

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MSM
12-1-92

RULE REVIEW CHECKLIST

File No. 1975
DATE RECEIVED 11-25-92
REVIEW DATE 12-4-92
DUE DATE 12-9-92
(DIS)APPROVED 12.9.92
WITHDRAWN

Docket No. 05.0008, 1610
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 12-1-92
REVISOR (DIS)APPROVED 12-1-92
FILED W/SEC. OF STATE 12-10-92
RETURNED TO AGENCY 12-10-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
December 2, 1991 Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
May 9, 1991 Date adopted

✓ Proposed Rule
~~May 9, 1991~~ ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148.08 Statutory Authority
✓ Small Business Statement
Expenditure of public money statement
9-11-92 Signature

✓ Statement of Need and Reasonableness (if applicable)
Small Business Statement
✓ Fees - § 16A.128 no letters to house approved and Senate finance did approved

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
~~October 8, 1992~~ Dated (30)/25 days before adopted September 11, 1992
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
~~September 28, 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
~~October 29, 1992~~ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
November 24, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Bob Holley Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

Office of the Attorney General

TO : JOEL B. WULFF
Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue W., #20
St. Paul

DATE : December 10, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

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

The above-referenced rule has been approved as to its legality by the Attorney General on December 9, 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.

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

MJM:jj.rules.be3

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to License Renewal and Continuing Education

Rules as Adopted

2500.0100 DEFINITIONS.

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

Subp. 4a. **Continuing education unit.** "Continuing education unit" means one 50-minute session that qualifies under part 2500.1500 as an approved program.

[For text of subps 5 to 11, see M.R.]

2500.0200 PROFESSIONAL STANDARDS FOR ADVERTISING.

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

Subp. 3. **Testimonial advertising.** The use of testimonials, whether single or in groups; summaries of types of treatment; or examples of treatment as used in the advertiser's office carry with them an implication that the conditions described in the advertisement have been or will be helped by the practitioner. Therefore, before an advertisement is produced, distributed, or displayed, a practitioner who requests from a patient a testimonial to the treatments or modalities used by the practitioner must obtain written consent and have a signed release form from the patient to be kept in the patient's file.

The patient has the right to review the advertisements that use the patient's statements, likenesses, or case summaries before the advertisements are released for production, distribution, or displaying.

Statements made by patients that are untruthful, improbable, misleading, or impossible may not be used even if the patient made the statements.

2500.0400 PROHIBITED ADVERTISEMENTS.

Advertisements are designed to appeal to and obtain the

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attention of the public and are designed, paid for, or published with a view to close analysis by the reader at whose attention they are aimed.

The law prohibits the use of the terms "cure" or "guarantee to cure" or similar terms and declares such to be fraudulent and misleading to the general public.

~~The use of testimonials, whether single or in groups, or summaries of types of treatment or examples of treatment as used in the advertiser's office carry with them an implication that the conditions described in the advertisement have been or will be cured by the practitioner and are fraudulent and misleading to the general public.~~

The advertising by any means of chiropractic practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made is obviously contrary to the law.

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

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

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of $150, plus any applicable penalty fee in subpart 3. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

Subp. 3. **Penalty fees.** A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of $150 per month for each month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed $900.

2500.1105 CHANGE OF NAME OR ADDRESS.

Subpart 1. **Name change.** A licensee who has changed names must notify the board in writing within 30 days of the change. The name change will be reflected on the next license or registration certificate issued to the licensee. If the

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licensee wishes to immediately receive a certificate as changed, the licensee must pay the fee in part 2500.1150, item E.

Subp. 2. **Address change.** A licensee who has changed addresses must notify the board in writing within 30 days of the change. The address change will be reflected on the next license or registration certificate issued to the licensee. If the licensee wishes to immediately receive a certificate as changed, the licensee must pay the fee in part 2500.1150, item E.

2500.1150 FEES.

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

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

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

I. incorporation renewal late charge, $5 per month;

J. computer lists, $100; and

K. computer printed labels, $150~~;--and~~.

~~L.--address-update-late-charge,-$10-per-day.~~

2500.1200 CONTINUING EDUCATION.

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

Subp. 2. **Biennial requirement.** Except as otherwise provided in this part, every person licensed to practice chiropractic in this state shall, as a prerequisite for the continued renewal of a license, attend a minimum of 40 continuing education units during the two preceding calendar years of continuing education courses recognized and approved by the board. At least six of the continuing education units shall be devoted to radiographic safety, technique, and/or interpretation.

Subp. 3. [See repealer.]

Subp. 4. **Schedule of required continuing education units.** Beginning January 1, 1992, all chiropractors licensed prior to January 1, ~~1993~~ 1992, must obtain 40 continuing education units by December 31, 1993, in order to receive a license to practice during the calendar year 1994, and every two calendar years

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thereafter.

Chiropractors who are licensed after January 1, 1992, during any even-numbered calendar year will be required to obtain at least 20 continuing education units, with at least three of those continuing education units devoted to education in radiographic safety, technique, or interpretation, by the end of the biennial continuing education requirement period in which they are licensed. Chiropractors who are licensed after January 1, 1992, during any odd-numbered calendar year will not be required to obtain any continuing education units during the biennial continuing education requirement period in which they are licensed. For example, anyone licensed between January 1, 1992, and December 31, 1992, would be required to obtain 20 continuing education units, as described in this subpart, by December 31, 1993, in order to obtain a license to practice chiropractic for the year 1994. Anyone licensed between January 1, 1993, and December 31, 1993, would not be required to obtain any continuing education units prior to receiving a license to practice chiropractic for the year 1994.

After a licensed chiropractor has gone through the biennial education cycle in which the chiropractor is licensed, that chiropractor will be required to attend 40 continuing education units of continuing education courses every two calendar years.

[For text of subp 5, see M.R.]

2500.1410 SPONSORSHIP OF EDUCATION PROGRAMS.

The board shall register and approve organizations or individuals who wish to offer continuing education programs to individuals licensed to practice chiropractic in this state as described in items A to C.

A. The sponsor must submit an annual fee of $500 for all programs given over the year, or a fee of $100 for each program given over the biennium.

B. The sponsor must complete and submit to the board annually a registration form developed by the board which includes at least:

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(1) the name, address, and telephone number of the organization;

(2) the name, address, and telephone number of the person responsible and authorized to do business with the board regarding continuing education matters;

(3) a signed statement which indicates that the sponsor of the continuing education program knows, understands, and agrees to follow all criteria for the approval of programs as listed in part 2500.1500 and criteria for unapproved programs listed in part 2500.1600; and

(4) a signed statement which indicates that the sponsor agrees to send to the board a list of all chiropractors licensed in Minnesota who have taken courses offered by that sponsor.

C. The sponsor must sign a statement agreeing to allow any representative of the board to attend all or part of any program that the sponsor is offering. If the representative of the board is a chiropractor licensed in Minnesota, that person must pay the full registration fee in order to be awarded continuing education units for attending the program.

2500.1420 REPORTS TO BOARD.

The sponsor must report to the board any changes in the requirements in part 2500.1410 as soon as possible.

The sponsor must provide a list to the board within 14 days after each seminar given. The list must include the following:

A. the attending chiropractors' names and addresses;

B. the date on which the program was attended;

C. the number of continuing education units obtained; and

D. the type of continuing education units obtained.

2500.1500 PROGRAM APPROVAL CRITERIA.

The sponsor shall employ the following criteria in determining whether a continuing education program shall be approved and the number of continuing education units for which approval is granted:

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

C. whether the classes will be held in a suitable setting which is conducive to the learning process; and

D. whether the program ~~will~~ may improve the practitioner's ability to keep records necessary to substantiate the need for chiropractic care.

2500.1710 SPONSORSHIP REVOKED.

The following acts shall result in the termination of the sponsorship status given to an organization or to an individual:

A. awarding continuing education units for programs which fail to meet the criteria in part 2500.1500;

B. failure to provide timely reports to the board as required in part 2500.1420;

C. reporting chiropractor attendance information which is false; and

D. making any false representation to the board or to the chiropractors who may attend a program.

At least 30 days prior to the proposed date of revocation, the board shall notify the sponsor in writing of its alleged infractions. The sponsor then has 30 days to notify the board in writing of its intent to contest. The intent to contest must include the sponsor's answer to the notice of alleged infractions.

Upon receipt of an intent to contest, the executive officers of the board shall notify the sponsor of a time and place to meet to review the proposed sponsorship revocation including the sponsor's answer.

Any decision of the executive officers terminating sponsorship following such a meeting shall be final and binding without a contested case hearing and shall not be subject to judicial review or to a judicial stay pending any attempt to seek such review.

The sponsor may continue to present continuing education courses until the issuance of a final written decision of the revocation process by the executive officers of the board.

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by Revisor _____

2500.1720 PROGRAMS DEVELOPED.

Doctors of chiropractic licensed in Minnesota may obtain continuing education units for the development of a program which meets the standards set forth in part 2500.1500. Six continuing education units may be awarded and applied to the next two-calendar year requirement in part 2500.1200.

To obtain approval, the chiropractor must submit the following to the board:

A. a summary of the program;

B. a listing of at least one date on which the program was presented; and

C. a statement of which type of continuing education units the chiropractor wants to be awarded.

Continuing education units shall be awarded under this part only once for each chiropractor for each new program developed.

REPEALER. Minnesota Rules, parts 2500.1200, subpart 3; 2500.1300; 2500.1400; and 2500.1700, are repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

Dec 9 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 10 1992

Joan Anderson Growe
Secretary of State

10:41a

Statutory Authority 148.08

The board of chiropractic examiners shall promulgate rules necessary to administer sections 148.01 to 148.105 to protect health safety and welfare of the public ...

end of comment period October 28, 1992

mailed SONAR on Oct 8, 1992

mailed and published on September 11

and ~~September 28~~ October 28, 1992

Big increase in fees $10 to $150 for penalty

Affadavit of send letter to house appropriation and Senate finance is in same affadavit of mailing to the LCARR - SONAR

STATE OF MINNESOTA

Office of the Attorney General

TO : PATRICIA S. NOLTE
Legal Assistant
Public Finance Division

DATE : November 24, 1992

FROM : ROBERT T. HOLLEY RTH
Special Assistant
Attorney General

PHONE : 297-5938

SUBJECT : Proposed Rules of the Board of Chiropractic Examiners on Advertising, Continuing Education, Fees and Other Matters

Attached for review and approval pursuant to Minn. Rules pt. 2010.0300 are the above subject rules and related documents of the Minnesota Board of Chiropractic Examiners. Should there be questions about this submission, please contact me or Lori A. Campbell at the Board office at 642-0591.

Attachments
cc: Lori A. Campbell
kks.FK9

11-25-92

State of Minnesota
Department of Health
Maternal and Child Health Division

RECEIVED

NOV 24 1992

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 5
525 Park Street
St. Paul, MN 55

M E M O R A N D U M

DATE: November 23, 1992

TO: Patricia Nolte, Legal Assistant
Public Finance Division
Office of the Attorney General

FROM: Malcolm Jenkins
Human Genetics Unit

PHONE: (612) 623-5268

SUBJECT: Review of Rules Adopted Without a Public Hearing - Relating to Infants; Newborn Metabolic Error Test, Parts 4615.0300 to 4615.0760

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0300 for your review of a rule adopted without a public hearing. Please address any questions and your order on this matter to me.

Official documents in this submittal include:

A. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register.

B. A copy of the proposed rule with a certificate of approval as to form by the Revisor of Statutes attached.

C. A copy of the notice of intent to adopt a rule without a public hearing as mailed.

D. A copy of the statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

E. A copy of the notice of mailing the Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules.

F. A copy of the certificate and affidavit of mailing the notice of intent to adopt a rule without a public hearing. The certificate states that the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14 and 14.22 is accurate, complete, and current and that the notice of intent to adopt the rule was mailed to all persons and groups whose names appear on the list.

G. A copy or photocopy of the notice of intent to adopt the rule without a public hearing as published in the State Register.

H. A copy or photocopy of the extended comment period to adopt the rule without a public hearing as published in the State Register.

I. A copy of the notice of extended comment period to adopt the rule without a public hearing as mailed.

J. A copy of the certificate and affidavit of mailing the extended comment period to adopt a rule without a public hearing. The certificate states that the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14 and 14.22 is accurate, complete, and current and that the notice of extended comment period to adopt the rule without a public hearing was mailed to all persons and groups whose names appear on the list.

K. Four copies of the rule as adopted. Any modification made to the proposed rule is reflected on the rule as adopted and is approved as to form by the Revisor of Statutes.

L. A copy of the Findings of Fact, Conclusions, and Order Adopting the Rule.

M. A copy of all written requests, submissions, or comment on the rule received by the Department except requests solely for copies of the rule or for the statement of need and reasonableness. (None received.)

N. A copy of the Declaration of Counsel of the Attorney General-Health.

No requests were received to be notified of submission of the rule to the Attorney General.

If you have any questions on this submittal, please call me at the above number.

MBJ:kak

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to License Renewal and Continuing Education

Rules as Proposed

2500.0100 DEFINITIONS.

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

Subp. 4a. **Continuing education unit.** "Continuing education unit" means one 50-minute session that qualifies under part 2500.1500 as an approved program.

[For text of subps 5 to 11, see M.R.]

2500.0200 PROFESSIONAL STANDARDS FOR ADVERTISING.

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

Subp. 3. **Testimonial advertising.** The use of testimonials, whether single or in groups; summaries of types of treatment; or examples of treatment as used in the advertiser's office carry with them an implication that the conditions described in the advertisement have been or will be helped by the practitioner. Therefore, before an advertisement is produced, distributed, or displayed, a practitioner who requests from a patient a testimonial to the treatments or modalities used by the practitioner must obtain written consent and have a signed release form from the patient to be kept in the patient's file.

The patient has the right to review the advertisements that use the patient's statements, likenesses, or case summaries before the advertisements are released for production, distribution, or displaying.

Statements made by patients that are untruthful, improbable, misleading, or impossible may not be used even if the patient made the statements.

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

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

Approved by Revisor

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of $150, plus any applicable penalty fee ~~as set forth~~ in ~~part 2500.1300~~ subpart 3. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

Subp. 3. **Penalty fees.** A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of ~~$10~~ $150 per month for each month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed ~~$100~~ $900.

2500.1105 CHANGE OF NAME OR ADDRESS.

Subpart 1. **Name change.** A licensee who has changed names must notify the board in writing within 30 days of the change. The name change will be reflected on the next license or registration certificate issued to the licensee. If the licensee wishes to immediately receive a certificate as changed, the licensee must pay the fee in part 2500.1150, item E.

Subp. 2. **Address change.** A licensee who has changed addresses must notify the board in writing within 30 days of the change. The address change will be reflected on the next license or registration certificate issued to the licensee. If the licensee wishes to immediately receive a certificate as changed, the licensee must pay the fee in part 2500.1150, item E.

2500.1150 FEES.

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

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

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

I. ~~continuing education seminar approval and registration fee, $100~~ incorporation renewal late charge, $5 per month;

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J. computer lists, $100;

K. computer printed labels, $150; and

L. address update late charge, $10 per day.

2500.1200 CONTINUING EDUCATION.

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

Subp. 2. **~~Annual~~ Biennial requirement.** Except as ~~hereinafter~~ otherwise provided in this part, every person licensed to practice chiropractic in this state shall, as a prerequisite for the ~~annual~~ continued renewal of ~~his~~ a license, attend a minimum of ~~20 hours~~ 40 continuing education units during the two preceding calendar ~~year~~ years of continuing education courses recognized and approved by the board. At least ~~three~~ six of ~~such hours~~ the continuing education units shall be devoted to radiographic safety, technique, and/or interpretation.

Subp. 3. [See repealer.]

Subp. 4. **Schedule of required ~~hours~~ continuing education units.** ~~During the first calendar year following the year of initial licensure, licensees shall attend a total of not less than ten hours of recognized and approved continuing education courses, including at least three hours devoted to radiographic safety, technique, and/or interpretation. Thereafter, five additional course hours shall be attended each year until the annual 20 hour minimum requirement is met.~~ Beginning January 1, 1992, all chiropractors licensed prior to January 1, 1993, must obtain 40 continuing education units by December 31, 1993, in order to receive a license to practice during the calendar year 1994, and every two calendar years thereafter.

Chiropractors who are licensed after January 1, 1992, during any even-numbered calendar year will be required to obtain at least 20 continuing education units, with at least three of those continuing education units devoted to education in radiographic safety, technique, or interpretation, by the end of the biennial continuing education requirement period in which they are licensed. Chiropractors who are licensed after January

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by Revisor _____

1, 1992, during any odd-numbered calendar year will not be required to obtain any continuing education units during the biennial continuing education requirement period in which they are licensed. For example, anyone licensed between January 1, 1992, and December 31, 1992, would be required to obtain 20 continuing education units, as described in this subpart, by December 31, 1993, in order to obtain a license to practice chiropractic for the year 1994. Anyone licensed between January 1, 1993, and December 31, 1993, would not be required to obtain any continuing education units prior to receiving a license to practice chiropractic for the year 1994.

After a licensed chiropractor has gone through the biennial education cycle in which the chiropractor is licensed, that chiropractor will be required to attend 40 continuing education units of continuing education courses every two calendar years.

[For text of subp 5, see M.R.]

2500.1410 SPONSORSHIP OF EDUCATION PROGRAMS.

The board shall register and approve organizations or individuals who wish to offer continuing education programs to individuals licensed to practice chiropractic in this state as described in items A to C.

A. The sponsor must submit an annual fee of $500 for all programs given over the year, or a fee of $100 for each program given over the biennium.

B. The sponsor must complete and submit to the board annually a registration form developed by the board which includes at least:

(1) the name, address, and telephone number of the organization;

(2) the name, address, and telephone number of the person responsible and authorized to do business with the board regarding continuing education matters;

(3) a signed statement which indicates that the sponsor of the continuing education program knows, understands, and agrees to follow all criteria for the approval of programs

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by Revisor _____

as listed in part 2500.1500 and criteria for unapproved programs listed in part 2500.1600; and

(4) a signed statement which indicates that the sponsor agrees to send to the board a list of all chiropractors licensed in Minnesota who have taken courses offered by that sponsor.

C. The sponsor must sign a statement agreeing to allow any representative of the board to attend all or part of any program that the sponsor is offering. If the representative of the board is a chiropractor licensed in Minnesota, that person must pay the full registration fee in order to be awarded continuing education units for attending the program.

2500.1420 REPORTS TO BOARD.

The sponsor must report to the board any changes in the requirements in part 2500.1410 as soon as possible.

The sponsor must provide a list to the board within 14 days after each seminar given. The list must include the following:

A. the attending chiropractors' names and addresses;

B. the date on which the program was attended;

C. the number of continuing education units obtained; and

D. the type of continuing education units obtained.

2500.1500 PROGRAM APPROVAL CRITERIA.

The ~~board~~ sponsor shall employ the following criteria in determining whether a continuing education program shall be approved and the number of ~~course-hours~~ continuing education units for which approval is granted:

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

C. whether the classes will be held in a suitable setting which is conducive to the learning process; and

D. whether the program will improve the practitioner's ability to keep records necessary to substantiate the need for chiropractic care.

2500.1710 SPONSORSHIP REVOKED.

Approved by Revisor _____

The following acts shall result in the termination of the sponsorship status given to an organization or to an individual:

A. awarding continuing education units for programs which fail to meet the criteria in part 2500.1500;

B. failure to provide timely reports to the board as required in part 2500.1420;

C. reporting chiropractor attendance information which is false; and

D. making any false representation to the board or to the chiropractors who may attend a program.

At least 30 days prior to the proposed date of revocation, the board shall notify the sponsor in writing of its alleged infractions. The sponsor then has 30 days to notify the board in writing of its intent to contest. The intent to contest must include the sponsor's answer to the notice of alleged infractions.

Upon receipt of an intent to contest, the executive officers of the board shall notify the sponsor of a time and place to meet to review the proposed sponsorship revocation including the sponsor's answer.

Any decision of the executive officers terminating sponsorship following such a meeting shall be final and binding without a contested case hearing and shall not be subject to judicial review or to a judicial stay pending any attempt to seek such review.

The sponsor may continue to present continuing education courses until the issuance of a final written decision of the revocation process by the executive officers of the board.

2500.1720 PROGRAMS DEVELOPED.

Doctors of chiropractic licensed in Minnesota may obtain continuing education units for the development of a program which meets the standards set forth in part 2500.1500. Six continuing education units may be awarded and applied to the next two-calendar year requirement in part 2500.1200.

To obtain approval, the chiropractor must submit the

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following to the board:

A. a summary of the program;

B. a listing of at least one date on which the program was presented; and

C. a statement of which type of continuing education units the chiropractor wants to be awarded.

Continuing education units shall be awarded under this part only once for each chiropractor for each new program developed.

REPEALER. Minnesota Rules, parts 2500.1200, subpart 3; 2500.1300; 2500.1400; and 2500.1700, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to License Renewal and Continuing Education

AGENCY: Board of Chiropractic Examiners

MINNESOTA RULES: Chapter 2500

RECEIVED
SEP 10 1992
MINNESOTA BOARD OF
Chiropractic Examiners

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rule Governing Testimonial Advertising, Change of Address, Fees, and Continuing Education

NOTICE OF INTENT
TO ADOPT A RULE
WITHOUT A PUBLIC
HEARING

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

(2) Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rule. The 30 days will expire on October 28, 1992 at 4:30 p.m. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule and any change proposed to the rule by the comment. (8) The proposed rule may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

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

number and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any changes they want made on the proposed rule or a portion thereof by October 28, 1992 at 4:30 p.m. (7) If a hearing is required, it will be held in accordance with the provisions of Minnesota Statutes section 14.131 to 14.20 (1990) and the hearing notice provided below.

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

Joel B. Wulff, D.C., Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Ave W, #20
St. Paul, MN 55114-1089
(612) 642-0591

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

(11) If adopted, the proposed rule would establish a biennial continuing education cycle, establish requirements for using testimonial advertising, establish a deadline for change of name and/or address notification, change the penalty fee for late license renewal, establish other fees, and create a continuing education sponsor approval mechanism.

The proposed rule is published below and a free copy of the rule may be obtained from the Board by writing or telephoning the Board at the address or the telephone number listed above.

(12) **A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule

has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

(13) Promulgation of the proposed rule will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land. It is the position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statutes section 14.115, subdivision 2 (1990) for reducing the impact of the proposed rule on small businesses, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

(14)

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

Joel B. Wulff, D.C.
Executive Director

9-11-92
Date

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Proposed Adoption of the Rule of the Minnesota Board of Chiropractic Examiners Governing Testimonial Advertising, Fees, Change of Address, and Continuing Education	FINDINGS OF FACT, CONCLUSION, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

FINDINGS

1. (1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on September 28, 1992 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on September 11, 1992.

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 mailing list and published in the State Register and was available to the public.

3. All of the notice and procedural requirements in Minnesota Statutes, Chapter 14, and other applicable law have been complied with.

4. (4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The 30-day comment period expired on October 28, 1992 at 4:30 p.m.

5. The agency received one (1) (7) letter of comment and submission on the rule. The agency received no requests for notice of submission to the attorney general. (3) The agency received no requests for a public hearing.

   Four changes were made between the rule as proposed and the rule as adopted:

   a. (6) Existing language relating to testimonial advertising in Minnesota Rules 2500.0400 was added in order that it be deleted. The deletion of this portion removes language which contradicts the proposed new testimonial advertising language under Minnesota Rules 2500.0200, subpart 3. The proposed new language has gone through the notification sequence and all other time periods, thereby clearly negating the need for the exclusionary language in Minnesota Rule 2500.0400. The absence of that language during the notification period was an inadvertent oversight. It should be noted that the Board received no comments relative to testimonial advertising. The Board does not believe this constitutes a substantial change.

b. A change was made to the proposed language in Minnesota Rule 2500.1200, subpart 4. The first sentence should read, "Beginning January 1, 1992, all chiropractors licensed prior to January 1, 1992, . . . " not, 1993. The change in year was carried out to make the implementation language consistent from section to section of the rule. The schedule established with the year change is clearly described in other portions of the rule which are not being changed. The Board does not believe this constitutes a substantial change.

c. A change of "will" to "may" was made in the proposed language in Minnesota Rule 2500.1500 Item D. The intent of the new language is to allow continuing education credit for courses or portions of courses which contain information on record keeping and management. The intent is not to require information on records in every program. The Board believes this is not a substantial change and more appropriately fits the statement of need and reasonableness.

d. The Board deleted Item L from Minnesota Rule 2500.1150. The Board belatedly discovered an inadvertent failure to submit this fee for Department of Finance approval. Because this portion of the rule is independent of the other rules, the Board has chosen not to pursue adoption of this rule at this time. The Board believes this is not a substantial change.

It was determined that a) classes of persons other than those originally noticed were not affected by the changes; b) the changes do not introduce significant new subject matter; and c) the changes do not make a major substantive change not raised by the proposed rule as originally noticed in such a way as to invite reaction.

6. The statement of need and reasonableness together with these findings, establish and justify the rational basis for the need for and reasonableness of the rule as amended.

CONCLUSIONS

1. The Minnesota Board of Chiropractic Examiners duly acquired and has jurisdiction over this proceeding.

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

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

4. The modifications to the proposed rule are supported by the record and do not result in a substantial change.

5. The rule as amended is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Testimonial Advertising, Fees, Change of Address, and Continuing Education as amended is adopted this 24th day of November, 1992, pursuant to authority vested in the Board by Minnesota Statutes, section 148.08, subd. 2.

Joel B. Wulff, D.C.
Executive Director

Health For Living
Chiropractic Clinic

Loren C. Stockton, D.C.
M. Viktoria Sears, D.C.

1972 East Highway 13 • Towne & Country Square • Burnsville, MN 55337 612-890-9055

October 5, 1992

Minnesota Board of Chiropractic Examiners
Attn: Joel B. Wulff, Executive Secretary
2700 University Avenue West
Suite 20
St. Paul, MN 55114-1089

Dear Dr. Wulff:

I am concerned about a section of the License Renewal and Continuing Education Rules. It is on page 6, lines 31, 32, 33 (part D) of 2500.1500 Program Approval Criteria. It reads: "whether the program will improve the practitioner's ability to keep records necessary to substantiate the need for chiropractic care."

I feel there must be seminars where technique refinements will be taught, but the ability to keep records will not necessarily be enhanced. Records are important, but they are not the only concern of education and being a better doctor. I would suggest rephrasing part D to the following:

> "whether the program will improve the practitioner's ability to provide quality chiropractic care."

I think making record-keeping as a program approval criteria for all seminars would be inappropriate. I would be interested in the rationale behind this criteria.

Sincerely,

Loren

Dr. Loren C. Stockton

In the Matter of the Adoption
of the Rule of the Minnesota
Board of Chiropractic Examiners
Governing Testimonial Advertising,
Fees, Change of Address, and
Continuing Education

DECLARATION
OF COUNSEL

I, Robert T. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0478.

Robert T. Holley
Special Assistant
Attorney General

Dated: 11/25/92

Minnesota Board of Chiropractic Examiners

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

CERTIFICATE OF THE

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

RESOLUTION ADOPTING THE RULE

I, H. R. Parks, D.C., do hereby certify that I am a member and the president of the Minnesota Board of Chiropractic Examiners (herein "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 29th day of October, 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 rule relating to Testimonial Advertising, Fees, Change of Address, and Continuing Education is approved and adopted, pursuant to authority vested in the Board by Minnesota Statutes 148.08, Subd. 3, the executive director of the Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general, 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 29th day of October, 1992.

H. R. Parks D.C.

H. R. Parks, D.C.
President

Terry L Traub D.C.

Attest by one other Board member

AN EQUAL OPPORTUNITY EMPLOYER

RECEIVED

NOV 25 1992

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55101

Department of Finance

Notice of Public Hearing on a Proposed Project and Issuance of Revenue Bonds Under *Minnesota Laws 1991*, Chapter 350 Aircraft Maintenance and Engine Repair Facilities—State Financing

NOTICE IS HEREBY GIVEN, that for purposes of satisfying the requirments of Section 147(f) of the Internal Revenue Code of 1986, as amended, on Friday, February 7, 1992 at 1:00 p.m. in the Columbine Room on the Ground Floor of the Centennial Building, 658 Cedar Street, Saint Paul, Minnesota, the Department of Finance of the State of Minnesota (the "State") will conduct a public hearing on a proposal that the State issue its bonds under *Minnesota Laws* 1991, Chapter 350, to finance costs related to the planning, construction and equipping of a project, including costs of issuance and credit enhancement, and the funding of reserves. The proposed project will consist of land, a facility to repair engines, engine components and electronic and mechanical components of aircraft containing approximately 400,000 square feet and real and personal properties subordinate and related to the facility, all located at the Chisholm-Hibbing municipal airport in the City of Hibbing (collectively the "Facility"). The Facility will be owned by the cities of Hibbing and Chisholm jointly, either directly or through the Chisholm-Hibbing Airport Commission. The Facility will be leased by the owner to Northwest Airlines, Inc., its successors and assigns (the "Tenant"). The total principal amount of the proposed bonds to be issued with respect to the Facility will not exceed $100,000,000. All of the proposed bonds will be payable primarily from Tenant lease payments and will be secured by a mortgage (or security interest) on the Facility. In addition, it is expected that up to $50,000,000 principal amount of the proposed bonds will be secured by the full faith and credit of the State and up to $15,000,000 of the proposed bonds will be secured by the full faith and credit of St. Louis County. Except for bonds secured by a pledge of the full faith and credit of the State and County, no bonds shall constitute a debt of the State, County or any other political subdivision within the meaning of any statutory or constitutional limitation or pledge the full faith and credit of the State, County or other political subdivision and no holder of any bonds may compel any exercise of the taxing power of the State, County or other political subdivision to pay principal, premiums, or interest for the bonds, nor to enforce payment of principal, premiums, or interest against any property of the State or County, except for property expressly pledged, mortgaged, encumbered, or appropriated for this purpose.

All persons interested may appear and be heard at the time and place set forth above.

Department of Health

Notice of Solicitation of Outside Opinion Regarding the Proposed Adoption of Amendments to Rules of the Department of Health Relating to Testing, Treatment, and Registry of Cases of Infants With Inborn Metabolic Errors

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the agency in preparing to amend the rules governing newborn screening, *Minnesota Rules* pts. 4615.0300 to 4615.0760. At this point the Department plans to add congenital adrenal hyperplasia to the list of screened diseases and to make other changes clarifying the rules and making them more consistent with *Minnesota Statutes* §§ 144.125 to 144.128.

The Minnesota Department of Health requests information and comments concerning the subject matter of the proposed rule amendments. Interested or affected persons or groups may submit data or views or comment orally or in writing to: Malcolm B. Jenkins, Ph.D, Human Genetics Unit, Maternal and Child Technical Services, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota, 55440, phone: (612) 623-5268. Oral statements will be reviewed during regular business hours over the telephone and in person.

All statements of information and comment submitted pursuant to this Notice shall be accepted until the Department publishes in the *State Register* a notice of intent to adopt rule amendments to *Minnesota Rules* pts. 4615.0300 to 4615.0760. Any written material received by the Minnesota Department of Health shall become part of the rulemaking record in the event the amendments are adopted.

Dated: 10 December 1991

Marlene E. Marschall
Commissioner of Health

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the Adoption of A Rule Relating to Testimonial Advertising, Fees, Change of Address, and Continuing Education

STATEMENT OF NEED AND REASONABLENESS

Pursuant to Minnesota Statutes 14.23 (1990), the Minnesota Board of Chiropractic Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of proposed Minnesota Rules relating to the above mentioned area in the practice of chiropractic.

In order to adopt the proposed rule, the Board must demonstrate that it has complied with all procedural and substantive requirements for rulemaking. Those requirements are as follows: 1) there is statutory authority to adopt the rules; 2) the rules are needed and are reasonable; 3) all necessary procedural steps have been taken; and 4) any additional requirements imposed by law have been satisfied. This Statement demonstrates that the Board has met these requirements.

1. STATUTORY AUTHORITY

The statutory authority of the board to adopt this rule is as follows:

Minnesota Statutes, 148.08, subdivision 3 (1990), authorizes the Board to promulgate rules necessary to administer section 148.01 to 148.105. In particular, the Board wishes to promulgate rules that will define, clarify, or establish Board policies in regard to the above-mentioned areas in the practice of chiropractic.

2. STATEMENT OF NEED AND REASONABLENESS

2500.0100 DEFINITIONS

Subpart 4a. Continuing education unit.

This term is being defined to clearly establish the standard to be used when awarding credit to chiropractors who attend educational programs for credit. The 50-minute session was chosen to accurately reflect the current standard for professional programs in health care. This amount of time and terminology are current standards and inclusion in this rule clarifies the boards standards for both attendees and presenters of programs for which continuing education is awarded. Therefore, the inclusion of this in the rule is reasonable and necessary.

2500.0200 PROFESSIONAL STANDARDS FOR ADVERTISING

Subpart 3. Testimonial advertising.

This rule is being developed to establish requirements which protect the public's interest when practitioners use testimonial styles of advertising. The prohibition on testimonial advertising is being removed from the administrative rules in response to the determination that this prohibition may in fact be contrary to constitutionally guaranteed rights of free speech. The established procedures and statements of patient rights protect the public from misleading and inaccurate advertisements and protect the patients who are being quoted in the advertisements from having their statements misused. Therefore, this rule is reasonable and needed.

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL

Subpart 2. Renewal fees.

This change is being made in order to correct an error. Part 2500.1300, as the rule currently reads, is incorrectly referenced. Therefore, this rule is needed and reasonable.

Subpart 3. Penalty fees.

This change is being made in order to deter licensed chiropractors in Minnesota from treating their license renewal lightly. There were 474 of 1672 renewing chiropractors in 1992 (28.4%) who failed to meet the December 31 deadline as established in M.R. 2500.1100.

M.R. 2500.1110 establishes a license termination process after 31 days of failure to renew. This provision will allow the MBCE to limit the length of time that licenses exist in the "not renewed status" but does nothing to affect those licenses that are not renewed by January 1 yet may be renewed before the termination process is complete. These licenses are not fully active under the law. This "not fully active" status creates a number of problems which directly, and adversely, affect the public. First, the malpractice coverage held by the chiropractor may not be in effect during this period of time. Any event which may result in malpractice charges being filed would therefore leave both the doctor and affected patient in a very negative situation. Second, the insurance coverage of the patient in most cases requires the chiropractor to be fully licensed in the state. Services rendered during this time may not be covered by the insurer. The resulting confusion and possible legal actions could be avoided by timely renewal.

Finally, this "not fully active" status is a "grey" area of the law. As practicing during this non-renewed time is not clearly lawful, the MBCE is required to investigate each case of practice during this time and take individual action against the doctors when appropriate. The $150 penalty fee does not fully defray the costs of these disciplinary proceedings.

This fee is not one which would be required of any chiropractor who responsibly handled their license renewal. The licensees are informed at least 60 days prior to the December 31 deadline of their need to renew. This notification of the need to renew is beyond the clearly established expiration date on each license certificate issued. The renewal cycle is discussed in the quarterly newsletter produced and distributed by the MBCE. With this significant amount of notice to the profession which allows them to avoid this fee as well as the significant potential harm to the public when practitioners fail to renew their licenses in a timely fashion, this fee is both reasonable and necessary.

2500.1105 CHANGE OF NAME OR MAILING ADDRESS

Subparts 1 and 2.

For both subparts 1 and 2, the Board requires that licensees keep their names and addresses current with the board in order to keep proper records. In the past, the only time a licensee was asked about a name or address change was at the end of the year. With that policy in use, several months would go by before the Board was informed. In the meantime, newsletters, official Board requests, and license renewal notices did not

reach the licensee in a timely manner, or at all. The Board believes that notification within 30 days is a reasonable and usual amount of time given in matters such as these.

Name or mailing address changes will be reflected at the next renewal in order to keep Board costs down with printing licenses or other certificates. If a licensee wants to have an updated license or certificate, they must pay an extra fee. This fee has been established in 2500.1150(e). The public depends upon accurate information from the MBCE in regard to the licensees regulated by the MBCE. The MBCE is the source of contact information on chiropractors in the state of Minnesota. Therefore, this rule is reasonable and necessary.

2500.1150 BOARD FEES

(I.) This item is being deleted because the Board is instituting M.R. 2500.1410, Sponsorship of Education Programs, which establishes new fees. Therefore, the deletion of this item is needed and reasonable.

I. This item is being established because at the present time the Board is charged with regulating professional corporations. The Board is responsible for administering the annual registration of corporations. However, this year alone, the Board has had to send out dozens of reminders and letters inquiring about a corporation's renewal status. This expense to the Board is unnecessary due to the fact that each professional corporation registered with the MBCE is sent a renewal form thirty days prior to the date renewal is required. A penalty fee of $5 per month has been established to be in proportion with

the renewal fee of $25 per year. Therefore, this rule is needed and reasonable.

J. The Board has now taken over all maintenance of information pertaining to the licensure of chiropractors in the state of Minnesota. Therefore, the Board is now the sole source of current information that is often requested by outside parties. The Board is charging a fee of $100 per computer list to help defray the cost of list production, equipment maintenance and data maintenance. This fee is below the usual and customary fee charged by such agencies as Print Communications at the Department of Administration. The MBCE is required to collect fees sufficient to cover costs that it incurs during its normal operations. These fees are supposed to be collected from the individuals receiving benefit from the service. The lists are requested and used by private organizations for purposes that often generate income for the requesting parties. To ask the licensees to defray the costs associated with generating these lists is inappropriate. Therefore, the Board believes this is a reasonable and necessary fee.

K. In much the same manner, as in "J" above, the charge for computer printed labels is designed to collect from the party requesting and benefiting from the lists the costs of generating the lists. The fee established in this rule is far below the usual and customary fee charged by Print Communications. Print Communications was charging $250 per pack of labels. The cost of producing mailing labels is significantly higher than producing the printout style list covered by the fee discussed under item J. The higher costs are associated with increased staff time,

increased material costs and increased wear to the equipment used to produce the lists. Therefore, the Board believes this rule to be reasonable and necessary.

L. This item is being added to ensure that Minnesota licensed chiropractors keep a current mailing address with the Board. When the Board does not have a current mailing address, administrative costs are incurred through extra postage and staff time. This fee can be avoided by timely notification of a change of mailing address. The time allotted for notification is reasonable. To ask all licensed chiropractors to pay for the increased cost of multiple mailings and notifications to irresponsible practitioners is not reasonable. Therefore this rule is reasonable and necessary.

2500.1200 CONTINUING EDUCATION

Subpart 2. Biennial requirement.

The Board is changing the annual continuing education unit requirement to a biennial accrual system. At least half of the other health-related licensing boards have multi-year requirements. This provision will allow for doctors who take in-depth seminars over many months to accrue a greater number of continuing education units for license renewal. By allowing more time for accrual of continuing education units, this rule also allows Minnesota licensed chiropractors more choice in the continuing education courses they select. This in turn should result in courses of greater quality being offered. Doctors will have the time flexibility to demand better quality courses. In turn, fewer requests for deferment of continuing education unit

requirements are anticipated. The requirements of 40 units, 6 of which are in radiation safety or interpretation, are only doubled from the annual requirements. Therefore, since the Board is switching to a biennial cycle, this requirement is reasonable.

(Subp. 3. This provision no longer applies with the new rules established.)

Subp. 4. Schedule of required continuing education units.

The Board is establishing January 1, 1992, as the beginning date for the first biennial cycle. This "back-dating" allows chiropractors to use credits obtained during 1992 as part of their biennial requirement. This date has been chosen to take into account the long time period the Board has been working on this rule and the confusion that process has created within the profession. Many chiropractors mistook the notification of intent to pursue rulemaking as a statement of a change in the rule process and obtained continuing education during 1992 as though the rule change had already occurred. The Board staff also misjudged the time necessary for rule adoption and predicted an earlier adoption date. This prediction caused many chiropractors to act as though the rule was already adopted. The new deadline of December 31, 1993 provides all chiropractors an extra year in which to obtained required hours. Any hours obtained during 1992 will be applied to the biennial requirement and therefore maintain their full value to the chiropractors. This overall positive effect of the "back-dating" establishes the need and reasonableness of this rule.

The revised schedule of required units will take effect upon adoption of the rule. The schedule specifies continuing education requirements for newly licensed chiropractors which must be obtained by a specific biennial date. Since the purpose of continuing education is to ensure that doctors keep abreast of new information, the board feels that no continuing education should be required immediately following graduation from an accredited chiropractic college. Currently the board has reduced CE requirement for the first years of licensure. The new process of reduced hours for doctors who are licensed in the first year of a biennial cycle and no hours for doctors licensed in the second year of the biennial cycle provide a fair process for doctors to cycle into the biennial cycle while recognizing the need for and goal of continuing education.

Continuing education is designed to ensure continued competency. Newly licensed practitioners having recently passed the licensure examination by proving their competency require less continuing education. Therefore, reduced requirements for newly licensed practitioners are in order.

2500.1410 SPONSORSHIP

The board is establishing a sponsorship of continuing education which delegates administrative duty, not true authority, to individuals and organizations. This change in the process of CE approval and tracking will reduce the cost to the board through reduced work load while increasing the ability of sponsors to offer special interest and small scale programs. The actual approval criteria is set by administrative rule and the

board has established monitoring procedures to ensure compliance with board rules as well as a sponsorship revocation procedure so that actual approval authority remains with the board. Therefore this rule is reasonable and necessary.

A. The fee of $500 was established because it approximates the anticipated Board cost of regulating sponsors By delegating the administrative responsibilities to the sponsors, the Board cannot justify the current fee of $100 for each program approved. Therefore, the reduced cost of an annual registration fee will encourage sponsors to provide an increased selection of quality programs to the chiropractors who need to accrue CEUs.

The fee of $100 will remain in place for single programs. Reducing this rate would only become an incentive for multi-seminar sponsors to circumvent the payment of the $500 fee. The $100 is an approximation of the cost to the Board of handling administrative duties associated with program approval and tracking. Therefore, the fee is reasonable and necessary.

Sponsorship approval must be renewed every year. Renewal requires submission of a new application and fee. This time frame is necessary due to the Board's annual budgetary cycle and also serves to provide appropriate oversight of the sponsors.

B. Items 1 and 2 are required for the purposes of the Board's administration and tracking of each sponsor.

Item 3. A signed statement is required in order to establish responsibility among the various parties that may be involved in the sponsoring of a seminar.

Item 4. A signed statement is required as proof to sponsors who do not follow through with this requirement that they did agree to provide the information.

C. This provision is included for auditing purposes. This is one way for the Board to maintain the integrity of the CEU process. The second part of this provision is included to deter any abuse of CEUs.

2500.1420 REPORTS TO THE BOARD.

Any changes in information, as stated in the sponsor's original registration, must be reported in order that the Board has accurate and current information on file.

The Board believes that two weeks' time is reasonable for a sponsor to generate and submit a list of attendees. Timely submission of this list allows the Board to keep up-to-date information on licensees' continuing education units.

1. - 3. are required for obvious recordkeeping purposes.

4. is required because the Board requires three types of CEUs during different renewal periods, which are sexual abuse recognition, x-ray, and general topic or regular.

2500.1500 PROGRAM APPROVAL CRITERIA

This part has only been changed to reflect the transfer of duties to sponsors, and the change from CE "hours" to CE "units."

A. - C. These items have not changed.

D. has been added in order to reduce problems with complaints filed against doctors regarding their recordkeeping. Current standards in health care demand high quality records.

Past education and practice experience does not always prepare a chiropractor to satisfy new standards. Therefore, the Board acknowledges the need for continuing education programs in recordkeeping.

2500.1710 SPONSORSHIP REVOKED

This sponsorship program puts the onus on the sponsors themselves to maintain the standards of the Board and to comply with all requirements of this rule. Therefore, if a sponsor violates any one of the requirements, their sponsorship may be revoked. The Board has specifically listed the violations that may result in revocation in order to limit the Board's discretionary powers.

2500.1720 PROGRAMS DEVELOPED

This part is being established to give credit to chiropractors for developing continuing education programs. The Board recognizes the amount of knowledge accrued when one develops a program.

In order for the chiropractors to receive these credits, the information in items A through C must be provided so the board may evaluate the program.

Awarding credits may only take place one time for each program developed. This is being established to prevent chiropractors from developing a program and giving it several times over the years and receiving credit when no new knowledge is obtained.

3. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minnesota Statutes, sections 14.05 to 14.12 and 14.22 to 14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures applicable to all rules, Minnesota Statutes, sections 14.05 to 14.12, have been complied with by the Board as noted below.

The Board proposes adoption of this rule as a noncontroversial rule in accordance with section 14.22 to 14.28, except that no public hearing is presently planned and need not be held unless 25 or more persons submit a written request for a hearing within the 30-day comment period.

The adoption of this rule will not require the expenditure of public money by local public bodies, nor does the rule have any impact on agricultural land. **See** Minn. Stat. 14.11.

Pursuant to Minnesota Statutes, section 14.23, the Board has prepared this Statement of Need and Reasonableness which is available to the public.

The Board will publish a Notice of Intent to Adopt Rules without a Public Hearing in the **State Register** and mail copies of the notice and proposed amendments to persons registered with the Board pursuant to Minnesota Statutes, section 14.14, subdivision 1a. The notice will include the following information: a) that the public has 30 days in which to submit comments on the proposed amendment and giving information pertaining to the manner in which persons may comment; b) that no public hearing will be held unless 25 or more persons submit a written request for a public hearing on the rule within the 30-day comment period; c) that the rule may be modified if modifications are

supported by the date and views submitted; and d) that notice of the date of submission of the proposed amendment to the Attorney General for review will be mailed to any person requesting to receive the notice, and giving information on how to request the notice.

The Board will submit the proposed rule and notice as published, the rule as proposed for adoption, any written comments which have been received, and this Statement of Need and Reasonableness to the Attorney General for approval of the amendment as to legality and form.

This rule will become effective five working days after publication of a notice of adoption in the **State Register.**

4. ADDITIONAL REQUIREMENTS

Small Business Considerations. In preparing to propose this rule, the Board considered the methods for reducing the impact of the rules on small business as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1990). The Board noted that the suggested rule changes better define requirements already established by statute. Therefore, the Board believes this rule will not have an economic impact.

Nevertheless, any small business which believes they may be affected by the proposed rule will have opportunity to participate in the rulemaking procedure. Further, a notice of the proposed rulemaking will be mailed to the Minnesota Chiropractic Association, an organization which will likely represent small businesses affected by the rule.

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Joel B. Wulff DC — Sep 3, 1992

Joel B. Wulff, DC
Executive Director

Date

STATE OF MINNESOTA

Office Memorandum

Department: of Finance

Date: December 31, 1991

To: Janice L. Stanger, Rules Coordinator
Board of Chiropractic Examiners

From: Bruce J. Reddemann, Director BJR.
Budget Operations

Phone: 296-5188

Subject: Approval of Fees

RECEIVED
JAN 03 1992
MINNESOTA BOARD OF
Chiropractic Examiners

The following fees are hereby approved:

a. Corporation Renewal Penalty	$ 5.00
b. Computer Lists	100.00
c. Computer Labels	150.00
d. Continuing Education (CE) Seminar Sponsor	500.00
e. CE Single Seminar Sponsor	100.00

It is my understanding that these fees will be implemented within the current year.

cc: Glenn Olson
Pam Wheelock
Charlie Bieleck

STATE OF MINNESOTA

Office Memorandum

Department: of Finance

Date: July 31, 1992

To: Lori A. Campbell, Administrative Secretary
Minnesota Board of Chiropractic Examiners

RECEIVED
AUG 1992
MINNESOTA BOARD OF
Chiropractic Examiners

From: Bruce J. Reddemann, Director BJR
Budget Operations

Phone: 296-5188

Subject: Review and Approval of the License Renewal Penalty Fee

I have reviewed the fee review forms dated July 28 and proposed rules dated July 29, 1992 related to the Minnesota Board of Chiropractic Examiners license renewal penalty fee increase. I have had discussions with Dr. Joel Wulff related to denied malpractice claims where licenses are not renewed on time.

Based on this information, the following fee is hereby approved:

a. License renewal penalty fee	$150.00

cc: Glenn Olson
Josie Ashton
Charlie Bieleck

Proposed Rules

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

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

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

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to License Renewal and Continuing Education

Notice of Intent to Adopt a Rule Without a Public Hearing

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

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule. The 30 days will expire on October 28, 1992 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rule and any change proposed to the rule by the comment. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any changes they want made on the proposed rule or a portion thereof by October 28, 1992 at 4:30 p.m. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* section 14.131 to 14.20 (1990) and the hearing notice provided below.

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

Joel B. Wulff, D.C., Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Ave. W., #20
St. Paul, MN 55114-1089
(612) 642-0591

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

If adopted, the proposed rule would establish a biennial continuing education cycle, establish requirements for using testimonial advertising, establish a deadline for change of name and/or address notification, change the penalty fee for late license renewal, establish other fees, and create a continuing education sponsor approval mechanism.

The proposed rule is published below and a free copy of the rule may be obtained from the Board by writing or telephoning the Board at the address or the telephone number listed above.

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

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.

Promulgation of the proposed rule will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land. It is the position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 (1990) for reducing the impact of the proposed rule on small businesses, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

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

Dated: 11 September 1992

Joel B. Wulff, D.C.
Executive Director

Rules as Proposed

2500.0100 DEFINITIONS.

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

Subp. 4a. **Continuing education unit.** "Continuing education unit" means one 50-minute session that qualifies under part 2500.1500 as an approved program.

[For text of subps 5 to 11, see M.R.]

2500.0200 PROFESSIONAL STANDARDS FOR ADVERTISING.

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

Subp. 3. **Testimonial advertising.** The use of testimonials, whether single or in groups; summaries of types of treatment; or examples of treatment as used in the advertiser's office carry with them an implication that the conditions described in the advertisement have been or will be helped by the practitioner. Therefore, before an advertisement is produced, distributed, or displayed, a practitioner who requests from a patient a testimonial to the treatments or modalities used by the practitioner must obtain written consent and have a signed release form from the patient to be kept in the patient's file.

The patient has the right to review the advertisements that use the patient's statements, likenesses, or case summaries before the advertisements are released for production, distribution, or displaying.

Statements made by patients that are untruthful, improbable, misleading, or impossible may not be used even if the patient made the statements.

2500.1100 INDIVIDUAL ANNUAL LICENSE RENEWAL.

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

Subp. 2. **Renewal fees.** The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of part 2500.1200, the board shall renew the license upon receipt from the licensee of a license renewal fee of $150, plus any applicable penalty fee ~~as set forth~~ in ~~part 2500.1300~~ subpart 3. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

Subp. 3. **Penalty fees.** A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of ~~$10~~ $150 per month for each month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed ~~$100~~ $900.

2500.1105 CHANGE OF NAME OR ADDRESS.

Subpart 1. **Name change.** A licensee who has changed names must notify the board in writing within 30 days of the change. The name change will be reflected on the next license or registration certificate issued to the licensee. If the licensee wishes to immediately receive a certificate as changed, the licensee must pay the fee in part 2500.1150, item E.

Subp. 2. **Address change.** A licensee who has changed addresses must notify the board in writing within 30 days of the change. The address change will be reflected on the next license or registration certificate issued to the licensee. If the licensee wishes to immediately receive a certificate as changed, the licensee must pay the fee in part 2500.1150, item E.

2500.1150 FEES.

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

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

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

I. ~~continuing education seminar approval and registration fee, $100~~ incorporation renewal late charge, $5 per month;

J. computer lists, $100;

K. computer printed labels, $150; and

L. address update late charge, $10 per day.

2500.1200 CONTINUING EDUCATION.

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

Subp. 2. **~~Annual~~ Biennial requirement.** Except as ~~hereinafter~~ otherwise provided in this part, every person licensed to practice chiropractic in this state shall, as a prerequisite for the ~~annual~~ continued renewal of ~~his~~ a license, attend a minimum of ~~20 hours~~ 40 continuing education units during the two preceding calendar ~~year~~ years of continuing education courses recognized and approved by the board. At least ~~three~~ six of ~~such hours~~ the continuing education units shall be devoted to radiographic safety, technique, and/or interpretation.

Subp. 3. [See repealer.]

Subp. 4. **Schedule of required ~~hours~~ continuing education units.** ~~During the first calendar year following the year of initial licensure, licensees shall attend a total of not less than ten hours of recognized and approved continuing education courses, including at least three hours devoted to radiographic safety, technique, and/or interpretation. Thereafter, five additional course hours shall be attended each year until the annual 20 hour minimum requirement is met.~~ Beginning January 1, 1992, all chiropractors licensed prior to January 1, 1993, must obtain 40 continuing education units by December 31, 1993, in order to receive a license to practice during the calendar year 1994, and every two calendar years thereafter.

Chiropractors who are licensed after January 1, 1992, during any even-numbered calendar year will be required to obtain at least 20 continuing education units, with at least three of those continuing education units devoted to education in radiographic safety, technique, or interpretation, by the end of the biennial continuing education requirement period in which they are licensed. Chiropractors who are licensed after January 1, 1992, during any odd-numbered calendar year will not be required to obtain any continuing education units during the biennial continuing education requirement period in which they are licensed. For example, anyone licensed between January 1, 1992, and December 31, 1992, would be required to obtain 20 continuing education units, as described in this subpart, by December 31, 1993, in order to obtain a license to practice chiropractic for the year 1994. Anyone licensed between January 1, 1993, and December 31, 1993, would not be required to obtain any continuing education units prior to receiving a license to practice chiropractic for the year 1994.

After a licensed chiropractor has gone through the biennial education cycle in which the chiropractor is licensed, that chiropractor will be required to attend 40 continuing education units of continuing education courses every two calendar years.

[For text of subp 5, see M.R.]

2500.1410 SPONSORSHIP OF EDUCATION PROGRAMS.

The board shall register and approve organizations or individuals who wish to offer continuing education programs to individuals licensed to practice chiropractic in this state as described in items A to C.

A. The sponsor must submit an annual fee of $500 for all programs given over the year, or a fee of $100 for each program given over the biennium.

B. The sponsor must complete and submit to the board annually a registration form developed by the board which includes at least:

(1) the name, address, and telephone number of the organization;

(2) the name, address, and telephone number of the person responsible and authorized to do business with the board regarding continuing education matters;

(3) a signed statement which indicates that the sponsor of the continuing education program knows, understands, and agrees to follow all criteria for the approval of programs as listed in part 2500.1500 and criteria for unapproved programs listed in part 2500.1600; and

(4) a signed statement which indicates that the sponsor agrees to send to the board a list of all chiropractors licensed in Minnesota who have taken courses offered by that sponsor.

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.

C. The sponsor must sign a statement agreeing to allow any representative of the board to attend all or part of any program that the sponsor is offering. If the representative of the board is a chiropractor licensed in Minnesota, that person must pay the full registration fee in order to be awarded continuing education units for attending the program.

2500.1420 REPORTS TO BOARD.

The sponsor must report to the board any changes in the requirements in part 2500.1410 as soon as possible.

The sponsor must provide a list to the board within 14 days after each seminar given. The list must include the following:

A. the attending chiropractors' names and addresses;

B. the date on which the program was attended;

C. the number of continuing education units obtained; and

D. the type of continuing education units obtained.

2500.1500 PROGRAM APPROVAL CRITERIA.

The ~~board~~ sponsor shall employ the following criteria in determining whether a continuing education program shall be approved and the number of ~~course hours~~ continuing education units for which approval is granted:

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

C. whether the classes will be held in a suitable setting which is conducive to the learning process; and

D. whether the program will improve the practitioner's ability to keep records necessary to substantiate the need for chiropractic care.

2500.1710 SPONSORSHIP REVOKED.

The following acts shall result in the termination of the sponsorship status given to an organization or to an individual:

A. awarding continuing education units for programs which fail to meet the criteria in part 2500.1500;

B. failure to provide timely reports to the board as required in part 2500.1420;

C. reporting chiropractor attendance information which is false; and

D. making any false representation to the board or to the chiropractors who may attend a program.

At least 30 days prior to the proposed date of revocation, the board shall notify the sponsor in writing of its alleged infractions. The sponsor then has 30 days to notify the board in writing of its intent to contest. The intent to contest must include the sponsor's answer to the notice of alleged infractions.

Upon receipt of an intent to contest, the executive officers of the board shall notify the sponsor of a time and place to meet to review the proposed sponsorship revocation including the sponsor's answer.

Any decision of the executive officers terminating sponsorship following such a meeting shall be final and binding without a contested case hearing and shall not be subject to judicial review or to a judicial stay pending any attempt to seek such review.

The sponsor may continue to present continuing education courses until the issuance of a final written decision of the revocation process by the executive officers of the board.

2500.1720 PROGRAMS DEVELOPED.

Doctors of chiropractic licensed in Minnesota may obtain continuing education units for the development of a program which meets the standards set forth in part 2500.1500. Six continuing education units may be awarded and applied to the next two-calendar year requirement in part 2500.1200.

To obtain approval, the chiropractor must submit the following to the board:

A. a summary of the program;

B. a listing of at least one date on which the program was presented; and

C. a statement of which type of continuing education units the chiropractor wants to be awarded.

Continuing education units shall be awarded under this part only once for each chiropractor for each new program developed.

REPEALER. *Minnesota Rules*, parts 2500.1200, subpart 3; 2500.1300; 2500.1400; and 2500.1700, are repealed.

CERTIFICATE OF BOARD OF CHIROPRACTIC EXAMINERS
AUTHORIZING RESOLUTION

RULES RELATING TO THE PRACTICE OF CHIROPRACTIC
File Number 1878

I, Wilma E. Behm, DC, do hereby certify that I am a member and the President of the Minnesota Board of Chiropractic Examiners, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 9th day of May, 1991, that a quorum was present at the meeting, that a majority of those present voted for the resolution and that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified:

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

IN WITNESS WHEREOF, I have hereunto subscribe my name this 9th day of May, 1991.

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

Attest Board Member

Wilma E. Behm, DC, President

In the Matter of the Proposed Adoption of the Rule of the Minnesota Board of Chiropractic Examiners Governing Testimonial Advertising, Fees, Change of Address, and Continuing Education

AFFIDAVIT OF MAILING THE STATEMENT OF NEED AND REASONABLENESS TO THE LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES

STATE OF MINNESOTA

COUNTY OF RAMSEY

Lori A. Campbell, being sworn says:

That on the 8th day of October, 1992, I mailed the Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules by depositing in the State of Minnesota Interoffice Mail System a copy thereof.

Lori A. Campbell, being sworn says:

That on the 11th day of September, 1992, before this agency submitted notice to the State Register of intent to adopt a rule that establishes or adjusts fees, I hand delivered a copy of the notice of intent and the proposed rule to the chairs of the house appropriations committee and senate finance committee.

Lori A. Campbell
Administrative Secretary

Subscribed and sworn to
before me this 8th day of
October, 1992

Debra J. Lanoux
Clerk Typist II

The Notice of Intent to Adopt a Rule Without A Public Hearing and a copy of the Minnesota Board of Chiropractic Examiners rule pertaining to testimonial advertising, biennial continuing education cycle, fees, and change of name and address was hand-delivered on September 11, 1992 to the Senate Finance Committee. The materials were received by William E. Hahn.

Lori A. Campbell 9-11-92

Lori A. Campbell
Administrative Secretary

Date

The Notice of Intent to Adopt a Rule Without A Public Hearing and a copy of the Minnesota Board of Chiropractic Examiners rule pertaining to testimonial advertising, biennial continuing education cycle, fees, and change of name and address was hand-delivered on September 11, 1992 to the House Appropriations Committee. The materials were received by P. Walton.

Lori A. Campbell
Lori A. Campbell
Administrative Secretary

9-11-92
Date

of the annual response and reimbursement fees (surcharges) for the Agricultural Chemical Response and Reimbursement Account (ACRRA) will remain at the same amounts for 1992 as was determined and collected for 1991, in order to maintain the statutory-required ACRRA balance.

[NOTE: As a consequence of a 1991 Minnesota law change, the surcharge for Licensed Lawn Service Applicators for 1991 was reduced from $100 to $50.]

Therefore, the ACRRA surcharges to be imposed by the MDA for 1992 will be the following:

• For pesticides registered under MS Chapter 18B.26: a surcharge equal to 0.2 percent of sales of pesticides in the state as well as sales of pesticides for use in the state, during the period January 1, 1992 through December 31, 1992.

• For fertilizers, soil amendments, and plant amendments inspection fees, under MS Chapter 18C.4254: twenty (20) cents per ton.

• For sites licensed under MS Chapter 18B.31—Pesticide Dealers; and for sites licensed under MS Chapter 18C.415 and 18C.425—where a fertilizer, plant amendment, or soil amendment is distributed: $300 per site.

• For Structural Pest Control Applicator business license, under MS Chapter 18B.32: $100 per license.

• For Commercial Pesticide Applicator license, under MS Chapter 18B.33: $40 per license.

• For Non-Commercial Pesticide Applicator license, under MS Chapter 18B.34: $40 per license.

• For Licensed Lawn Service Applicator, under MS Chapter 18B and 18C: $50 per license.

The MDA has made the determination that maintaining the amounts of surcharges for 1992 at the levels previously set for 1991 is reasonable and necessary for the following reasons:

1) The ACRRA, by statute, must maintain an unencumbered balance of $1,000,000;

2) The ACRRA balance, after the addition of 1991 surcharges collected from November, 1991 to March, 1992, is projected to be more than $1,000,000 and less than $2,000,000;

3) Reimbursements or payments expected to be ordered by the ACRRA Board during the next year are estimated to be $500,000 to $1,000,000;

4) ACRRA surcharges for 1992, as detailed above, will not be collected until the period November, 1992 to March, 1993; and,

5) The Commissioner of the MDA, and the ACRRA Board, have been informed by persons required by statute to pay ACRRA surcharges that notification of determination of surcharge amounts is best managed, most acceptable and least objectionable to those affected if such determination and disclosure is made as soon as possible and no later than the end of any respective calendar year.

Persons needing further information may contact the MDA at (612) 297-3490.

Board of Chiropractic Examiners

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Practice of Chiropractic

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners is seeking information or opinions from sources outside the agency in preparing to propose the adoption and amendments to the following proposed rules:

1. *Biennial Continuing Education Requirements*

    • The board proposes to require chiropractors to obtain 40 hours of continuing education every two years.

2. *Record Keeping Standards*

    • The board proposes to set minimum record keeping standards required to justify care.

3. *Advertising by means of Testimonials*

    • The board proposes to amend the existing rule restricting the use of testimonial, to allow certain forms of testimonials.

The adoption of these rules is authorized by *Minnesota Statutes*, section 148.08, which permits the agency to promulgate rules in order to administer sections 148.01 to 148.105.

The Minnesota Board of Chiropractic Examiners requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Joel B. Wulff, DC
Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue West, Suite 20
St. Paul, MN 55114

Oral statements will be received during regular business hours over the telephone at (612) 642-0591 and in person at the above address.

All statements of information and opinions shall be accepted until January 3, 1992. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 20 November 1991

Joel B. Wulff, DC
Executive Director

Comprehensive Health Association

Notice of Meeting of the Legislative and Public Policy Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Legislative and Public Policy Committee will be held at 9:00 a.m. on Thursday, December 12, 1991 at Prudential Insurance Company of America, 3701 South Wayzata Boulevard, Minneapolis, Minnesota, in the Board room on the 8th floor.

For additional information please call Lynn Gruber at (612) 593-9609.

Ethical Practices Board

Notice of 1992 Campaign Expenditure Limits

In accordance with *Minnesota Statutes* §§ 10A.25 and 10A.255, the following are nonelection year campaign expenditure limits in 1992, by office sought or held: Governor and Lt. Governor, $406,673; Attorney General, $67,779; Secretary of State, State Treasurer, State Auditor (each), $33,890; State Senator, $10,168; and State Representative, $5,084. In 1992 election year campaign expenditure limits for the offices of State Senator and State Representative will be calculated and published by June 15, 1992, under *Minnesota Statute* § 10A.255.

Department of Health

Interagency Long Term Care Finance Committee

Notice of Meeting of Interagency Long Term Care Finance Committee

The Interagency Long Term Care Planning Committee shall meet on Thursday, December 5th, 1991 at 1:00 p.m. in the Chesley Room, first floor, Minnesota Department of Health, 717 S.E. Delaware Street, Minneapolis to take comments and discuss applications for exceptions to the nursing home moratorium.

Department of Human Services

Division for Persons with Developmental Disabilities

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of *Minnesota Rules,* Parts 9525.0180 to 9525.0190, Governing Services to Persons with Mental Retardation or Related Conditions

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing services to persons with mental retardation or a related condition. The amendment of the rule is authorized by *Minnesota Statutes,* section 252.27, subdivision 1a, which contains the

In the Matter of the Proposed Adoption of the Rule of the State Board of Chiropractic Examiners Governing Testimonial Advertising, Fees, Change of Address, and Continuing Education

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

Lori A. Campbell, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Board of Chiropractic Examiners rulemaking mailing list is accurate, complete, and current as of this 11th day of September, 1992.

That on the 11th day of September, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the United States mail, a copy thereof and a copy of the proposed rule, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Lori A. Campbell

Lori A. Campbell
Administrative Secretary

Subscribed and sworn to before me
this 11th day of September, 1992.

Debra J. Ramsey

aff.rul