

STATE OF MINNESOTA

BEFORE THE MINNESOTA

COUNTY OF RAMSEY

BOARD OF CHIROPRACTIC EXAMINERS

**In the Matter of the
Proposed Amendment of
a Rule of the Board of
Chiropractic Examiners
Relating to Continuing
Education Program Approval
Minn. Rule 2500.1400**

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 amendment to Minnesota Rule, part 2500.1400, relating to continuing education program approval.

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 Statute 148.08, Subd. 3 (1988), authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.105 and Minn. Stat. 214.12 (1988) authorizes health-related licensing boards to promulgate by rule requirements related to continuing education.

2. STATEMENT OF NEED AND REASONABLENESS

The existing rule provides the following: continuing education program approval should be received at least 90 days prior to the program's scheduled presentation date. The proposed rule modification decreases the approval time to at least 45 days prior to the program's scheduled presentation date. The Board believes that the existing rule is unreasonable and unnecessary. The processing time involved in requests for program approval usually does not extend beyond 45 days; therefore, 45 days is a sufficient amount of time to process requests. Program sponsors are in support of this amendment. In summary, the proposed request to amend this existing rule is appropriate and reasonable.

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.

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.

Pursuant to Minnesota Statute 14.10, the Board published a Notice of Intent to Solicit Public Opinion in the **State Register** on February 20, 1990.

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 unless 25 or more persons submit a written request for a 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 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

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 the continuing education program approval requirements, there would appear to be no impact or significant affect 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: 10-15-90, 1990

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS



Executive Director