

9/4/90

STATE OF MINNESOTA  
COUNTY OF RAMSEY

BEFORE THE MINNESOTA  
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the  
Proposed Amendment of  
a Rule of the Board of  
Chiropractic Examiners  
Relating to Chiropractic  
Board Administrative Fees

STATEMENT OF NEED AND REASONABLENESS

Pursuant to Minn. Stat. 14.23 (1988), the Minnesota Board of Chiropractic Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of a proposed addition to Minnesota Rules, part 2500 relating to administrative fees.

In order to adopt the proposed amendment, 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 these rules is as follows:

Minnesota Statutes, section 148.08 (1988), authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.105.

Minnesota Statutes, 16A.128 (1988) and 214.06 (1988), require the Board to set any fee which the Board is empowered

to assess so that the total fees collected will as closely as possible equal anticipated expenditures, including support costs and statewide indirect costs attributable to the fee function.

**2. STATEMENT OF NEED AND REASONABLENESS**

General Board expenses associated with the operation of the Board are paid for through appropriations from the Legislature. During each biennium, the Board is required to establish its fees in such a manner that the revenues received from administrative fees will approximate the appropriation granted to the Board by the Legislature.

Therefore, in order to establish consistency and fair fees to all persons/agencies who request materials, or to Doctors of Chiropractic who are required to comply with a Board rule, the table and subsequent explanations for each fee is set forth below.

Fee Title	Proposed Fee	No. Paying Fee	Estimated Revenue
Peer Review	\$100	60	\$6,000
Licensing Exam			
Regrades	\$30	30	\$900
Copy Board Order/ Stipulation	\$10/each	24	\$240
Certificate of Good Standing	\$10/each	30	\$300
Duplicate License	\$10	20	\$200
Misc. Copying	\$.25/page	--	\$360
IME Registration	\$150	100	\$15,000
IME Annual Renewal	\$100	100	\$10,000
CE Seminar Approval/ Registration	\$100	200	\$20,000

**Peer Review: MS 148.106, subd. 4 (1988)**

This fee is needed and reasonable in order to defray the

costs of copying materials, mailing materials, per diems for committee members, and general costs of the administering process.

**Licensing Examination Regrade: MS 148.06, Subd. 1 (1988)**

Approximately 30 examinees request a hand grading of their examination results when they have received failing grades. This fee is needed and reasonable because of the staff time involved in regrading examinations by hand.

**Copy of Board Orders/Stipulations: MN 13.03 Subd. 3 (1988)  
MR pt. 1205.0300, sp. 4 (1989)**

The Board feels it is necessary to provide true and accurate copies of public disciplinary matters, that an extra degree of effort is put into preparing copies with the Board seal and statement of correctness. Therefore, this fee is needed and reasonable.

**Certificate of Good Standing: MS 13.03, subd. 3**

Approximately 30 requests are made a year for filling out Certificates of Good Standing. These forms are often very detailed and staff research time is considerable. Therefore, this fee is needed and reasonable.

**Duplicate License Fee: MS 148.05 (1988)**

When licenses are misplaced, lost, or damaged, a duplicate license is required. The reproduction costs are covered in this fee. Therefore, this fee is needed and reasonable.

**Miscellaneous Copying: MS 13.03, subd. 3  
MR pt 1205.0300, sp 4**

A variety of copying requests are made to the Board throughout the year, a standard fee needs to be established. This fee is the average fee charged in other state health boards. Therefore, this fee is needed and reasonable.

**IME Registration: MS 148.09 (1990)**

New legislation was enacted and the Board is required to register Independent Medical Examination (IME) chiropractors. This registration is to ensure that DC's are meeting the standards set by law and continue to meet those standards during their involvement as an IME chiropractor. Therefore, this fee is needed and reasonable.

**IME Annual Renewal: M.S. 148.09 (1990)**

The annual renewal fee is proposed in order to maintain the requirements set forth by the legislature so that the Board is able to continue to register and monitor IME chiropractors. Therefore, this fee is needed and reasonable.

**Continuing Education Seminar Approval and Registration: M.S. 148.08, subd. 3**

Continuing education seminar approval must be obtained through the Board office in order for doctors of chiropractic to receive credit for the annual renewal of their licenses. The Board received approximately 200 requests a year from seminar sponsors and considerable time is spent reviewing the qualifications of the instructors and the quality of the program. Therefore, this fee is needed and reasonable.

In summary, the Board believes its proposed establishment of fees is needed and reasonable in order to be in compliance with statutory requirement of balancing income and expenditures.

**3. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS**

Minnesota Statutes, sections 14.05-14.12 and 14.22-14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures applicable to all

rules, Minnesota Statutes, sections 14.05-14.12, have been complied with by the Board as noted below. Because Board fees are fixed by rule rather than by statute, the procedures for adoption of noncontroversial rules in sections 14.22 to 14.28 are being used, 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.

**See** Minn. Stat. 16A.128, subd. 2.a.

The adoption of these rules will not require the expenditure of public money by local public bodies, nor do the rules have any impact on agricultural land. **See** Minn. Stat. 14.11. The adoption of these rules could have a negligible effect on small businesses as discussed below. **See** Minn. Stat. 14.115.

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

The Board will publish a Notice of Intent to Amend the Rules Without a Public Hearing in the **State Register** and mail copies of the notice and proposed amendment to persons registered with Minnesota Board of Chiropractic Examiners 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 pursuant to Minn. Stat. 16A.128, subd. 2.a, unless 25 or more persons submit a

written request for a hearing within the 30-day comment period; c) that the rule may be modified if modifications are supported by data and the views submitted; and d) that notice of the date of submission of the proposed amendment to the Attorney General for review will be mailed to any person requesting to receive the notice, and giving information on how to request the notice.

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

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

#### 4. ADDITIONAL REQUIREMENTS

**Approval of the Commissioner of Finance.** Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee is to be fixed by rule, the Commissioner of Finance must approve the fee, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed fee is set forth below.

**APPROVAL** is granted for the following fees.

Peer Review	\$100.00
Regrade Fee	30.00
Copy Board Order/Stipulation Fee	10.00/each
Good Standing	10.00
Duplicate License Fee	10.00
Miscellaneous Copying Fee	.25/page
IME Registration Fee	150.00
IME Annual Renewal Fee	100.00
CE Seminar Approval and Registration Fee	100.00

B. J. Riddleman  
Signed by  
DIRECTOR, BUDGET OPERATIONS  
Title  
7-19-90  
Date

Department of Finance

**Small Business Considerations.** In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small business as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1988). The Board noted that the suggested methods for reducing the impact of the rules on small business concern compliance and reporting requirements and performance standards. Since the proposed amendments relate to Board administrative fees that Doctors of Chiropractic may or may not be required to pay, there would appear to be no impact or significant effect on small business.

Nevertheless, any small business which believes they may be affected by the proposed amendments 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 amendments.

Dated: Aug 22, 1990

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

Qu. B. W. J. D.C.  
Executive Director