MINNESOTA BOARD OF MEDICAL PRACTICE

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November 17, 2000

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Revisor of Statutes

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Health and Family Security Committee

Senator Roger Moe
Senate Majority Leader

Senator Don Samuelson, Chair
Health and Family Security Budget Division

Representative Tim Pawlenty
House Majority Leader

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

Minnesota Statutes, section 14.05, subdivision 5, states:

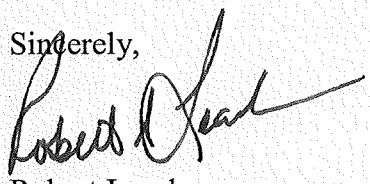
"By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, duplicative 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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."

At this time, we can identify no Minnesota Board of Medical Practice rules that are obsolete, unnecessary, or duplicative and that should be repealed.

In last year's report, we identified Minnesota Rules, Parts 5600.0600 subpart 2A. and 2B., 5600.0700 subpart 2 C(3), 5600.0800, 5600.0900, 5600.1000 as being obsolete, unnecessary, or duplicative. These rules were repealed after completion of the rulemaking process. The repeal became effective on November 22, 1999. The rules involved licensure requirements that were obsolete because there were no persons eligible to use them or the rule language was duplicated in new statutes. The repeal removed the duplicative rule language so that the statute was the clear authority for interpreting the licensure requirement.

If you have any questions regarding this report, please call William Marczewski, Medical Regulations Analyst, at 612-617-2152, or write to him at Minnesota Board of Medical Practice, Suite 400, 2829 University Avenue SE, Minneapolis, MN 55414.

Sincerely,



Robert Leach
Executive Director
Minnesota Board of Medical Practice