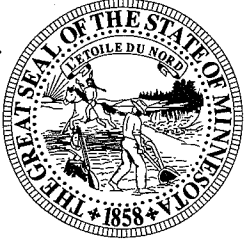


10-2-2007



Minnesota Board of Chiropractic Examiners

September 28, 2007

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter Of The Proposed Rules Of The State Board of Chiropractic Examiners
Governing Records Retention and Access.

Dear Librarian:

The Minnesota Board of Chiropractic Examiners intends to adopt rules relating to Records Retention and Access. We plan to publish a Notice Of Intent To Adopt Rules Without A Public Hearing in the October 15, 2007 State Register.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library a copy of the Statement of Need and Reasonableness at the time we are mailing our Notice of Intent to Adopt Rules.

If you have any questions, please contact me at 651-201-2849.

Yours very truly,

A handwritten signature in cursive script that reads "Micki King".

Micki King
Health Program Representative

Enclosure: Statement of Need and Reasonableness,
Notice of Intent to Adopt without a Hearing

STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

**Proposed Permanent Rules Relating to
Records Retention, Following Cessation of
Practice.**

**STATEMENT OF NEED
AND REASONABLENESS**

1. ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness (Hereinafter "Statement") can be made available in an alternative format, such as large print, Braille, or Cassette tape. To make a request, contact the Board at:

**Minnesota Board of Chiropractic Examiners
2829 University Ave. SE, Suite 300
Minneapolis, MN 55414-3220
Phone: 651-201-2850
Fax: 651-201-2851
TTY: 1-800-627-3529**

2. INTRODUCTION

The Minnesota Board of Chiropractic Examiners (hereinafter "Board") is the regulatory agency empowered with the responsibility of regulating doctors of chiropractic in the State of Minnesota. The Board was codified originally in 1919, but the rule making authority by which these rules are promulgated originates in the 1983 legislative session. Pursuant to Minn. Stat. §14.23 (2004) the Board hereby affirmatively presents the facts establishing the need for, and reasonableness of the establishment of rules related to the disposition of, and patients access to, a doctors records following their separation from practice.

In order to adopt the proposed rules or amendments to the rules, 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 or amend the rules; 2) the rules or amendments 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.

3. STATUTORY AUTHORITY

The general statutory authority of the Board to adopt or amend rules is codified in Minn. Stat. § 148.08 (2004) which authorizes the Board to "promulgate rules necessary to administer sections 148.01 to 148.105 to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic, and defining any terms, whether or not used in sections 148.01 to 148.105, if the definitions are not inconsistent with the provisions of 148.01 to 148.105." Research indicates that this authority was originally established in Session Laws Chapter 346, section 4 (Subd. 3) amending 1982 Statutes, Section 148.08. To date, this authority has not expired.

4. STATEMENT OF NEED AND REASONABLENESS

Over the years, the Board has become more cognizant of the concept that doctors leave their practice for various reasons, but may not necessarily make provisions for access to the records by the patients they served. This may prove a significant disadvantage for patients who either need to continue their care with another practitioner, or particularly for those who may have been treated for the purposes of a personal injury, and whose records would be fundamental evidence in the management of a tort claim on their behalf. Complicating this question was that doctors separate from practice for many different reasons, each of which can have varying impact on maintaining the Board's jurisdiction...and ultimately the Board's enforcement capability. For example, a doctor who simply relocates to another state, will present a different situation than a doctor who dies. While on first blush the issues may be the same, this may depend upon what status the relocating doctor wishes to place his license in. A doctor who wishes to simply relocate to another state but maintain some form of licensure connection to Minnesota will have a higher jurisdictional connection and

enforcement capability than the doctor who dies, and over whose family or estate the Board has no jurisdiction.

So, the Board spent considerable time on this subject, and ultimately came to a conclusion on the following: the ultimate goal was to attempt to secure access to the records by the patient, without establishing an undue burden on the doctor, or the doctors family or estate. In organizing it's thinking, the Rules Committee (hereinafter "Committee") looked at several different permutations which had to be addressed as part of this effort:

- a. A doctor retiring and remaining local, vs a doctor who relocates to another state;
- b. A doctor who dies and, of course, can no longer be contacted;
- c. A doctor who sells his practice (including records) to another, who stays in the same location, vs one who relocates the practice and records elsewhere;
- d. A doctor whose license is revoked;

The Committee also took this opportunity to address the ultimate destruction of records. As such, the Committee had to address the particular media in which the records are kept, e.g. whether they were in "hardcopy" format, or in some other electronic media.

Ultimately, this rule was constructed to address 4 major issues: 1) Development and maintenance of a plan; 2) establishment of patient access under different circumstances; 3) Storage and maintenance of the records; and 4) final disposition, including dissemination, disposal, or destruction of the records. The Board sought out different information as part of it's process, including making inquiries to other chiropractic Board's across the country, making inquiries to other health care licensing Boards in the State of Minnesota, and finally seeking input from specific persons who may have particular areas of expertise, such as Information Technology specialists with expertise in the area of destruction of information in electronic formats.

It seemed that the most important component of the rule, was to at least attempt to raise the consciousness of practitioners regarding the subject, or even better to provide some guidance which did not otherwise seem to exist. It's not unreasonable to think that the practitioners are more than willing (in most cases) to set up some approach to records access in the event of their separation from practice, but that they simply do not have any guidelines with which to work. Therefore, the Committee's approach was to set a standard that could be used as a guideline by practitioners, establish some simple and cost effective measures to facilitate such access by the patients, and institute a Board mediated resource which could be achieved for little or no cost.

Subpart 1

As stated earlier, the first consideration was to require the practitioner to have a plan in place. The plan could be simple, and would address the requirement that the plan be in writing and available upon request. The plan should also advise the patients of how and where their records can be accessed. This section goes on to state that the plan must be made available to another responsible party who can facilitate implementation of the plan in the event the licensee is unable to do so, for example in the event of the licensee's death. This section also makes provisions for updates, in the event that portions of the plan change. Finally, it establishes a chain of custody authority and responsibility in the event of the transfer of records to another practitioner, for example through the sale of the practice.

Subpart 2

This section is really the "meat and potatoes" of the rule, in that it establishes several methods by which patients can be notified of how and where to gain access to their records, in the event the practitioner becomes unavailable. To begin with this section addresses a general permutation, in which the doctor has separated from practice, and the records have also been relocated. If, for example, a practice is sold and the purchasing doctor maintains the same practice location and the records remain there, then there is no problem to be solved. In this case a patient seeking their records would simply enter the premises (or correspond to this address) and request their records. The purchasing doctor would have become the new custodian of records (pursuant to Subpart 1) and would address the records request. The problem presents, when the records and/or practice are relocated, in such a manner that a patient trying to make contact is suddenly faced with not knowing what happened to their records.

In paragraph (a), the practitioner is required to provide notice to the Board of where these relocated records are stored.¹ It is the boards intent to maintain this list in perpetuity, including establishing and maintaining a web-based notification system which can be accessed by patients looking for records. The Board will take no responsibility for the actual storage of any records, but merely maintain an information system which patients can utilize.

In paragraph (b), the Rule sets forth a specific notification provision where the licensee can opt to make publication in a written media which is most likely to be accessed by their patient base, or to provide

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For the purposes of this missive, any references to the practitioner or licensee can also be taken to refer to their estate or other successors, agents, designees, heirs, assigns, etc, which may be given responsibility over the estate of the licensee in the event they become unable or unwilling to carry out these responsibilities.

direct notification to the patients through direct U.S. Mail notification to the last known address of the patient. This paragraph also demonstrates flexibility in that it gives the doctor an option as to how they wish to accomplish this notice, and allows the practitioner to make the choice.

Paragraph (c) sets forth another strategy to provide access to patients who might call the office looking for their records after an office has been relocated. This portion of the rule was designed to address those patients who may have need of their records, but whose need remains unfulfilled following direct or mail contact with the office. This portion of the rule sets a mechanism whereby the practitioner establishes a simple outgoing message on their former business number for a period of six months, which can provide direction to those persons seeking their records. A call to the local telephone company elicited the fact that such a service would cost less than \$30.00 per month. It was believed that this would be a reasonable cost to help assure access to patient records by stakeholders.

Paragraph (d) is simply a permissive statement designed for the purposes of giving a suggestion to chiropractors as to another strategy that may be employed in today's technological world.

Finally, paragraph (e) sets forth the requirement that the records be managed in accordance with the Records Access statute. However it also addresses a specific set of circumstances in which the doctor has died and whose estate would no longer likely have any direct interest in the maintenance of the original record. In this case, the rule gives permission to the designated agent of the decedent doctor to either provide a copy of requested records, or to give the original record as a final disposition of the record. The rule also suggests that if the original record is given, that agent should acquire a receipt to mitigate any possible future liability. Paragraph (e) also addresses another issue.

The practice act states that the Board can take action against a doctor of chiropractic for failing to maintain written records for a period of 7 years, or X-rays for a period of 4 years. However, this fails in the case of a deceased practitioner, as the Board has no authority over a doctors estate, or successors¹. Accordingly this section concludes by establishing a stated standard that the health care records need not be maintained (by the estate) for a period greater than eighteen months. It is already believed, for the widow/er of a deceased doctor, the added challenges of maintaining records for a period of 7 years can present undue burden on an unregulated individual. Given that this designee is unregulated, there is also no enforcement capability for the Board. Therefore, it was felt that if the Board were to simply state this standard in the rule, it

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This presumes, of course, that the successor is family or others who are not licensed by the Board.

could provide some guidance to the estate, while at the same time establishing a reasonable period of time for the retention of such records.

Subpart 3

Subpart 3 addresses the maintenance and storage of records as a result of separation from practice. It sets a standard as to appropriate methods by which to secure the safety of the records, as well as maintain the access to the patients while in storage. It also reasserts the requirement that the safety and confidentiality of such records should be preserved.

Subpart 4

This section seeks to address the disposition of records particularly in the context of today's technological advancements. It is understood that records exist in two fundamental formats. First is hardcopy of some form which the rule defines as information which exists in a physical state which may include but not be limited to written records, microfiche, or other similar media. Secondly, electronic media, which is defined as media which may exist in a format commonly understood to be "software" in nature, and which is defined in part by the state it exists in, and in part based on how it's accessed.

In either case, this portion of the rule concludes both paragraphs by stating that information that is disposed of in any form, must be disposed of in such a manner so as to "render recovery permanently impossible." This is done to respect the notion that technology continues to advance. The attempt here was to define this format as much by example as by actual verbiage, to make room for future technological advances which may have not, as yet, been contemplated but which will, ultimately, be subject to the same standards.

5. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Pursuant to Minn. Stat. §14.23, (2004) and in accordance with the requirements established in Minn. Stat. §14.131 (2004), the Board has prepared this Statement of Need and Reasonableness which is available to the public.

The Board will publish a dual Notice of Intent to Amend or Adopt the Rules with and Without a Public Hearing in the **State Register** and mail copies of the Notice and proposed amendment(s) to persons registered with the Minnesota Board of Chiropractic Examiners pursuant to Minn. Stat. § 14.22, subdivision 1, and § 14.14, subdivision 1a. As required by Minn. Stat. §14.22, and M. R. 2010.0300, the notice will include the following information: 1) that the public has 30 days in which to submit comments in support of, or in opposition to, the proposed rule(s) and that comment is encouraged; 2) that each comment should identify the

portion of the proposed rule addressed, the reason for the comment, and any change proposed; 3) that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held; 4) the manner in which persons shall request a public hearing on the proposed rule; 5) the requirements contained in section 14.25 relating to a written request required for a public hearing, and that the requester is encouraged to propose any change desired; 6) that the proposed rule(s) may be modified if modifications are supported by the data and views submitted; and 7) that if a hearing is not required, notice of the date of submission of the proposed rule to the Chief Administrative Law Judge for review will be mailed to any person requesting to receive the notice; 8) that if a hearing is required, the time, date and location of the hearing. Further, in connection with clauses (1) and (3) above, the notice will also include the dates on which the comment period ends.

The Board will then 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 Administrative Law Judge for approval of the proposed rules or amendments as to their legality and form.

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

6. RULE DEVELOPMENT PROCESS

The development of rules follows action by the full Board in which an authorizing resolution is adopted. The proposed rule is then submitted to the rules committee for language development, and the Request for Comments is published. The rules committee consists of three Board members, (at least one of which is a public member) and the executive director. At this point, the rules follow the rest of the statutory requirements established in the Administrative Procedures Act. In addition, the Board established an ad hoc committee for the purpose of reviewing the impact of rules previously adopted. In essence, this committee evaluates the rules to determine whether the rules have accomplished their intended purpose, or to determine if some elements of adopted rules create more problems than they solve. Some rules promulgation may derive from the recommendations of this committee. However, this amendment was not subject to this process.

7. DESCRIPTION OF CLASSES OF PERSONS PROBABLY AFFECTED BY RULE

Minnesota Statute §14.131 (1) (2004) requires that the SONAR include a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule. It is the Board's position that the class(es) of persons that will be affected by the rule(s) will be currently licensed doctors of chiropractic who may be considering retirement, or seeking relocation to other jurisdictions for extended periods of time, or the successors of a decedent licensee. It is also anticipated the patients will be affected, in that they will have better access to their records following the relocation of their doctor.

8. PROBABLE COSTS TO AGENCY(IES) OF IMPLEMENTATION AND ENFORCEMENT

Minnesota Statute §14.131 (2) (2004) requires that the agency promulgating the rule include any information ascertained regarding the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule(s) and any anticipated effect on state revenues. The Board has an annual budget of \$160,000 to be used for Attorney General's costs, utilized in its efforts at enforcement. Therefore, costs for enforcement would be unable to exceed that amount plus any amounts required of staff time. However, the nature of the rule(s) proposed are such, that it is expected that the costs required to enforce these requirements would be minimal. There are no other state agencies responsible for implementing or enforcing the Board's rules. Therefore the Board does not believe other state agencies will incur any costs if these rules are adopted. These proposed rules will have no impact on the State's general fund, since the Board's entire budget is administered through the Special Revenue Fund, rather than the General Fund.

It is anticipated that the Board will produce forms to accompany Inactive Status applications and Voluntary Retirement applications for those persons seeking such status. The cost for production of these forms would be negligible. Additionally, when such information is received by the Board, the Board would post the information on it's website. Such a posting would not take more than 2-3 minutes...again a negligible expense. Finally, the board would simply incorporate this information as part of any disciplinary action which resulted in the loss of the doctors license, such as suspension or revocation.

9. DETERMINATION OF LESS COSTLY/INTRUSIVE METHODS FOR ACHIEVING PURPOSE

Minnesota Statute §14.131 (3) (2004) requires that the agency promulgating the rule include any information ascertained as to whether there are less costly or less intrusive methods for achieving the purpose of the proposed rule(s). The Board submitted the rules to the scrutiny of the "Request for Comments", as well as publishing information in the Board newsletter. Furthermore, the professional association representing the professional interests of the licensees receives all rules promulgation mailings. To date, no information has been presented which suggests less costly or intrusive methods for accomplishing the purposes of the proposed rule. Additionally, there will be a Notice of Intent to Adopt published in the State Register as part of the normal process of promulgation. This will allow another opportunity for interested parties to make such comments which will become part of the record, and which will be reviewed by the full Board before final adoption. The Board will have the opportunity to submit the proposed rule(s) to additional changes if comments suggest less costly or intrusive methods to accomplish the task. Finally, the Board will consider final adoption at a public Board meeting, allowing a third opportunity for comment and modification if necessary. Nevertheless, the Board does not believe there are any less costly or intrusive methods for achieving this purpose.

10. DESCRIPTION OF ALTERNATIVE METHODS CONSIDERED

Minnesota Statute §14.131 (4) (2004) requires that the agency promulgating the rule include any information ascertained regarding a description of any alternative methods for achieving the purpose of the proposed rule that were considered by the agency, and why they were rejected in favor of the proposed rule. There were no other methods considered for achieving the purpose of the proposed rule(s). This stems from the fact that the Board is consistently advised by the Attorney General's office of the Board's limitations in establishing enforceable policies by any method other than rule. While the objectives of some of the rules may be achieved by education to the profession, experience has shown that the outcomes of these attempts to educate the profession through such

vehicles as the Board newsletter, are not consistent, and cannot be relied upon. Moreover, efforts such as this are costly, and do not have the force and effect of law. Therefore, there is no motivation for the licensees to comply even if they do become aware of the policy(ies). In order for the Board to establish standards by which the public can feel protected, and by which the licensees can measure their behavior, such policies must be the subject of rule or statute. Administrative rule making is the vehicle granted by the legislature to the agency to establish such policy(ies). The only other vehicle currently available to the Board to achieve these goals, is to utilize the Boards Rules Waivers authority. However, the Board uses this authority sparingly and not, typically, for an ongoing experience. The use of the Variance rule is typically utilized to address unanticipated situations. Accordingly, the Board believes rule making is the most appropriate vehicle to accomplish this goal.

11. PROBABLE COST OF COMPLIANCE WITH RULE

Minnesota Statute §14.131 (5) (2004) requires that the agency promulgating the rule include any information ascertained regarding the probable costs of complying with the proposed rule(s), as well as "including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals." Additionally, Minnesota Statute §14.127 (Session Laws 2005) requires that an agency must determine if the cost of complying with a proposed rule in the first year after the rule takes effect will exceed \$25,000 for: (1) any one business that has less than 50 full time employees; or (2) any statutory or home rule charter city that has less than ten full time employees. The Board anticipates minimal costs will be associated in complying with this rule to any affected party. The portion of the rule dealing with notification (subpart b) will be a one time cost, not likely to exceed \$450. This includes the postings in the newspaper and the costs for 6 months of voice mail. Also, subparts 3 and 4 discuss storage and disposal of records. However, the proposed rule allows for low/no cost alternatives which can be selected by the licensee or his/her successor.

12. PROBABLE COST OF NOT ADOPTING PROPOSED RULES

Minnesota Statute §14.131 (6) (2004) requires that the agency promulgating the rule include any information describing the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals. It is not likely that there would be any associated costs to the agency for not adopting the proposed rules. However, in the event a patient who was treated for a personal injury is not able to gain access to their records in order to defend their damages, the cost to the patient can be substantial. The Board has had such complaints over the years, for example, in the case of a doctor whose license was revoked and the doctor simply “disappeared” and the records became unavailable. Additionally, the Board has received similar complaints in the case where a doctor has passed away, without making arrangements for his/her records disposition. It is anticipated that this situation would be improved with this rule.

13. EVALUATION BY COMMISSIONER OF FINANCE

Minnesota Statute §14.131 (6) (2004) requires that the agency promulgating the rule must consult with the Commissioner of Finance to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government. Pursuant to a memorandum from the Commissioner of Finance dated December 12, 2005, the Department of Finance has concluded that the “rules do not have a fiscal impact on local units of government,” and that “the Board has adequately considered the impact of the proposed rules on local government.”

14. ASSESSMENT OF CONFLICT WITH FEDERAL REGULATIONS

Minnesota Statute §14.131 (7) (2004) requires that the agency promulgating the rule include any information ascertained regarding an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each

difference. Since the federal government is not involved in the licensure of doctors of chiropractic, it is believed that the rule(s) herein proposed offer no conflict with federal regulations.

15. DESCRIPTION OF ADDITIONAL EFFORTS TO NOTIFY

Minnesota Statute §14.131 (2004) requires that the agency promulgating the rule(s) include any information ascertained regarding additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made. The Board provides a newsletter mailed at no charge to all licensees as well as other persons, organizations, or agencies indicating interest in acquiring the newsletter. Notices regarding rule subject matter and invitations to acquire information on rules being promulgated are a standard part of the newsletter. Additionally, the Board maintains a current list of all persons or organizations indicating an interest in the Board's rules promulgation activity. The Board mails separate notification to all persons or organizations on this list. It is known that the professional association which represents the interests of the profession at large is a recipient of the newsletter, and is also maintained on the active rules notification list. Finally, beginning in October of 1998, the Board established a web site (www.mn-chiroboard.state.mn.us). Since that date, all statutorily required postings also appear on the Board's web site. The Board diligently attempts to make the profession and the public aware of the Board's web site. Beyond this, the primary affected parties to this rule, are currently licensed doctors of chiropractic and their patients, and no extraordinary methods were utilized for notification.

16. STATE REGULATORY POLICY

Minnesota Statute §14.131 (2004) requires that this Statement describe how the agency, in developing the rules, considered and implemented the legislative policy supporting performance-based regulatory systems set forth in section 14.002 (2004). Minnesota Statute §14.002 states that whenever feasible, state agencies must develop rules and regulatory programs that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the

regulated party and the agency in meeting those goals. The Board attempts to set a standard which will facilitate the access to records by patients, while at the same time, presenting a stated standard with multiple options to achieve this goal. Therefore, the Board believes that this proposed amendment meets both of these goals.

17. CONCLUSION

Based on the information contained herein, the Board has demonstrated that these proposed rules are both needed and reasonable to enable the Board to fulfill its regulatory and enforcement duties in accordance with current statutes and rules, and provide necessary and important services to applicants, licensees, and the public. Accordingly, the Board hereby respectfully submits this Statement of Need and Reasonableness.

Dated: February 6, 2007

**STATE OF MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS**



Larry A. Spicer, D.C.
Executive Director

Minnesota Board of Chiropractic Examiners

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing records retention, *Minnesota Rules*, 2500.5010

Introduction. The Board of Chiropractic Examiners intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until November 16, 2007.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Micki King at The Minnesota Board of Chiropractic Examiners, 2829 University Ave SE, Suite 300, Minneapolis Minnesota, 55414, phone: 651-201-2849 and email micki.king@state.mn.us. TTY users may call the Board at: 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules relate to the proper handling and disposition of patient records in the event the licensee is unavailable by reason of relocation, death, or other circumstances leading to the termination of the licensee's practice in Minnesota. The statutory authority to adopt the rules is *Minnesota Statutes*, section 148.08 (2004). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above and downloadable from the Board's web page at www.mn-chiroboard.state.mn.us.

Comments. You have until 4:30 p.m. on Friday, November 16, 2007, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 16, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

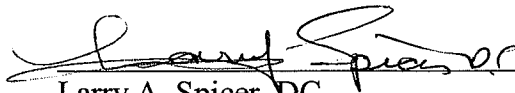
Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than the proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency or downloaded for free from the Board's web page.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

9/26/07
Date



Larry A. Spicer, DC
Executive Director