John Allen upon request.

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 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 rule, must submit the written request to John Allen at the address and telephone number stated above.

Dated: 22 March 1991

Thomas Lindquist
President
Minnesota State Board of Education

Rules as Proposed

REPEALER. *Minnesota Rules,* parts 3530.6300 and 3530.6400 are repealed.

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CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Richard A. Hastings, 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 9th day of May, 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, April 8, 1991, relating to Examination Procedures 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 9th day of May, 1991.

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Richard A. Hastings DC — Emmagene Schneider

Board Member — Attest Board Member

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rule the State Board of Chiropractic Examiners Governing Examination Procedures

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 April 8, 1991, 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 March 22, 1991. (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.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of the proposed rulemaking. (3) No requests for a public hearing on the rule were received by the agency.

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

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

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

NOW, THEREFORE, IT IS ORDERED that the rules identified as Examination Procedures, is adopted this 9th day of May, 1991, pursuant to authority vested in the Board by Minnesota Statutes, sections 148.05 and 148.08. (9)

Wilma E Behm DC.

Wilma E. Behm, DC
MBCE President

ENGEN CHIROPRACTIC & CONSULTING
STEVEN W. ENGEN, D.C.
PHONE 218-739-3396

125 W. LINCOLN, FERGUS FALLS, MN.,56537
SUITE #10
FED. ID# 41-1342217
MN. LICENSE #1505

: 04/28/91

RECEIVED
MAY 01 1991
MINNESOTA BOARD OF
Chiropractic Examiners

TO : STATE OF MINNESOTA
: BOARD OF CHIROPRACTIC EXAMINERS
: 2700 UNIV. AVE. WEST, SUITE #20
: ST. PAUL, MN. 55114-1089

TOPIC : PROPOSED RULES RELATING TO EXAMINATION PROCEDURES

DEAR : Sirs,
:

Thank you for a copy of the proposed new rules for my review. Having read them, I see them as favorable for the purpose of regulating the practice of Chiropractic and protecting the public. I am, therefore, in agreement with incorporation of these proposed rules dated 3/13/91 to the present body of rules of the MN. Board of Chiropractic Examiners.

The new graduate preceptorship program, on the other hand, sounds complex and confusing to the point that I think few field Drs. will bother with it. I am not sure why this program was instituted in light of Mn. Statute, Chap. 148.10, subdiv.1, (13) which states:

"Aiding or abetting an unlicensed person in the practice of chiropractic, except that it is NOT a violation of this clause for a D.C. to employ, supervise, or delegate functions to a qualified person who MAY OR MAY NOT be required to obtain a license or registration to provide health services if that person is practicing within the scope of the license or registration or delegated authority."

: Please explain to me the benefit to the field DC. of the new preceptorship program, in light of the above statute. Also, will any malpractice companies cover a preceptor as anything more than a C.A. or Chiro. Tech.?

Once again, thank you for giving me the opportunity to review these items of interest to us both. Best wishes in your upcoming endeavors.

Respectfully yours,

S.W. Engen, D.C.

STATE OF MINNESOTA

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the
Adoption of Rules
Relating to Examination
Procedures

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: May 15, 1991.