

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MSM
4/14/92

1912 RULE REVIEW CHECKLIST

File No. ~~4-13-92~~

DATE RECEIVED 4-13-92

REVIEW DATE 4-22-92

DUE DATE 4-21-92

(DIS)APPROVED 4-24-92

WITHDRAWN _____

Docket No. 05 0009 0481

ADOPTED W/O HEARING _____

EMERGENCY RULE _____

TO REVISOR ON 4/14/92

REVISOR (DIS)APPROVED _____

FILED W/SEC. OF STATE 4/28/92

RETURNED TO AGENCY 4/28/92

✓ 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
December 6, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148.191 Statutory Authority
✓ Small Business Statement
_____ Expenditure of public money statement
Feb 6, 1992 Signature

_____ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
_____ Fees - § 16A.128 - sent letter to House appropriation and Senate Finance approval from Finance

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Feb 14, 1992 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
Feb 24, 1992 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
April 3, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
April 3, 1992 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Cushing Markell Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

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

Rules rel

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: April 28, 1992

TO: JOYCE M. SCHOWALTER
Executive Director
Minnesota Board of Nursing
Suite 108
2700 University Avenue West
St. Paul

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 Nursing Registration Fees

The above-referenced rule has been approved as to its legality by the Attorney General on April 24, 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: Audrey Kaiser-Manka
William Brown, Chief Judge
MaryAnn Hruby

Board of Nursing

Adopted Permanent Rules Relating to Nursing Registration Fees

Rules as Adopted

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

A. registration renewal, $35 per registration period;

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

[For text of subp 2, see M.R.]

APPROVED AS TO FORM AND LEGALITY
4/24 19 92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1992
Joan Anderson Growe
Secretary of State

11:30 AM
PB

Stat Authority 148.191
subd. The board is authorized to adopt from time to time revise rules not inconsistant with the law . . .

214.06
Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health-related licensing boards and . . . shall by by rule, with the approval of the commissioner of finance adjust any fee which the commissioner of health or the board is empowered to assess . .

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

Rec 4-13-92

DATE : April 13, 1992

TO : PATRICIA NOLTE
Legal Assistant

FROM : AUDREY KAISER MANKA
Special Assistant
Attorney General

PHONE : 297-5933

SUBJECT : In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Nursing Relating to Registration Renewal Fees

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1990) and Minn. Rules pt. 2010.0300 (1991), are the following documents to support the above-referenced rules:

1. Certificate Of Board's Authorizing Resolution;

2. Rules as proposed with a certificate of approval as to form by the Revisor of Statutes attached;

3. Notice Of Intent To Adopt Rules Without A Public Hearing (as mailed);

4. Statement Of Need And Reasonableness (as submitted to LCAR) and memorandum from Department of Finance approving rules (for fee rulemaking only);

5. Letters to chairs of the House Appropriations Committee and Senate Finance Committee;

6. Affidavit Of Mailing The Notice Of Intent To Adopt Rules Without A Public Hearing;

7. Notice Of Intent To Adopt Rules Without A Public Hearing (as published in the State Register);

8. Rules as adopted (original and three copies);

9. Certificate Of Board's Resolution Adopting Rules;

10. Findings Of Fact, Conclusions, And Order Adopting Rules Without A Public Hearing;

11. Declaration Of Counsel.

AKM:mr
Enclosures
.hb9

on the content of the proposed rules, contact: Joseph E. Meyerring, 627 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, 55101, (612) 296-4899.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing.

After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, 658 Cedar Street, First Floor South, St. Paul, Minnesota 55155, telephone (612) 296-5148.

State of Minnesota
Thomas Lindquist
President of the Board

Rules as Proposed

3500.1400 ELEMENTARY SCHOOL STAFF.

[For text of subp 2, see M.R.]

Subp. 3. **Preparation time.** The daily preparation time for an elementary school teacher must be comparable to that provided secondary teachers in the school district within the student contact day. The preparation time may be scheduled at one uninterrupted time period or two uninterrupted time periods during the school day.

A school district that provides for elementary staff preparation time through the collective bargaining process is exempt from this subpart until July 1, 1993. The state board shall grant a variance from this subpart, for the 1992-1993 school year only, if a school district, by August 1, 1992, submits a written request and provides written documentation sufficient to satisfy the state board that implementation of the rule would impede student learning or restrain the effectiveness of the district's educational program. All school districts must comply with this subpart after June 30, 1993.

Board of Nursing

Proposed Permanent Rules Relating to Nursing Registration Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Nursing (hereinafter "Board") intends to adopt 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 statutory authority to adopte the rules is *Minnesota Statutes* §§ 148.191 and 214.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 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 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:

Joyce M. Schowalter
Executive Director

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.

Minnesota Board of Nursing
Suite 108
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0567

The proposed rules 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 rules as noticed.

A copy of the proposed rules 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 rules has been prepared and is available from Joyce M. Schowalter upon request.

Pursuant to *Minnesota Statutes* § 16A.128, subd. 2.a, a copy of the proposed rule was sent to the chairs of the House Appropriations Committee and the Senate Finance Committee prior to publication of this notice in the *State Register*. In addition, it is the position of the Board that *Minnesota Statutes* § 14.115 does not apply to the rules it promulgates. This position is explained in detail in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rules, the rules 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 rules must submit the written request to Joyce M. Schowalter.

Dated: 6 February 1992

Joyce M. Schowalter
Executive Director

Rules as Proposed

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

A. registration renewal, ~~$32~~ $35 per registration period;

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

[For text of subp 2, see M.R.]

Department of Public Safety

Proposed Permanent Rules Relating to Public Safety Officer Death Benefits

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt 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*, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is *Minnesota Statutes*, section 299A.46.

All persons have 30 days, until 4:30 p.m., March 25, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 30-day comment period. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m. on the final day of 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 request in writing. Any person requesting a public hearing must include 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 agency will proceed under *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Jean Rozeske, 210 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, 612-296-8158.

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

A free copy of the rules is available upon request from Jean Rozeske at the address and telephone number listed above.

STATE OF MINNESOTA

BOARD OF NURSING

In the Matter of Proposed
Permanent Rules Relating
to Registration Renewal Fees

STATEMENT OF NEED
AND REASONABLENESS

This document presents the explanation of the need to amend Minnesota Rules part 6310.3600 subpart 1.A. and the reasonableness of the proposed change. Minnesota Statute, section 214.06 requires that the Board adjust fees so that the total fees collected "...will as closely as possible equal anticipated expenditures during the fiscal biennium." The proposed fee increase is necessary to provide this balance. Minnesota Statutes sections 148.191 and 214.06 provide the statutory authority for the Board to adopt these rules.

The anticipated expenditures for fiscal years 1992 and 1993 total $1,560,000 and $1,597,000 respectively. The totals are the sum of the following parts:

Appropriation	$1,346,000	$1,401,000
Statewide Indirect Costs	35,000	35,000
Agency Indirect Costs	11,000	11,000
Attorney General Costs	150,000	150,000
	$1,560,000	$1,597,000

Part 6310.3600 REGISTRATION FEES

Subpart 1. Amount.

A. Registration renewal. This rule sets the fee paid by a nurse when renewing registration or reregistering. The increased fee is needed to provide sufficient income to balance expenditures during the current biennium. The registration renewal fee is the fee which is expected to provide this balance. The attachment entitled Fee Review - Detail of Costs shows the number of registered nurses and licensed practical nurses expected to renew registration during Fiscal Years 1992 and 1993.

The proposed fee is reasonable because it provides for sufficient income according to the projected number of registrants. If the fee is set higher, too much money will be generated. In reverse, if the fee is set lower, not enough income will accrue.

SMALL BUSINESS CONSIDERATIONS.

Minnesota Statutes, section 14.115 requires administrative agencies, when proposing a rule or an amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small businesses and to provide an opportunity for small businesses to participate in the rulemaking process.

It is the position of the Board that this provision does not apply to the rules it promulgates. Minnesota Statutes, section 14.115, subd. 7, clause (2) (1990) states that section 14.115 does not apply to "agency rules that do not affect small businesses directly." The Board's authority relates only to nurses,

not to the businesses they operate. Furthermore, although the Board does not compile statistics on the issue, almost all nurses are not independent practitioners, but employees of the agencies or facilities at which they work. In these cases, it is clear that a nurse should not be considered a small business.

The Board is also exempt from the provisions of section 14.115, pursuant to its subdivision 7, clause (3) which states that section 14.115 does not apply to "service businesses regulated by government bodies, for standards and costs, such as...providers for medical care." Nurses provide nursing care and medical care and are regulated for standards and costs. The Board regulates nurses for standards and the Minnesota Department of Human Services regulates some nurses for costs.

However, should these proposed rules in some way be construed as being subject to Minnesota Statutes, section 14.115, the Board notes below how the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small business should be applied to the proposed rules. The five suggested methods enumerated in subdivision 2 are as follows:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule.

The feasibility of implementing each of the five suggested methods and whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking are considered below.

1. It would not be feasible to incorporate any of the five suggested methods into these rules.

Methods (a) and (c) relate to lessening compliance or reporting requirements for small businesses either by establishing less stringent requirements, establishing less stringent schedules or deadlines for compliance with the requirements, or consolidating or simplifying the requirements. Since the Board is not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen with respect to small businesses. If, however, these proposed rules are viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those few nurses who practice in a solo or group setting of fewer than 50 employees since the proposed rules have no effect on their businesses. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The Board's rules do not propose design or operational standards for businesses, and therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e)

suggests exempting small businesses from any or all requirements of the rules. The application of this provision would exempt a few licensees from the purview of the rules with the result that a small number of nurses would be totally unregulated, a clear conflict with existing nursing statutes.

2. Reducing the impact of the proposed amendments on small businesses would undermine the objectives of the Minnesota licensing law nurses.

Pursuant to Minnesota Statutes, section 148.171, et seq., the Board was created for the purpose of establishing requirements for licensure and adopting standards for disciplinary action to govern the practices or behavior of all licensees. Pursuant to Minnesota Statutes, section 148.191, subd. 2, the Board is specifically mandated to promulgate rules as may be necessary to carry out the Board's purposes. Given these statutory mandates, it is the Board's duty to establish licensure qualifications and disciplinary standards which apply and govern all applicants and licensees regardless of the nature of their practice. As it has been stated above, it is the Board's position that the proposed rules will not affect small businesses and certainly do not have the potential for imposing a greater impact on nurses in a solo or small practice than on those employed by agencies and organizations. It has also been explained above that the Board considers it unfeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent that the proposed rules may affect the business operation of a nurse or group of nurses and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the Board believes it would be unwise and contrary to the purposes to be served by these rules for the Board to exempt one group of nurses from the requirements of these rules. Similarly, the Board believes it would be unwise and contrary to its statutory mandate for the Board to adopt one set of standards for those nurses (which may consist of a nonexistent class) who work as employees and adopt another, less stringent, set of standards to be applied to those nurses who practice in a solo or small group practice. It is the Board's view that these rules must apply equally to all nurses if the public whom they serve is to be adequately protected.

Licensees, regardless of whether they are considered as individuals or small businesses, have had and will continue to have an opportunity to participate in the rulemaking process for these proposed rules. The Board has mailed a copy of the proposed rule amendment to everyone on the mailing list of persons desiring to receive proposed rules.

Board of Nursing

Feb. 10, 1992
Date

Joyce M. Schowalter
Executive Director

STATE OF MINNESOTA

Department: Board of Nursing

OFFICE MEMORANDUM



Date: January 13, 1992

To: Bruce J. Reddemann, Director
Budget Operations and Support Division
Department of Finance

From: Joyce M. Schowalter
Executive Director

Phone: 642-0567

Subject: Revision of Registration Renewal Fee

The Board of Nursing has found it necessary to propose an increase in the registration renewal fee in order to balance receipts and expenditures during Fiscal Years 1992 and 1993. As you know Minnesota Statutes section 214.06 requires the Board to adjust fees so that total fees collected equal expenditures. The renewal fee is the fee usually adjusted to balance income with expenditures. The proposed change is as follows:

Fee	From	To	Effective Date
Registration Renewal	$32	$35	Enactment of rules

A Fee Review Form is attached.

We request approval of the proposed registration renewal fee.

If you have any questions, please do not hesitate to call me.

Approved: _____ 1/27/92
Bruce J. Reddemann Date

JMS:tjz
Attachment
cc: Pamela Wheelock
Executive Budget Officer

FI-00194-07 (3/90)

Department of Finance

FEE REVIEW

Date Prepared: 1-13-92

Department/Agency: Board of Nursing

Budget Activity:

Fee Name:

Legal Citation: M.S. 148.171 - 148.285

Fee Set By: ☐ Law ☒ Agency

Purpose of Fee: To license registered nurses and licensed practical nurses, register public health nurses, approve nursing programs, verify licensure to other states, process complaints, register nursing corporations and authorize prescription writing by nurse practitioners.

☐ Dedicated ☒ Non-Dedicated

Revenue Code: 310

APID: 21513:00

Fund: 17

Accumulated Difference Thru 1988: (104)

Dollars in Thousands (137,522=138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Actual F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts	1,318	1,153	1,386	1,512	1,619
Less Actual/Anticipated Costs	1,068	1,203	1,320	1,560	1,597
Current Difference	250	(50)	66	(48)	22
Accumulated Difference	146	96	162	114	136
Number Paying Fee					
Date Fee Last Changed					

Remarks:

Department Authorized Signature:

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00195-02 (3/90)

Department of Finance

FEE REVIEW - Details of Cost

Date Prepared: 1-13-92

Department/Agency: Board of Nursing

Budget Activity:

Fee Name:

Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-07 Dollars in Thousands (137,522 = 138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Actual ~~XXXXX~~ F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Agency Direct Expenditures	898	1,070	1,176	1,364	1,401
Salary Increases	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX		
Attorney General	138	96	98	150	150
Statewide Indirect	22	26	35	35	35
Agency Indirect	10	11	11	11	11
Totals: must agree with cost on Fee Review Form	1,068	1,203	1,320	1,560	1,597

Remarks:

Estimated Receipts for FY92 and FY93:

	FY 92			FY 93		
RN Fees	Fee Amt.	Number	Amount	Fee Amt.	Number	Amount
PHN Registration	$25	500	$ 12,500	$25	500	$ 12,500
Nsg. Corp.	25	20	500	25	20	500
Misc. fees	20	150	3,000	20	150	3,000
Nse. Pract. Initial	50	250	12,500	50	250	12,500
Nse. Pract. Renewal	25	0	0	25	100	2,500
Endorsement	55	1,100	60,500	55	1,100	60,500
Examination	75	1,500	112,500	75	1,500	112,500
Re-examination	50	250	12,500	50	250	12,500
Verification	20	2,250	45,000	20	2,250	45,000
Renewal	35	23,000	805,000	35	25,000	875,000
Late Penalty	20	800	16,000	20	800	16,000
Late filing fee - exam	50	50	2,500	50	50	2,500
NSF service charge	15	15	225	15	15	225
Subtotal			$1,082,725			$1,155,225
LPN Fees						
Misc. fees	20	150	3,000	20	150	3,000
Endorsement	55	300	16,500	55	300	16,500
Examination	50	750	37,500	50	750	37,500
Re-examination	40	100	4,000	40	100	4,000
Verification	20	450	9,000	20	450	9,000
Renewal	35	10,000	350,000	35	11,000	385,000
Late penalty	20	400	8,000	20	400	8,000
Late filing fee - exam	50	15	750	50	15	750
NSF service charge	15	30	450	15	30	450
Subtotal			$429,200			$464,200
Total			$1,512,325			$1,619,425

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Adoption of
Rules of the Board of
Nursing Relating to
Registration Renewal Fees

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Board of Nursing (hereinafter "Board") intends to adopt 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 Minn. Stat. §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is Minn. Stat. §§ 148.191 and 214.06.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 30-day comment period.(4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing.(6) Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed 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. Stat. §§ 14.131 to 14.20 (1990).

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

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
Suite 108
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0567

(8) The proposed rules 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 rules as noticed.

(11) A copy of the proposed rules 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 rules has been prepared and is available from Joyce M. Schowalter upon request.

(13) Pursuant to Minn. Stat. § 16A.128, subd. 2.a, a copy of the proposed rule was sent to the chairs of the House Appropriations Committee and the Senate Finance Committee prior to publication of this notice in the State Register. In addition, it is (14) the position of the Board that Minn. Stat. § 14.115 does not apply to the rules it promulgates. This position is explained in detail in the Statement of Need and Reasonableness.

(9) If no hearing is required, upon adoption of the rules, the rules 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 rules must submit the written request to Joyce M. Schowalter.

Date: February 6, 1992.

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Director

MINNESOTA BOARD OF NURSING

2700 University Avenue West #108 St. Paul, MN 55114 Telephone: (612) 642-0567

February 10, 1992

Senator Gene Merriam, Chair
Senate Finance Committee
Capitol Building Room 122
St Paul MN 55155

Dear Senator Merriam:

Pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, enclosed please find a Notice of Intent to Adopt Rules Without a Public Hearing and a copy of proposed rules to increase the registration renewal fee.

Sincerely,

Joyce M. Schowalter
Executive Director

JMS:tjz
Enclosures
cc: Audrey Kaiser Manka
Special Assistant
Attorney General

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Adoption of
Rules of the Board of
Nursing Relating to
Registration Renewal Fees

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
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Notice is hereby given that the Minnesota Board of Nursing (hereinafter "Board") intends to adopt 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 Minn. Stat. §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is Minn. Stat. §§ 148.191 and 214.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1990).

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

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
Suite 108
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0567

The proposed rules 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 rules as noticed.

A copy of the proposed rules 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 rules has been prepared and is available from Joyce M. Schowalter upon request.

Pursuant to Minn. Stat. § 16A.128, subd. 2.a, a copy of the proposed rule was sent to the chairs of the House Appropriations Committee and the Senate Finance Committee prior to publication of this notice in the State Register. In addition, it is the position of the Board that Minn. Stat. § 14.115 does not apply to the rules it promulgates. This position is explained in detail in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rules, the rules 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 rules must submit the written request to Joyce M. Schowalter.

Date: February 6, 1992.

JOYCE M. SCHOWALTER
Executive Director

Board of Nursing

Proposed Permanent Rules Relating to Nursing Registration Fees

Rules as Proposed

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

A. registration renewal, ~~$32~~ $35 per registration period;

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

[For text of subp 2, see M.R.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Nursing Registration Fees

AGENCY: Board of Nursing

MINNESOTA RULES: Chapter 6310

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

MINNESOTA BOARD OF NURSING

2700 University Avenue West #108 St. Paul, MN 55114 Telephone: (612) 642-0567

February 10, 1992

Representative Wayne Simoneau, Chair
House Appropriations Committee
State Office Building Room 363
St Paul MN 55155

Dear Representative Simoneau:

Pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, enclosed please find a Notice of Intent to Adopt Rules Without a Public Hearing and a copy of proposed rules to increase the registration renewal fee.

Sincerely,

Joyce M. Schowalter
Executive Director

JMS:tjz
Enclosures
cc: Audrey Kaiser Manka
Special Assistant
Attorney General

ATTY GEN
10 FEB 92 01:

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Adoption of
Rules of the Board of
Nursing Relating to
Registration Renewal Fees

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

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Date: February 6, 1992.

JOYCE M. SCHOWALTER
Executive Director

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Nursing Registration Fees

AGENCY: Board of Nursing

MINNESOTA RULES: Chapter 6310

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Board of Nursing

Proposed Permanent Rules Relating to Nursing Registration Fees

Rules as Proposed

6310.3600 REGISTRATION FEES.

Subpart 1. Amount. The amount of fees shall be as follows:

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

[For text of subp 2, see M.R.]

Approved by Revisor

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Adoption of Rules of the Board of Nursing Relating to Registration Renewal Fees

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Tamera J. Zappa, being duly sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1(a) and 14.22 or 14.30 (1990), that their names be placed on the Board of Nursing's rulemaking mailing list is accurate, complete, and current as of this 14th day of February, 1992.

That on the 14th day of February, 1992, 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 mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Tamera J. Zappa
Secretary

Subscribed and sworn to before

me this 8th day of April, 1992.

Susette R. Walters

NOTARY PUBLIC

SUSETTE R. WALTERS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 26, 1996

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Adoption of
Rules of the Board of
Nursing Relating to
Registration Renewal Fees

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ADOPT RULES WITHOUT
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Date: February 6, 1992.

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Director

Board of Nursing

Proposed Permanent Rules Relating to Nursing Registration Fees

Rules as Proposed

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

A. registration renewal, ~~$32~~ $35 per registration period;

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

[For text of subp 2, see M.R.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Nursing Registration Fees

AGENCY: Board of Nursing

MINNESOTA RULES: Chapter 6310

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

CERTIFICATE OF THE

BOARD OF NURSING

AUTHORIZING RESOLUTION

I, Mary M. Duell, do hereby certify that I am a member and, on December 6, 1991, was the vice president of the Minnesota Board of Nursing (hereinafter "Board"), 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 6th day of December, 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 Joyce M. Schowalter, Executive Director of the Board, is hereby granted the authority and directed to sign and to give the Notice Of Intent To Adopt Rules Without A Public Hearing relating to registration renewal fees to all persons who have registered their names with the Board for that purpose, to publish the notice and rules in the State Register, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6th day of December. 1991.

Mary M. Duell
MARY M. DUELL
Vice President

Renée C. Burman
Attest by one other Board Member

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Nursing Registration Fees

AGENCY: Board of Nursing

MINNESOTA RULES: Chapter 6310

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Board of Nursing

Proposed Permanent Rules Relating to Nursing Registration Fees

Rules as Proposed

6310.3600 REGISTRATION FEES.

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[For text of subp 2, see M.R.]

Approved by Revisor _____

CERTIFICATE OF THE

BOARD OF NURSING

RESOLUTION ADOPTING RULES

I, Mary Ellen Quincer, do hereby certify that I am a member and the president of the Minnesota Board of Nursing (hereinafter "Board"), 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 3rd day of April, 1992, 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 rules relating to registration renewal fees are approved and adopted pursuant to authority vested in the Board by Minn. Stat. § 148.191 (1990). Joyce M. Schowalter, Executive Director of the Board, 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 (or other stated circumstances) 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 3rd day of April, 1992.

Mary Ellen Quincer

MARY ELLEN QUINCER, RN
President

Martha Stevenson

Attest by one other Board member

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Adoption of Rules of the Board of Nursing Relating to Registration Renewal Fees

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING

(1) Notice of the Board of Nursing's (hereinafter "Board") intent to adopt the above-entitled rules was published in the State Register on February 24, 1992, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. 1(a) and 14.22 on February 14, 1992.(2) The statement of need and reasonableness was prepared before the Notice Of Intent To Adopt Rules 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 rules were 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 rules for 30 days after notice of proposed rulemaking.(5) No requests for a public hearing, submissions or comments, or requests for notice of submission to the Attorney General were received by the Board.(7)

Based on the comments and evidence in the record before the Board, including the statement of need and reasonableness which is incorporated herein as the Board's findings, the Board concludes that the above-captioned rules are both needed and reasonable.(8)

NOW, THEREFORE, IT IS HEREBY ORDERED that the rules identified as registration renewal fees are adopted this 3rd day of April, 1992, pursuant to authority

vested in the Board by Minn. Stat. §§ 148.191 and 214.06.

JOYCE M. SCHOWALTER
Executive Director

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Adoption of
Rules of the Board of
Nursing Relating to
Registration Renewal Fees

DECLARATION OF COUNSEL

I, Audrey Kaiser Manka, 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 Minn. Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0481.

Dated: April 13, 1992.

AUDREY KAISER MANKA
Special Assistant
Attorney General