

STATE OF MINNESOTA  
COUNTY OF RAMSEY

BEFORE THE MINNESOTA  
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of Proposed  
Amendments to Chiropractic  
Rules Relating to Fees,  
Minn. Rule pts. 2500.1000  
and 2500.1100

STATEMENT OF NEED FOR AND  
FACTS ESTABLISHING  
REASONABLENESS OF AMENDMENTS

Pursuant to Minn. Stat. § 14.23 (1984), the Minnesota Board of Chiropractic Examiners (hereinafter "Board") hereby affirmatively presents the need for and facts establishing the reasonableness of proposed amendments to Minnesota Rules, parts 2500.1000 and 2500.1100, relating to fees.

In order to adopt the proposed amendments, 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; 3) the rules are reasonable; 4) all necessary procedural steps have been taken; and 5) 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, §§ 148.05 and 148.08 (1984), authorize the Board to promulgate licensure fee and other rules necessary to administer sections 148.01 to 148.101.

Minnesota Statutes, §§ 16A.128 (Supp. 1985) and 214.06 (1984), require the Board to adjust any fee which the Board is empowered to assess a sufficient amount 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**

The Board has reviewed its anticipated expenditures for 1986 and found that if its revenue is derived from existing fees, the Board's expenditures would exceed revenue by more than \$45,000. Thus, the Board would not be in compliance with Minnesota Statutes, sections 16A.128 and 214.06. Therefore, the need for the Board to adjust its fees is so that the Board can comply with the statute.

## **3. STATEMENT OF REASONABLENESS**

Board expenditures are rising for a number of reasons. Effective January 6, 1986, the Board was required to relocate and did relocate its offices, with resultant lease changes. The number of chiropractic applicants and licensees continues to increase. The Board also requires an accompanying increased need for the Attorney General's Office's services. The increased fees were determined and assigned according to the persons utilizing the Board's services. For example, increasing the current exam fee from \$75.00 to \$150.00 more closely relates to the actual examination costs. The exam fee includes administration, exam development, actual testing, correction and license issuance costs. Moreover, the Board is unable to further reduce its own functions and services to offset such cost increases. For the foregoing reasons, the fee increases being sought are wholly reasonable. See also the Finance statement attached hereto.

## **4. 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 20 percent of those affected by the proposed amendments make a timely written request for a hearing. 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 amendments to persons registered with the Minnesota Board of Chiropractic Examiners pursuant to Minnesota Statutes, section 14.14, subdivision 1.a. The notice will include the following information: a) that the public has 30 days in which to submit comments on the proposed amendments 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 20 percent of those affected request a hearing in writing 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 amendments 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 amendments and notice as published, the amendments 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 amendments as to legality and form.

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

#### 5. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minnesota Statutes, section 16A.128, subdivision 1, if a fee adjustment is required to be fixed by rule, the Commissioner of Finance must approve the adjustment, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed amendments to sections 2500.1000 and 2500.1100 is contained in the attached document.

Small Business Considerations. In preparing to propose these amendments, the Board considered the methods for reducing the impact of the amendments on small businesses as set forth in Minnesota Statutes, section 14.115, subdivision 2 (1984). 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 merely raise fees charged by the Board, there would appear to be no impact or significant affect on small business.

Nevertheless, any small businesses which believe they may be affected by the proposed amendments will have an 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: March 17, 1986

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

  
KENT J. ERICKSON, DC  
Executive Director