

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of the
Proposed Amendment of
a Rule of the Board of
Chiropractic Examiners
Relating to Chiropractic
License Fees Minn. Rule
2500.1100

STATEMENT OF NEED AND REASONABLENESS

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 a proposed amendment to Minnesota Rule, part 2500.1100, relating to renewal fees.

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 Statutes, 148.05 and 148.08 (1984), authorize the Board to promulgate licensure fee and other rules necessary to administer sections 148.01 to 148.105.

Minnesota Statutes, 16A.128 (Supp. 1985) and 214.06 (1984), require the Board to adjust any fee which the Board is empowered to assess to 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 AND REASONABLENESS

General Board expenses associated with the operation of the Board are paid for through appropriations from the Legislature. During each biennium, the Board is required to establish its fees in such a manner that the revenues received from license fees will, as closely as possible, approximate the appropriation granted the Board by the Legislature. It is anticipated that, unless fees are increased a deficit will occur in Fiscal Year 90, which is the first year of the present biennium, and will continue into the future.

The table below indicates the amount of additional revenue anticipated from the proposed fee increase.

Fee Title	Current Fee	Proposed Fee	No. Paying Fee	Add'l Revenue Generated
Annual License/ Individual	\$100	\$150	1500	\$75,000

Please note that the Board is not proposing an increase in the money generated due to late renewals of individual licenses. This is primarily due to the fact that the fee assessed for late payment is intended as a deterrent to late payments rather than for a source of revenue.

In summary, the Board believes its proposed fee change is needed and reasonable in order to be in compliance with statutory requirement of balancing income and expenditures.

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. 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 amendment 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.

Pursuant to Minnesota Statute 14.10, the Board published a Notice of Intent to Solicit Public Opinion in the **State Register** on February 12, 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 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 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

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 business 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 relate to licensure fees of Doctors of Chiropractic personally as opposed to license fees applicable to the business, 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: 5-2, 1990

STATE OF MINNESOTA

BOARD OF CHIROPRACTIC EXAMINERS

D. Q. B. Jeff
Executive Director

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : March 15, 1990

TO : Dr. Joel Wulff, Executive Director
Minnesota Board of Chiropractic ExaminersFROM : Bruce J. Reddemann, Director
Budget Operations and Support

BJR

PHONE : 6-5188

SUBJECT : Fee Increase

Approval is granted for the following fee increase:

	<u>Current Fee</u>	<u>Proposed Fee</u>
Individual License Renewal	\$100.00	\$150.00

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MINNESOTA BOARD OF
Chiropractic Examiners