

November 26, 2019

Governor Tim Walz
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Paul Gazelka
Senate Majority Leader
95 University Avenue W.
Minnesota Senate Bldg., Room 3113
St. Paul, Minnesota 55155

Senator Michelle Benson, Chair
Health and Human Services Finance and
Policy Committee
95 University Avenue W.
Minnesota Senate Bldg., Room 3109
St. Paul, Minnesota 55155

Representative Rena Moran, Chair
Health and Human Services Policy Committee
575 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Mr. Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Ryan Winkler
House Majority Leader
459 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Jim Abeler, Chair
Human Services Reform Finance and Policy
Committee
95 University Avenue W.
Minnesota Senate Bldg., Room 3215
St. Paul, Minnesota 55155

Representative Tina Liebling, Chair
Health & Human Services Finance Division
477 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Mr. Ryan Inman
Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by
Minnesota Statutes, Section 14.05, Subdivision 5.

Dear Governor Walz, Senators, Representatives, Legislative Coordinating Commission Director
Hubinger and Revisor Inman:

Minnesota Statutes, section 14.05, subdivision 5, states:

"By December 1 of each year, an agency must submit to the governor, the legislative coordinating
commission, the policy and funding committees and divisions with jurisdiction over the agency, the

revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary or duplicative of other state or federal statutes or rules.

By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion."

The Board of Medical Practice (Board) has reviewed its rules and found that establishment in individual practice acts of a \$32 fee to conduct a criminal background check conflicts with Minn. Stat. § 214.075, Subd. 3(b), which states that the fees for the criminal records background check shall be set by the BCA and the FBI. Minn. Stat. § 214.075 applies to applicants for licensure for all health-related licensing boards. Therefore, it is unnecessary to establish fees to conduct criminal background checks in any practice act for licensed health professionals regulated by the Board.

Following are the statute sections in which a \$32 fee for criminal background checks is unnecessarily established for professions regulated by the Board of Medical Practice:

Minn. Stat. § 147.01, Subd. 7(15)
Minn. Stat. § 147A.28(a)(13)
Minn. Stat. § 147B.08, Subd. 4(a)(11)
Minn. Stat. § 147C.40, Subd. 5(a)(12)
Minn. Stat. § 147D.27, Subd. 5(6)
Minn. Stat. § 147F.17, Subd. 1(a)(10)

The Board plans to introduce a bill during the 2020 legislative session to repeal the above cited sections of Minnesota statutes. If you have any questions regarding this report, please feel free to contact me by phone, e-mail, or at the address on this letterhead.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ruth M. Martinez", with a stylized flourish at the end.

Ruth M. Martinez, MA
Executive Director
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Ruth.Martinez@state.mn.us