MINNESOTA BOARD OF MEDICAL PRACTICE

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November 2, 2001

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Revisor of Statutes

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Health and Human Services Policy Committee

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Senator Roger Moe
Senate Majority Leader

Senator Linda Berglin, Chair
Health, Human Services & Corrections 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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."

Prior to August 1999, the Minnesota Board of Medical Practice regulated physical therapists. The legislature in 1999, approved the creation of the Minnesota Board of Physical Therapy. The legislation did not contain a provision authorizing the repeal of physical therapy fee rules found under Minnesota Board of Medical Practice rules and the reestablishment of the fees under the Board of Physical Therapy rules. Thus, it was necessary to conduct exempt rulemaking to effectuate the transfer of fee rules.

In January 2001, the Minnesota Boards of Medical Practice and Physical Therapy approved authorizing resolutions to adopt exempt rules. The purpose of the exempt rules was to transfer the physical therapy fees found under Minnesota Board of Medical Practice Rule 5600.2500 (G) (H) (I) and (J) to rules under the Minnesota Board of Physical Therapy. On March 20, 2001, the Office of Administrative Hearing approved the Exempt Rule repealing the physical therapist application fee $100, physical therapist annual registration fee $60, physical therapist late fee $20, and physical therapist temporary permit fee $25. Minnesota Rule 5600.2500 was then renumbered to adjust to the removed provisions. The four fees were placed in Physical Therapy Rule 5601.3000 with the approval of the Minnesota Board of Physical Therapy Exempt Fee Rule. Both Exempt Fee Rules took effect on May 7, 2001. Thus the adoption of the Exempt Rule repealing the physical therapy fees avoided the problem of having duplicate fee rules.

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