

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM
2-26-92

RULE REVIEW CHECKLIST

File No. 1900
DATE RECEIVED 2-24-92
REVIEW DATE 3/4/92
DUE DATE 3/9/92
~~DIS~~APPROVED 3/6/92
WITHDRAWN _____

Docket No. DS0009 0448
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 2-26-92
REVISOR (DIS)APPROVED 2-27-92
FILED W/SEC. OF STATE _____
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
Dec 12, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
136A.04 subd 1(9) Statutory Authority 136A.16
no statement Small Business Statement
_____ Expenditure of public money statement
12-12-91 Signature

✓ Statement of Need and Reasonableness (if applicable)
no statement Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Dec 23, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
Dec 30, 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
Feb 20, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Feb 20, 1992 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Nancy Joyer Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

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

Rules acl

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

OFFICE MEMORANDUM

DATE: March 10, 1992

TO: MARY LOU DRESBACH
Minnesota Higher Education Coordinating Board
Capitol Square Building
Suite 400
550 Cedar Street

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Rural Physician Loan Forgiveness Board

The above-referenced rule has been approved as to its legality by the Attorney General on March 6, 1992.

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.

MJM:jj
Enclosures
cc: Nancy J. Joyer
William Brown, Chief Judge
MaryAnn Hruby

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Rural Physician Loan Forgiveness Program

Rules as Adopted

4810.3030 APPLICATION PROCESS.

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

Subp. 2. [See repealer.]

Subp. 3. **Application form and contract.** During the first year of residency, the prospective physician must complete and return the application form and contract provided by the executive director. The prospective physician agrees to serve at least three of the first five years following residency in a designated rural area if chosen as a participant. Failure to complete and return the application form and contract by the specified deadline date results in the elimination of the applicant from the classification list.

[For text of subps 4 and 5, see M.R.]

REPEALER. Minnesota Rules, part 4810.3030, subpart 2, is repealed.

APPROVED AS TO FORM AND LEGALITY

March 6 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 10 1992

Joan Anderson Growe
Secretary of State

11:05 AM
PRB

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Permanent Rules Relating to Rural
Physicians Forgiveness Program,
Minn. Rules Parts 4810.3000-4810.3070

DECLARATION OF COUNSEL

I, Nancy J. Joyer, 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 ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0448.

Nancy J. Joyer
Special Assistant Attorney General

.DM7

Stat Authority 136A.04 subd 1 (9)
The higher education coordinating board shall:

prescribe policies, procedures, and rules necessary to administer the programs under its supervision

end of comment period Jan 29, 1992

Minnesota
Higher Education
Coordinating Board

Suite 400
Capitol Square
550 Cedar Street
Saint Paul, Minnesota 55101

612-296-3974

February 21, 1992

Nancy Joyer
Spec. Asst. Attorney General
Bremer Tower, 11th Floor
7th & Minnesota
St. Paul, MN 55101

Dear Nancy:

Enclosed are documents pertaining to the rules for the Rural Physician Loan Forgiveness Program for your review and approval.

If you have any questions, please contact me.

Thank you for your assistance in this process.

Sincerely,

Mary Lou Dresbach
Administrative Liaison

Enclosures

ATTY GENERAL

24 FEB 92 12: 31

Rural Physician Loan Forgiveness Program

CHECK LIST: PERMANENT RULES WITHOUT A PUBLIC HEARING Revised 12/16/91

DATE	DOCUMENT	NOTES
N/A	(B) Notice of Intent to Solicit Outside Opinion (optional)	
12/12/91	(C) Authorizing Resolution (Board)	
11/4/91	(D) Copy of Proposed rule with certificate of approval as to form by the Revisor of Statutes (Revisor)	
12/12/91	(E) Notice of Intent to Adopt a Rule without a public hearing (Exec. Dir.)	
OK	(F) Statement of Need & Reasonableness (MLD)	Send to LCRAR interoffice OK
12/23/91	(G) Affidavit of mailing the Notice of Intent to adopt a rule w/o a public hearing/ Certif. of Mailing List (MLD)	
12/30/91	Date of publication of Notice of Intent to adopt rule w/o public hearing in the State Register	
OK	(H) Photocopy of Notice of Intent from State Register	
1/29/91	End of 30 day comment period	
OK	(I) Affidavit Regarding Comments Received (MLD)	
OK	(J) 4 copies of rule as adopted (revisor)	
2/20/92 OK	(K) Resolution Adopting the Rule (Board)	
2/21/92	(L) Findings of fact, conclusion, and Order (Executive Director)	
N/A	(M) Written requests, comments, submissions	
2/24/92	Forwarding of all documents to agency legal counsel for Declaration of Counsel	
	(N) Declaration of agency legal counsel	
**	(O) Notice of submission of rule to AG	
**	(P) Affidavit of mailing notice of submission of rule to AG	

** This is not necessary unless requested by commentors.

CERTIFICATE OF AUTHORIZING RESOLUTION

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

I, Duane Scribner, do hereby certify that I am the President of the Minnesota Higher Education Coordinating Board, an agency 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 Minnesota Higher Education Coordinating Board duly and properly called and held on the 12th day of December, 1991, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that David R. Powers, executive director of the Higher Education Coordinating Board is hereby granted the authority and directed to sign and to give notice of the Board's intent to adopt without a public hearing, the rules governing Rural Physician Loan Forgiveness Program, Minn. Rules Parts 4810.3000-4810.3070, to all persons who have registered their names with the Board for that purpose and publish the Notice and the rule in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's certification as required by Minn. Statutes 14.07, subd. 2 (1990).
>
> BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the executive director is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for a Notice of Hearing, as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of December, 1991.

Duane C. Scribner

President of the Board

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Rural Physician Loan Forgiveness Program, Minn. Rules Parts 4810.3000-4810.3070

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Higher Education Coordinating 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 Minn. Statutes 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in Minn. Statutes 136A.04, Subd. 1(9) and 136A.16 (1990).

(2) All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on January 29, 1992 at 4:30p.m. Comment is encouraged. (3) Each comment should identify the portion of the proposed 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. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the Board will proceed pursuant to Minn. Statutes 14.131 to 14.20 (1990).

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

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101

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

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

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mary Lou Dresbach upon request.

(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 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 Mary Lou Dresbach.

12/12/91
DATE

DAVID R. POWERS
Executive Director

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Rural Physician Loan Forgiveness Program

Rules as Proposed

4810.3030 APPLICATION PROCESS.

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

Subp. 2. [See repealer.]

Subp. 3. **Application form and contract.** During the first year of residency, the prospective physician must ~~sign a contract with~~ complete and return the application form and contract provided by the executive director ~~agreeing~~. The prospective physician agrees to serve at least three of the first five years following residency in a designated rural area if chosen as a participant. Failure to complete and return the application form and contract by the specified deadline date results in the elimination of the applicant from the classification list.

[For text of subps 4 and 5, see M.R.]

REPEALER. Minnesota Rules, part 4810.3030, subpart 2, is repealed.

Approved by Revisor

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Rural Physician Loan Forgiveness Program, Minn. Rules Parts 4810.3000-4810.3070

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Lou Dresbach, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Statutes 14.14, subd. 1a and 14.22 that their names be placed on the Minnesota Higher Education Coordinating Board's rulemaking mailing list is accurate, complete, and current as of this 23rd day of December, 1991.

That on the 23rd day of December, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States Mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Mary Lou Dresbach

Subscribed and sworn to before me this 23rd day of December, 1991.

KATHERINE A. FISCH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 28, 1994

Notary Public

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Rules Governing Rural Physician
Loan Forgiveness Program,
Minn. Rules Parts 4810.3000-
4810.3070

NOTICE OF INTENT TO ADOPT
RULES WITHOUT A PUBLIC
HEARING

Notice is hereby given that the Minnesota Higher Education Coordinating 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 Minn. Statutes 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in Minn. Statutes 136A.04, Subd. 1(9) and 136A.16 (1990).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on January 29, 1992 at 4:30p.m. Comment is encouraged. Each comment should identify the portion of the proposed 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 proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to Minn. Statutes 14.131 to 14.20 (1990).

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

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101

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.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mary Lou Dresbach upon request.

If no hearing is required, upon adoption of the rule, the rule and the

NOTE: THIS NOTICE WILL APPEAR IN THE 12/30/91 ISSUE OF THE STATE REGISTER

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 Mary Lou Dresbach.

12/12/91
DATE

DAVID R. POWERS
Executive Director

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Rural Physician Loan Forgiveness Program

Rules as Proposed

4810.3030 APPLICATION PROCESS.

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

Subp. 2. [See repealer.]

Subp. 3. **Application form and contract.** During the first year of residency, the prospective physician must ~~sign a contract with~~ complete and return the application form and contract provided by the executive director ~~agreeing~~. The prospective physician agrees to serve at least three of the first five years following residency in a designated rural area if chosen as a participant. Failure to complete and return the application form and contract by the specified deadline date results in the elimination of the applicant from the classification list.

[For text of subps 4 and 5, see M.R.]

REPEALER. Minnesota Rules, part 4810.3030, subpart 2, is repealed.

10. Any rule change (amendment) made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

Dated: 28 October 1991

Marlene E. Marschall
Commissioner of Health

Rules as Proposed

4606.3302 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Cancer.** "Cancer" means:

A. malignant and in situ neoplasms of all sites, except basal and squamous cell carcinomas of the skin;

B. basal and squamous cell carcinomas of the ~~lip, eyelid, or~~ genitalia; and

C. all brain and central nervous system neoplasms regardless of malignancy.

[For text of subps 4 to 18, see M.R.]

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Rural Physician Loan Forgiveness Program

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating 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 (1990). The Board's authority to adopt the rule is set forth in *Minnesota Statutes* 136A.04, Subd. 1(9) and 136A.16 (1990).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on January 29, 1992 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed 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 proposed 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:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101

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.

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

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mary Lou Dresbach 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 Mary Lou Dresbach.

Dated: 12 December 1991

David R. Powers
Executive Director

Rules as Proposed

4810.3030 APPLICATION PROCESS.

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

Subp. 2. [See repealer.]

Subp. 3. **Application form and contract.** During the first year of residency, the prospective physician must ~~sign a contract with~~ complete and return the application form and contract provided by the executive director ~~agreeing~~. The prospective physician agrees to serve at least three of the first five years following residency in a designated rural area if chosen as a participant. Failure to complete and return the application form and contract by the specified deadline date results in the elimination of the applicant from the classification list.

[For text of subps 4 and 5, see M.R.]

REPEALER. *Minnesota Rules*, part 4810.3030, subpart 2, is repealed.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* 182.655 (1990). This notice proposes the adoption by reference of Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

A complete copy of the federal standards proposed for adoption is available by writing: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307; or by calling: (612) 297-3254.

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the described standards. Any interested person may file with the Commissioner written objections to the proposed standard stating the grounds for those objections. Such person may request a public hearing on those objections. Written comments or requests for hearing should be sent to the above address and must include the name and address of the person submitting the comment or request, define the reasons for the comment or request, and discuss any proposed changes.

John B. Lennes, Commissioner

Standards as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216, November 7, 1979 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes prior to ~~June 1, 1991~~ December 10, 1991:

[For text of items A. to M., see M.R.]

N. *Federal Register*, Vol. 56:

[For text of subitems (1) to (3), see M.R.]

(4) *Federal Register*, Vol. 56, No. 113, dated June 12, 1991: "Occupational Exposure to Formaldehyde, Extension of Administrative Stay."

(5) *Federal Register*, Vol. 56, No. 153, dated August 8, 1991: "Occupational Exposure to Formaldehyde, Extension of Administrative Stay."

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.

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Rural Physician Loan Forgiveness Program Minn. Rules Parts 4810.3000-4810.3070

AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Lou Dresbach, being duly sworn on oath deposes and says:

1. That Mary Lou Dresbach is the person named in the Notice of Intent to Adopt Rules Without a Public Hearing (16 S.R. 1586, December 30, 1991) as the person to receive comments on the Board's intent to adopt rules concerning the above-entitled subject.

2. That the comment period set forth in the notice terminated at 4:30 P.M. on January 29, 1992.

3. That during the public comment period no comments were received by the Board.

Mary Lou Dresbach

Subscribed and sworn to before me
this 21st day of February, 1992.

Katherine A. Fisch
Notary Public

KATHERINE A. FISCH
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES DECEMBER 26, 1994

CERTIFICATE OF RESOLUTION ADOPTING RULE

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

I, Duane Scribner, do certify that I am the President of the Minnesota Higher Education Coordinating Board, an agency 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 Minnesota Higher Education Coordinating Board duly and properly called and held on the 20th day of February, 1992, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Minnesota Higher Education Coordinating Board hereby approves and adopts the amendments to rules governing the Rural Physician Loan Forgiveness Program pursuant to the authority vested in the Board by Minn. Statutes 136A.04, Subd. 1(9), and 136A.16 (1990).
>
> BE IT FURTHER RESOLVED, that prior to publishing the rule as adopted in the State Register, the executive director is authorized to make any form changes in the rule that the Revisor of Statutes or the Attorney General requires the Board to make.
>
> BE IT FURTHER RESOLVED, that the Board adopts the attached Findings of Fact, Conclusions and Order Adopting Rule Amendments and that the executive director is hereby authorized to sign the above-mentioned document on behalf of the Board and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of February, 1992.

Duane C. Scribner

President of the Board

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Rural Physician Loan Forgiveness Program Minn. Rules Parts 4810.3000-4810.3070

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE

The above-entitled matter came on for decision before the Minnesota Higher Education Coordinating Board on the 20th day of February, 1992. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Board, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

(1) 1. Notice of the Minnesota Higher Education Coordinating Board's intent to adopt the above-entitled rule without a public hearing was published in the State Register on December 30, 1992 and was sent by mail to all persons on the list maintained by the Board pursuant to Minnesota Statutes 14.14, subd. 1a and 14.22.

(2) 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 list and published in the State Register and was available to the public.

(4) 3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30-day comment period, as set out in the notice, expired on January 29, 1992.

(5) 4. No requests for public hearing were received during the comment period.

(7) 5. No requests for notice of submission to the Attorney General were received by the Board.

6. During the comment period the Board received no written comments.

7. The Board finds that no modifications to the proposed rules are needed.

8. The Board adopts the Statements of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Board hereby incorporates the Statement of Need and Reasonableness into these findings.

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

CONCLUSIONS

1. The Minnesota Higher Education Coordinating Board duly acquired and has jurisdiction over this proceeding.

2. The Board published and served due, timely and adequate notice of the intent to adopt the rules without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

(9) ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rules pts. 4810.3000-4810.3070 are adopted pursuant to the authority vested in the Minnesota Higher Education Coordinating Board by Minn. Statutes 136A.04, Subd. (9), and 136A.16 (1990).

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

DAVID R. POWERS
Executive Director

STATEMENT OF NEED AND REASONABLENESS

PERMANENT RULES RELATING TO FINANCIAL AID

as administered by

the Minnesota Higher Education Coordinating Board

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Rural Physician Loan Forgiveness Program

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Rural Physician Loan Forgiveness Program (Minn. Rules 4810.3000-4810.3070)

STATEMENTS OF NEED AND REASONABLENESS

SECTION I: AUTHORITY TO PRESCRIBE RULES

The Minnesota Higher Education Coordinating Board is authorized by statute to adopt policies and prescribe rules and regulations for student financial aid programs. {Minnesota Statutes 1990, 136A.04, Subd. 1(9) and 136A.16].

SECTION II: BACKGROUND

The proposed changes are to simplify the application procedures for physicians interested in participating in this program, and to provide more efficient processing procedures and program operations. Combining two separate documents into one, will result in less paperwork and cause less confusion for physicians applying for participation in this program.

SECTION III: PROPOSED CHANGES

The proposed changes are summarized below:

4810.3030 APPLICATION PROCESS.

* Delete subpart 2 and add language to subpart 3 to merge two separate documents into one document in order to simplify the application process for physicians interested in participation in this program, to eliminate needless confusion regarding the application process, and to provide efficient program operation.

CHAPTER II: Part-by-Part Explanation

This chapter provides an explanation for each proposed change to the rules relating to the Rural Physician Education Loan Forgiveness Program.

4810.3030 **APPLICATION PROCESS**

Subpart 2. **Application form.** Deletion is made to merge the application form with the "contract" document (4810.3030, subpart 3)in order to simplify the application process, eliminate unnecessary duplication of effort for the physician applying for participation in this program, and to provide efficient program operation.

Subpart 3. **Application form and contract.** Additions of the language from subpart 2 to subpart 3 result in the formation of one document rather than two separate documents to improve program administration, simplify the application process, meet the statutory requirements regarding a "contract", and provide efficient procedures for program administration.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Rural Physician Loan Forgiveness Program

Rules as Proposed

4810.3030 APPLICATION PROCESS.

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

Subp. 2. [See repealer.]

Subp. 3. **Application form and contract.** During the first year of residency, the prospective physician must ~~sign a contract with~~ complete and return the application form and contract provided by the executive director ~~agreeing~~. The prospective physician agrees to serve at least three of the first five years following residency in a designated rural area if chosen as a participant. Failure to complete and return the application form and contract by the specified deadline date results in the elimination of the applicant from the classification list.

[For text of subps 4 and 5, see M.R.]

REPEALER. Minnesota Rules, part 4810.3030, subpart 2, is repealed.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Rural Physician Loan Forgiveness Program

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4810

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor