

12/14/90

STATE OF MINNESOTA

BEFORE THE MINNESOTA

COUNTY OF RAMSEY

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of
Proposed Rules of the
Board of Chiropractic
Examiners Relating to
Graduate Preceptorship
Program Minn. Rule
2500.2500 to 2500.2530

Statement of Need
and Reasonableness

Pursuant to Minn. Stat. 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 2500.2500 to 2500.2530, relating to Graduate Preceptorship Program.

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 these rules 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.

2. STATEMENT OF NEED AND REASONABLENESS

Applicants for a license to practice chiropractic in the state of Minnesota must currently wait 30 to 90 days to take the licensing exam. If one or more portions of that exam is not passed, the applicant may not retake that portion for 180 more days. During these time lapses graduates currently have no avenue for continued learning of chiropractic skills.

The proposed rule provides a means for applicants to continue learning the skills of their profession in a controlled clinical setting with the guidance of a practicing doctor of chiropractic who is registered and overseen by the Board. The current undergraduate preceptorship program operating in this state has proven to be a valuable learning experience for those involved in it. The Graduate Preceptorship Program is a natural extension of that established program.

The Intern(s) involved in this program will be practicing chiropractic under the supervision of a Board-approved preceptor. They will be provided an opportunity to increase their knowledge and improve their skill while waiting for the opportunity to become licensed doctors of chiropractic.

2500.2500 DEFINITIONS

Diagnosis is defined in order to clarify what a diagnosis may consist of.

Intern is defined in order to limit participants in this program to those chiropractic students who have graduated and are waiting to take the Board's licensing examination. It is also defined in order to state that the intern will be performing chiropractic treatments outside of the school setting.

License is defined in order to state that the interns are not licensed in the state of Minnesota.

Practice of chiropractic is defined for the purpose of clarifying that the intern will be participating in a well-rounded internship program.

Preceptor is defined in order to limit the doctors participating in this program to those who have obtained the approval of the Board to supervise interns under this program. It is also defined to establish minimum and maximum duty parameters.

Preceptorship training program is defined in order to set the parameters of the program and to specifically state that the interns will be practicing chiropractic under the direct supervision of the preceptor.

Private practice is defined in order to clarify what a private practice may consist of.

2500.2505 **PROGRAM ADMINISTRATOR**

This provision is included for clarification that this program is run solely by the Board and is not affiliated with any college of chiropractic whatsoever.

2500.2510 ROLE OF THE PRECEPTOR

This provision has been established in order to clarify exactly what must be done during the training program.

A. This provision has been established in order to keep the intern and preceptor in contact with each other in a structured manner. In order to make this a valuable learning experience, the intern must be given constructive feedback on a regular basis. Likewise for the preceptor, the intern must give feedback regarding the relationship of preceptor/intern.

B. This provision outlines what the intern will be doing during the training program, and what the preceptor is required to provide for the intern during his training program. Items 1 to 4 encompass the most common happenings in a chiropractic environment and this is intended to give the intern a well-rounded experience.

C. This provision has been established to ensure that the preceptor is assuming the responsibility for the care given to his patients by the intern. It has also been established in order to provide guidance and feedback for the intern from the preceptor regarding diagnosis and treatments chosen to treat a patient.

2500.2515 **ELIGIBILITY AND RESPONSIBILITIES OF
PRECEPTOR**

Subpart 1 Eligibility. The Board believes that these provisions are necessary to ensure that interns will receive skilled guidance from the preceptor that he is working with.

- A. This is a requirement by law to practice chiropractic in the state.
- B. & C. These requirements have been established because the Board believes that to be considered competent enough to be a preceptor a chiropractor must have obtained five years field experience in order to have been exposed to a wide variety of symptoms, diagnoses, and treatment, and have become competent enough in providing treatment that they may act as an instructor for the intern. The Board believes the chiropractor must have been in practice in Minnesota for the past three years in order to be fully familiar with the rules and regulations that govern the profession in this state. The three year minimum requirement has also been established in order to be a member of the Board. This precedent has been established and the Board wishes to continue with it for the reasons stated above.
- D. This has been established in order to prevent doctors who have been disciplined by the Board or have pending disciplinary matters before the Board from getting involved in a program that is

intended to provide an atmosphere conducive to learning for the intern.

- E. This has been established in order for the intern to receive training in an atmosphere that will facilitate learning in order for the intern to pass the Board's licensing examination. The Board believes that if an intern is allowed to intern in an insurance facility as an independent medical examiner, for example, the intern will not receive any benefit from that type of training.

Subpart 2 Doctor to intern ratio.

This provision has been established in order to prevent a preceptor from over extending himself. This training program is intended to benefit the intern. The Board believes that the most benefit will occur if the intern receives the full attention of the preceptor.

In the cases stated regarding the exceptions to this provision, the Board believes there will sometimes be extenuating circumstances in which it would be more of a detriment to one intern if the preceptor is not allowed to train more than one intern than receiving the one-to-one training.

Subpart 3 Fees

This provision has been established in order to cover administrative costs of approving applications, and monitoring the training programs in the field.

The table below indicates the amount of estimated revenue anticipated from the registration and annual renewal fees.

Fee Title	Proposed Fee	No. Paying Fee	Estimated Revenue
Registration	\$100	80	\$8,000
Annual Renewal	\$100	60	\$6,000

The Board believes its establishment of registration and annual renewal fees is needed and reasonable in order to ensure that qualified doctors of chiropractic are involved in the Graduate Preceptorship Program and to monitor interns in a controlled clinical setting.

Subpart 4 Application

Provisions A through E state the procedure for which a doctor may become a preceptor. The need for and reasonableness of these provisions have been previously explained in this statement of need and reasonableness.

Subpart 5 Continuing requirements

A. This provision has been established in order to monitor the qualifications of a preceptor. This

will help to ensure that the intern is receiving qualified instruction from the preceptor.

- B. This provision has been established in order for the intern and the preceptor to keep in mind that this program is a "mentor"/"student" relationship and not one of employer to employee.
- C. This provision has been established in order to prevent situations that would allow the preceptor to not be present in the environment at all times when an intern is working. The the "environment" is the clinic or office space, not the examination and treatment rooms.
- D. This provision has been established in order to prevent the preceptor from utilizing experimental modalities and involving the intern. This program has been established in order to facilitate passing the Board licensure examination. Keeping within the preceptor's training will be conducive to the training of the intern.
- E. This provision has been established to inform the patients that treatment they may receive may possibly be received from an intern. This is to protect both the patient (informed consent) and the doctors (malpractice).

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN

Subpart 1 Eligibility and limitations.

This provision has been established to ensure that only students who are ready and qualified to take the Board's licensure examination are allowed into the training program.

Subpart 2 Malpractice insurance

This provision has been established in order to ensure the intern and patients are covered from financial harm if a malpractice situation occurs.

The intern must fulfill the preceptor's malpractice insurance carrier's requirements in order to protect the preceptor from financial harm in cases where the preceptor would be held liable for the intern's behavior.

All documents must be received by the Board prior to approval because if the Board approves an applicant prior to receiving this information and the applicant is then denied malpractice coverage, it may create a burden for patients and preceptors alike in pulling the intern from the practice.

Subpart 3 Application

- A. The Board must receive the application in order to process and determine the qualifications of the applicant.

B. This provision has been established in order to ensure that the applicant has graduated and is qualified to sit for the Board's licensing examination. It also establishes that this training program is intended for new graduates who intent to take the Minnesota licensing examination.

Subpart 4 Continuing requirements

This provision has been established in order to prevent the preceptor from getting away from the intent of the training program: to help the intern prepare for the Board's licensing examination.

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM

A. & B. These provisions have been established in order to prevent doctors and graduates from setting up a training program outside of these rules.

2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM

These provisions have been set forth in order to stay with the intent of the training program: to prepare the intern for the Board's licensing examination. This provision will allow the intern to be on the program nine months. This gives the intern, from the time of graduation to the time of passing the Board's examination, adequate time to pass the examination (two chances within one year [the examination is given every six months]) and continue in

the training program if the intern fails the first examination..

A. The Board is reserving the right to terminate the program for preceptors or interns who violate Board statutes and rules.

B. This provision has been established in order to allow an option for terminating the program for personal reasons or other reasons determined by the preceptor or the intern.

C. This provision has been established in order to allow the smooth flow of the program. This will allow new graduates to begin training with an established preceptor.

D. This provision has been established for cases which involve disciplinary action regarding the preceptor only. This is in order to punish only the doctor involved and not punish the intern in the process.

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 sections 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 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 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 the public hearing on the rule within a 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 given 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 attached hereto.

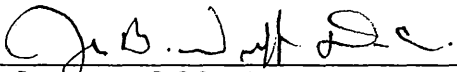
Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small business as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1990). The Board noted the suggested methods for reducing the impact of the rules on small business. Since the proposed rule relates to the Graduate Preceptorship

Program and concern compliance, reporting requirements, and performance standards 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 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 amendments.

Dated: 11-30, 1990

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS



Joel B. Wulff, DC
Executive Director

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The Board proposes adoption of this rule as a noncontroversial rule in accordance with sections 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 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.

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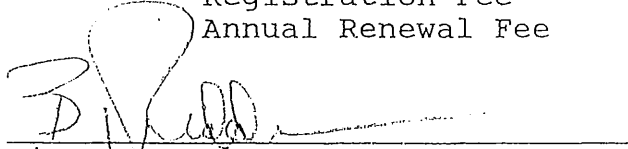
4. ADDITIONAL REQUIREMENTS

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:

Graduate Preceptorship Program:

Registration Fee \$100
Annual Renewal Fee \$100



Signature



Title

7-9-90

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 rule relates to the Graduate Preceptorship Program 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 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 amendments.

Dated: July 16, 1990.

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS



Executive Director