

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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

OFFICE MEMORANDUM

DATE: September 12, 1991

TO: BOARD OF MARRIAGE AND FAMAILY THERAPY
2700 University Ave.

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Continuing Education

The above-referenced rule has been approved as to its legality by the Attorney General on September 6, 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 Holly
William Brown, Chief Judge
MaryAnn Hruby

Board of Marriage and Family Therapy

Adopted Permanent Rules Relating to Continuing Education

Rules as Adopted

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of 30 hours of continuing education every two years. Proof of completion of the required hours must be submitted to the board by December 31 of each odd-numbered year. The initial two-year period begins on January 1, 1992.

[For text of subps 3 to 11, see M.R.]

5300.0360 FEES.

The following fees in items A to K are nonrefundable and must be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 67, Saint Paul, Minnesota 55114:

A. application for admission to written examination fee, $200;

B. written examination fee, not to exceed $250;

C. application for licensure fee, $100;

D. initial license fee, not to exceed $100;

E. application for licensure by reciprocity fee, $300;

F. annual renewal of license fee, $115;

G. late renewal fee, $50;

H. reinstatement of license fee, $150;

I. sponsor's application for approval of a continuing education course fee, $50;

J. penalty fee, $75; and

K. duplicate license fee, $25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 11 1991
Secretary of State

APPROVED AS TO FORM AND LEGALITY
September 6 19 91
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 11 1991
Joan Anderson Growe
Secretary of State
3:55 PM
PB

MJC

RULE REVIEW CHECKLIST

File No. 1846
DATE RECEIVED 8-26-91
REVIEW DATE 9-4-91
DUE DATE 9-9-91
(DIS)APPROVED 9-6-91 mjc
WITHDRAWN _____

Docket No. 05.0009.0476
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 8-27-91
REVISOR (DIS)APPROVED 8-29-91
FILED W/SEC. OF STATE 9-11-91
RETURNED TO AGENCY 9-12-91

✓ 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
June 21, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148.311(1),(2)(4)(6)(7) Statutory Authority
✓ Small Business Statement
NA Expenditure of public money statement
6-21-91 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
✓ Fees - § 16A.128 memo from Terance sent appropriate letters to Sig

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 24, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
July 8, 1991 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
August 16, 1991 Date adopted

_____ Findings of Fact, Conclusions & Order Adopting
August 16, 1991 Date August 16, 1991

NA Written Requests, Submissions or Comments

✓ Declaration of Attorney
Robert Holly Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

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

Rules ac1

Board of Marriage and Family Therapy

Proposed Permanent Rules Relating to Continuing Education

Rules as Proposed

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of ~~15~~ 30 hours of continuing education ~~by December 31~~ every ~~year~~ two years. Proof of completion of the required hours must be submitted to the board by December 31 of each odd-numbered year. The initial two-year period begins on January 1, 1992.

[For text of subps 3 to 11, see M.R.]

5300.0360 FEES.

~~All~~ The following fees ~~indicated~~ in items A to K ~~shall~~ are nonrefundable and must be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite ~~225~~ 67, Saint Paul, Minnesota 55114~~.--All fees are nonrefundable.~~:

A. application for admission to written examination fee, $200;

B. written examination fee, not to exceed $250;

C. application for licensure fee, $100;

D. initial license fee, not to exceed $100;

E. application for licensure by reciprocity fee, $300;

F. annual renewal of license fee, ~~$100~~ $115;

G. late renewal fee, $50;

H. reinstatement of license fee, $150;

I. sponsor's application for approval of a continuing education course fee, ~~$25~~ $50;

Approved by Revisor PMM

J. penalty fee, $75; and

K. duplicate license fee, $25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Continuing Education

AGENCY: Board of Marriage and Family Therapy

MINNESOTA RULES: Chapter 5300

The attached rules are approved for publication in the State Register

Paul M. Marinac

Paul M. Marinac
Assistant Deputy Revisor

Stat Authority 148B.31

The board shall:

(1) adopt and enforce rules for marriage and family therapy licensing, which shall be designed to protect the public;

(2) develop by rule appropriate techniques, including examinations and other methods, for determining whether applicants and licensees are qualified under sections 148B.29 to 148B.39

etc

148B.37 subd 1(3)

The board may refuse to grant a license . . .

1(3) has violated a provision of sections 148B.29 to 148B.39

214.06 The commissioner ~~of administration~~ health as authorized by section 214.13, all health-related licensing boards and all non-health-related licensing

Rules

5300.036 didn't justify why rules aren't non-rulemakable Not ~~serious~~ serious

- its simply relocated

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

June 10, 1991

TO: Pam Wheelock, Executive Director
Budget Operations and Support, Department of Finance

FROM: Robert C. Butler, Executive Director Robert C Butler

RE: Rate Review

In accordance with Minnesota Statutes 148B.17 and 214.06, I request your approval of the following licensing fee changes for the Minnesota Board of Marriage and Family Therapy.

1. Annual Renewal of License fee - from $100.00 to $115.00;

2. Sponsor's Application for Approval of a Continuing Education Course Fee - from $25.00 to $50.00.

The above fees are being included in a proposed amendment to the Permanent Rules of the Board of Marriage and Family Therapy. They are set to help recover the estimated costs for the provision of legislated Board services during the coming fiscal year, and they are in accordance with the FY92 Fee Review.

Your attention to this matter is appreciated.

Recommend
APPROVED:

Pam Wheelock, Executive Budget Director — Date 6/20/91

Approved 6/20/91
B.J. Reddemann, Director
Budget Operations & Support

raterevw.691

Celebrate MINNESOTA 1990

BOARD OF MARRIAGE AND FAMILY THERAPY

Proposed Amendments to the Permanent Rules Relating to Marriage and Family Therapy

NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Board of Marriage and Family Therapy (hereinafter "Board") intends to adopt amendments to its Permanent Rules (Chapter 5300.0100 - 5300.0360) without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority for the Board to adopt rules is contained in Minnesota Statutes section 148B.31, 148.31, (1), (2), (4), (6), (7), 148B.31 subdivision 2, 148B. 37 subdivision 1(3) and 214.06.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendments. Comment is encouraged. (3) Each comment should identify the portion of the proposed amendment 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 the request in writing. (5) 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, sections 14.131 to 14.20.

(6) Comments or written requests for a public hearing must be submitted to: Board of Marriage and Family Therapy, 2700 University Ave. West, Suite 67, St. Paul, MN 55114. Telephone 612/643-3667.

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

(11) The proposed rule amendments are as follows:

(See Attachment A)

(12) A Statement of Need and Reasonableness that describes the need and reasonableness of each provision of the proposed rule amendments identifies the data and information relied upon to

support the proposed and it is available from the Board upon request.

(13) Promulgation of the proposed rules will not result in the expenditure of public names by public bodies nor have any impact on agricultural lands. Therefore, no further information need be provided under Minnesota Statutes section 14.115 regarding small business considerations in rulemaking. (14) It is the position and the Board's evaluation of the applicability of the methods contained Minnesota Statutes section 14.115, subdivision 2 for reducing the impact of 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 Board.

6/21/91
Date

Penny Johnson
Name

Chairperson
Title

A. dentist application, ~~$100~~ $125;

B. dental hygienist application, ~~$45~~ $55; and

C. dental assistant application, ~~$25~~ $30.

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, ~~$80~~ $110;

B. dental hygienist, ~~$30~~ $40; and

C. registered dental assistant, ~~$20~~ $26.

Subp. 3. **Licensure by credentials.** Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to *Minnesota Statutes*, section 150A.06, subdivision 4 and part 3100.1400 shall submit with the license application a fee in the following amounts:

A. dentist, ~~$425~~ $700; and

B. dental hygienist, ~~$100~~ $150.

[For text of subp 4, see M.R.]

Subp. 5. **Duplicate license or registration fee.** Each licensee or registrant shall submit with a request for issuance of a duplicate of the original license or registration or of an annual renewal of it a fee in the following amounts:

A. original dentist or dental hygiene license, ~~$10~~ $20; and

B. initial and renewal registration certificates and license renewal certificates, ~~$8~~ $10.

Subp. 6. **Reinstatement fee.** No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have the license or registration reinstated or a new license or registration issued until a fee has been submitted to the board in the following amount:

A. dentist, ~~$100~~ $125;

B. dental hygienist, ~~$45~~ $55; and

C. registered dental assistant, ~~$25~~ $30.

[For text of subps 7 to 10, see M.R.]

Board of Marriage and Family Therapy

Proposed Permanent Rules Relating to Continuing Education

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Marriage and Family Therapy (hereinafter "Board") intends to adopt amendments to its Permanent Rules (Chapter 5300.0100-5300.0360) without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority for the Board to adopt rules is contained in *Minnesota Statutes* section 148B.31, 148.31, (1), (2), (4), (6), (7), 148B.31 subdivision 2, 148B. 37 subdivision 1(3) and 214.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendment 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 the 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*, sections 14.131 to 14.20.

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.

Comments or written requests for a public hearing must be submitted to: Board of Marriage and Family Therapy, 2700 University Ave. West, Suite 67, St. Paul, MN 55114. Telephone 612/643-3667.

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

The proposed rule amendments are as follows:

(See Attachment A)

A Statement of Need and Reasonableness that describes the need and reasonableness of each provision of the proposed rule amendments identifies the data and information relied upon to support the proposed and it is available from the Board upon request.

Promulgation of the proposed rules will not result in the expenditure of public names by public bodies nor have any impact on agricultural lands. Therefore, no further information need be provided under *Minnesota Statutes* section 14.115 regarding small business considerations in rulemaking. It is the position and the Board's evaluation of the applicability of the methods contained *Minnesota Statutes* section 14.115, subdivision 2 for reducing the impact of 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 Board.

Dated: 21 June 1991

Penny Johnson
Chairperson

Rules as Proposed

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of ~~15~~ 30 hours of continuing education ~~by December 31~~ every ~~year~~ two years. Proof of completion of the required hours must be submitted to the board by December 31 of each odd-numbered year. The initial two-year period begins on January 1, 1992.

[For text of subps 3 to 11, see M.R.]

5300.0360 FEES.

~~All~~ The following fees ~~indicated~~ in items A to K ~~shall~~ are nonrefundable and must be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite ~~225~~ 67, Saint Paul, Minnesota 55114~~. All fees are nonrefundable.~~:

A. application for admission to written examination fee, $200;

B. written examination fee, not to exceed $250;

C. application for licensure fee, $100;

D. initial license fee, not to exceed $100;

E. application for licensure by reciprocity fee, $300;

F. annual renewal of license fee, ~~$100~~ $115;

G. late renewal fee, $50;

H. reinstatement of license fee, $150;

I. sponsor's application for approval of a continuing education course fee, ~~$25~~ $50;

J. penalty fee, $75; and

K. duplicate license fee, $25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

Certificate of the Resolution
Adopting Rule Amendments

I, Penny Johnson, do hereby certify that I am a member and chair of the Minnesota Board of Marriage and Family Therapy, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of the resolution adopted at a meeting of the Minnesota Board of Marriage and Family Therapy, duly and properly called and held on the 16th day of August 1991, that a quorum was present and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "Resolved, that the rule amendments to Rule 5300 relating to the licensure of marriage and family therapy as printed in the Minnesota State Register, Volume 16, Number 2, page 57, dated 8 July 1991 are approved and adopted pursuant to authority vested in the Board by Minnesota Statutes 148B and 214. The Chair of the Board of Marriage and Family Therapy is authorized to sign the findings of fact, conclusions, and order adopting the rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the attorney general and to perform the necessary acts to provide that the rules shall have the force and effect of law."

In WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of August 1991.

Penny Johnson
Chair

Mary Hayes
Attest by other Board Member

Celebrate MINNESOTA 1990

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : August 26, 1991 - 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 the Proposed Adoption of Amendments to Permanent Rules of the Board of Marriage and Family Therapy

The above subject, attached rules are hereby submitted for your review and approval pursuant to Minn. Rules pt. 2010.0300.

The following documents are included:

1. Authorizing Resolution;
2. Proposed rule, with Revisor's certificate of approval;
3. Notice of intent to adopt as mailed;
4. Statement of Need and Reasonableness;
5. Affidavit of mailing and certificate of mailing list;
6. Photocopy of State Register notice;
7. Four copies of rule as adopted;
8. Resolution adopting rule;
9. Findings of fact, conclusions and order adopting rule;
10. Letters to Senate, House and LCRAR; and
11. Declaration of Counsel.

No requests for a hearing, no comments, and no requests for notice of submission to the Attorney General were received.

Should there be any questions about this submission, please let me know.

RTH:tmr
Attachment
cc: Robert C. Butler

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Amendments to the Board of Marriage and Family Therapy Permanent Rules 5300.0100 - 5300.0360.

STATEMENT OF NEED AND REASONABLENESS

I. Introduction

The purpose of the Board of Marriage and Family Therapy is to protect the public by setting standards of qualifications, training experience and ethics for those who seek to represent themselves as Marriage and/or Family Therapists.

The Minnesota Board of Marriage and Family Therapy is proposing amendments to permanent rules relating to the licensure of marriage and family therapists, (Minnesota Rules pt. 5300.0100 to 5300.0360).

Minnesota Statutes 148B.29 - 148B.39 established the Minnesota Board of Marriage and Family Therapy. Authority for the Board to develop the details of its programs (most importantly the licensing of Marriage and Family Therapists) through rulemaking is contained under Minnesota Statutes, 148B.31 (1), (2), (4), (6), (7), 148B.33 Subd.2, 148B.37 Subd. 1(3), and 214.06 (1988).

II. SMALL BUSINESS CONSIDERATIONS

Under Minnesota Statutes, sections 14.115 a state agency is required to consider ways to reduce the impact of rules on small businesses. It is the Board's position that the rules will not affect small businesses since the licensure is for individuals,

not businesses. The licensure authorizes providers to practice marriage and family therapy independent of whether or not the services are performed as part of a small business.

Should the proposed rules be construed, in some way, as affecting small businesses, the Board, in its development of the rules has attempted to minimize any impact. The proposed rules address the definition of terms, clarify ambiguities in the law, define a code of ethics and establish procedures for the process of licensing. The Board believes that any perceived impact on small businesses would be in the areas of compliance, reporting requirements, and performance standards. These areas are established by statutory objectives and not by rule and are therefore, not subject to the Board's alternation or amendment.

Further, reducing the impact of the rules on small businesses would be contrary to the statutory objectives that are the basis for requiring the Board to license marriage and family practice. It would also result in placing greater burden on those persons not considered "small businesses" when the work of the Board applies equally to all licensees without regard to their small business classification. Such a distinction, if reflected in renewal fees, for example, would be difficult to justify.

Potential licensees, regardless of whether they are considered as individuals or small businesses, will have participated in the rulemaking process and will continue to have the opportunity to participate throughout the permanent rulemaking process.

Three changes to the Permanent rules are proposed as follows:

1. The first change relates to Continuing education Requirements in subp. 2. It should be noted that Minnesota Statutes 148B.31 (7) directs the Board to "establish continuing education requirements." This proposed change has been strongly recommended by the Board's licensees.

Current Rules require 15 hours of continuing education by December 31 every year." The proposed change would require 30 hours every two years with the first two year period beginning January 1, 1992.

The proposed change stems from two factors from the licensee's point of view. The first being the increasingly high costs of continuing education and the desire for credit for longer and more in depth workshops.

While the change still averages out to the current 15 hours per year, the new proposal would allow one to more affordably undertake a longer national educational conference every other year and still be able to use all of the earned credit toward licensure renewal. Under the existing rule any credits in excess of fifteen hours would be lost.

It is this Board's opinion that such a change could upgrade the quality of continuing education taken by its licensees while not placing additional burden on the Board.

2. The second change relates to the Board's address as stated in Chapter 5300.0360. When this Board was originally established under Chapter 148B, it operated under the umbrella of the Office of Social Work and Mental Health along with the Board of Social Work and The Board of Unlicensed Mental Health Service Providers. All were housed in Suite 225 of the Colonial Office Park Building, 2700 University Avenue West, St. Paul, MN 55114.

The 1991 Legislature dissolved the Office of Social

Work and Mental Health and the Board of Unlicensed Mental Health Providers, and re-established the Board of Marriage and Family Therapy and the Board of Social Work as autonomous boards. The Board of Marriage and Family Therapy has relocated in the same building to Suite 67 which is smaller and more affordable within the Board's limited budget. Thus, this change simply corrects the Board's mailing address.

3. The third proposed change relates to fees currently included in the Board Permanent Rules under 5300.0360.

Minnesota Statutes 148B.17 requires the Board to establish fees by rule. The amount of fees collected must, as closely as possible, equal anticipated expenditures during the fiscal biennium (Minnesota Statutes, Section 214.06 and 16A.128, subd. 1a, and 148B.17.)

When the original fees were set by the Board, it could only estimate the potential income that might be raised. Also, the new Board could then only estimate costs, number of licensees, license renewals, etc.

The Board's Fee review for FY92, 93 was developed on experience gained in FY90 and 91 and approved by the Minnesota Department of Finance. THe FY92,93 appropriation from the 1991 Legislature totally reflects this Fee Review.

The proposed amendment raises the annual license renewal fee from $100 to $115 and the sponsor's application for approval of continuing education course fee from $25 to $50.

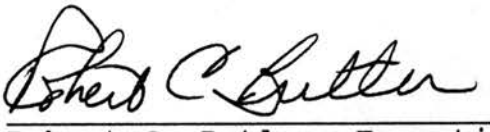
The continuing education approval fee more closely

covers of actual cost of the average approval process. The change in the license renewal fee reflects the actual number of licensees seeking renewal in relation to the Board's actual costs. This number was gained from the experience derived in the initial renewal experience of the Board.

With these changes in place, the Board will be able to recoup the FY92, 93 appropriation of the Legislature.

The Department of Finance approval of this fee change is attached.

Any requests for further information on this Statement should be directed to the Board at 2700 University Avenue West, Suite 67, St. Paul, Minnesota 55114, Telephone (612) 643-3667.



Robert C. Butler, Executive Director
Board of Marriage and Family Therapy
June 16, 1991

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Amendments Relating to the Rules Relating to the Licensure of Marriage and Family Therapists

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES AND A CERTIFICATE OF THE MAILING LIST

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Robert C. Butler, being duly sworn, says

I hereby certify that the attached list of persons and associations who have requested, pursuant to Minn. Stat. 14.14, subd. 1 (a) and 14.22 or 14.30, that their names be placed on the Board of Marriage and Family Therapy rulemaking mailing list is accurate, complete, and current as of this 24th day of June, 1991.

That on the 24th day of June, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Alternative Notices of Intent to Adopt Rules by depositing in the State of Minnesota, Department of Health's Mail Delivery System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Robert C. Butler
Executive Director

Subscribed and sworn to before me
this 24th day of June, 1991.

Notary Public

LORI L. McPHERSON
NOTARY PUBLIC
RAMSEY COUNTY
MY COMMISSION EXPIRES 8-23-95

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

CERTIFICATE OF THE BOARD OF MARRIAGE AND FAMILY THERAPY

AUTHORIZING RESOLUTION

I, Penny Johnson, do hereby certify that I am a member and the Chairperson of the Minnesota Board of Marriage and Family Therapy, 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 Marriage and Family Therapy duly and properly called and held on the 21st day of June 1991, 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 Penny Johnson, the Board chairperson and/or Robert Butler, the executive director of the Board of Marriage and Family Therapy are hereby granted the authority and directed to sign and give the Notice of the Board of Marriage and Family Therapy's Intent to Adopt a rule without a public hearing governing Minnesota Rule 5300.0320 on continuing education requirements and 5300.0360 regarding fees for license renewal and education sponsor fees, to all persons who have registered their names with the Board of Marriage and Family Therapy for that propose 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 21th day of June 1991.

Penny Johnson
Chairperson, Board of Marriage and Family Therapy

Mary Hayes
Attest by Board Secretary

Celebrate MINNESOTA 1990

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

August 20, 1991

Robert Holley, Special Assistant
Attorney General
Office of the Attorney General
525 Park Street
St. Paul, MN 55103

Dear Mr. Holley:

Pursuant Minnesota Statute 2010.0300, enclosed herewith find the required documents in the matter of the adoption of rule amendments of the Minnesota Board of Marriage and Family Therapy.

In addition, I have enclosed letters relating to the proposed adoption of the amendments to Senator Gene Merriam, Senate Finance Committee; Representative Wayne Simoneau, House Committee of Appropriations; and Maryanne Hruby, Legislative Commission to Review Administrative Rules.

If you have any questions or need additional documentation, please feel free to contact the Board office at (612) 643-3667.

Sincerely,

Robert C. Butler

Robert C. Butler, Executive Director
Board of Marriage and Family Therapy

RCB:cms
enclosure

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Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Amendments to Rules Relating to the Licensure of Marriage and Family Therapists

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

(1) Notice of Board of Marriage and Family Therapy's intent to adopt the above-entitled rule amendments published in the State Register on July 8, 1991 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14 subdivision 1a and 14.22 on June 24, 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. (3) Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule 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 proposed rulemaking. (5) No requests for a public hearing on the rule or comments were received by the agency.

The above-entitled matter came before the Board of Marriage and Family Therapy on the 16th day of August 1991. In accordance with statutory requirements regarding the adoption of rules, the board, being fully advised in the premises, hereby adopts the following findings of fact, conclusions and order.

FINDINGS OF FACT

1. The Board published its notice of intent to adopt the above-entitled rules, including a statement describing the nature and effect of the proposed rules, in the State Register on July 8, 1991.

2. Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

3. The notice of the Board's intent to adopt the rules afforded interested persons 30 days in which to submit data and views on the proposed rules. The comment period, as set out in the notice expired on August 8, 1991.

4. The Board received no requests for public hearing.

5. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was published in the State Register and was available to the public.

(7) 6. No requests for notice of submission were received by the agency.

7. At the time that the SONAR was made available to the public, a copy was sent to the Legislative Committee to Review Administrative Rule.

8. During the comment period, the Board received no written comment from interested persons or departments or agencies.

CONCLUSIONS

1. The Board has published and served adequate notice of intent to adopt the proposed rules.

2. The Board has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive and procedural requirements of the statute and rules.

3. Any findings which might properly be termed conclusions, and any conclusions which might properly be termed findings are hereby adopted as such.

4. (8) The above-captioned rules are needed and reasonable.

ORDER

NOW, THEREFORE IT IS ORDERED that the rule identified as 5300. (as amended) is adopted this 16th day of August, 1991 pursuant to authority vested in the Board by Minnesota Statutes, sections 148B and 214.

Penny Johnson

Penny Johnson

Chair

Title

(9)

Dated: August 16, 1991.

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

June 24, 1991

Senator Gene Merriam, Chairperson
Senate Finance Committee
122 Capitol
St. Paul, MN 55155

Dear Senator Merriam:

As required by Minnesota Statutes 16A.128, I am hereby providing you with the notice of rulemaking related to continuing education requirements and fees. These represent proposed amendments to the Board Permanant Rules 5300.0100 - 5300.0360. Enclosed is a copy of the official notice and a copy of the proposed rule changes.

Sincerely,

Robert C. Butler
Executive Director

RCB:cms
encl: Notice

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Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

June 24, 1991

Senator Gene Merriam, Chairperson
Senate Finance Committee
122 Capitol
St. Paul, MN 55155

Dear Senator Merriam:

Enclosed please find a copy of the Authorizing Resolution for the proposed amendments to the Permanent Rules of the Minnesota Board of Marriage and Family Therapy - Chapters 5300.0100 - 5300-0360 which were sent to you today.

Sincerely,

Robert C. Butler
Executive Director

RCB:cms
encl.

merriam2.ltr

Celebrate MINNESOTA 1990

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

June 24, 1991

Representative Wayne Simoneau, Chair
House Appropriations Committee
365 State Office Building
St. Paul, MN 55155

Dear Representative Simoneau:

As required by Minnesota Statutes 16A.128, I am hereby providing you with the notice of rulemaking related to continuing education requirements and fees. These represent proposed amendments to the Board Permanant Rules 5300.0100 - 5300.0360. Enclosed is a copy of the official notice and a copy of the proposed rule changes.

Sincerely,

Robert C. Butler
Executive Director

RCB:cms
encl: Notice

simoneau.691

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Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

June 24, 1991

Representative Wayne Simoneau, Chair
House Appropriations Committee
365 State Office Building
St. Paul, MN 55155

Dear Representative Simoneau:

Enclosed please find a copy of the Authorizing Resolution for the proposed amendments to the Permanent Rules of the Minnesota Board of Marriage and Family Therapy - Chapters 5300.0100 - 5300-0360 which were sent to you today.

Sincerely,

Robert C. Butler
Executive Director

RCB:cms
encl.

simoneau.691

Celebrate MINNESOTA

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

June 19, 1991

Maryanne Hruby, Director
Legislative Commission to Review
Administrative Rules
State Office Building
100 Constitution Ave.
St. Paul, MN 55115

Dear Ms. Hruby:

Enclosed please find a copy of a Statement of Need and Reasonableness for proposed amendments to the Permanent Rules of the Minnesota Board of Marriage and Family Therapy - Chapters 5300.0100 - 5300-0360.

If you should need additional information, please call the Board office at 612/643-3667.

Sincerely,

Robert C. Butler

Robert C. Butler
Executive Director

encl.
RCB/cms

hrubyltr.691

Celebrate Minnesota 1990

hruby2.691

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 67
ST. PAUL, MINNESOTA 55114
(612) 643-3667

June 24, 1991

Maryanne Hruby, Director
Legislative Commission to Review
Administrative Rules
State Office Building
100 Constitution Ave.
St. Paul, MN 55115

Dear Ms. Hruby:

Enclosed please find the following additional information for the proposed amendments to the Permanent Rules of the Minnesota Board of Marriage and Family Therapy - Chapters 5300.0100 - 5300-0360.

A) Authorizing Resolution
B) Fee Review

If you should need additional information, please call the Board office at 612/643-3667.

Sincerely,

Robert C. Butler
Executive Director

encl.
RCB:cms

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STATE OF MINNESOTA

BEFORE THE MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Amendments to the Board of Marriage and Family Therapy Permanent Rules

DECLARATION OF COUNSEL

I, Robert T. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0476.

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

Dated: August 23, 1991.