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↻ Designates that this is a change item

**Agency Purpose**

The Minnesota Board of Chiropractic Examiners (MBCE) was established by legislative act on 3-13-1919. Minnesota Statutes 148.01-148.106 and Minnesota Rules 2500 give the board authority to regulate, to license by examination and renewal, and to investigate complaints.

**Core Functions**

The board regulates the practice of chiropractic through the following four core functions:

- ◆ license by examination;
- ◆ ensure continued competency;
- ◆ respond to complaints about chiropractors; and
- ◆ enforce the laws governing the practice of chiropractic in Minnesota.

To meet these four core functions the MBCE operates under the following five key service strategies while protecting the public and providing services in an efficient and cost-effective manner with a focus on public accessibility and self-service:

- ◆ maintains an integrated database of licensee information, registrations, discipline, and complaints;
- ◆ publishes information regarding licensed chiropractors on the web, including licensure information, disciplinary orders, and rulemaking efforts;
- ◆ conducts regular board meetings where citizens have input into the review of operations and rulemaking efforts;
- ◆ responds to public requests for information on chiropractors, continuing education sponsors, and licensee's status; and
- ◆ manages funds soundly.

The mission of the MBCE is to protect the public through effective licensure and enforcement of the statutes and rules governing the practice of chiropractic to ensure a standard of competent and ethical practice in the profession. In addition to those cited above licensees are monitored for compliance with the following additional laws:

Access to Health Records -- [M.S. 144.292]  
 HIV/HBV Prevention Program-- [M.S. 214.17-.25]  
 Infection Control Rules-- [M.R. 6950.1000-.1090]  
 Professional Firms Practice Act -- [M.S. 319B]

Reporting Maltreatment of Minors [M.S. 626.556]  
 Reporting Maltreatment of Vulnerable Adults [M.S. 626.557]  
 Enabling Act for Health Care Regulatory Boards [M.S. 214]  
 Manual or Mechanical Therapy [M.S.146.23]  
 Workers Compensation Laws -- [M.S.176.011-176.83]

**Operations**

The seven-member board, appointed by the governor, meets five times a year with additional meetings scheduled to handle disciplinary matters. The board operates through the following committees: executive; rules; three complaint panels; and any additional committees formed to guide policy-making. Each committee meets monthly and notices are published/posted in accordance with the open meeting laws.

The board's office is staffed with five full time employees who on a daily basis work to:

- ◆ license applicants;
- ◆ approve registrations for: acupuncture, animal chiropractic, professional firm, graduate preceptorship, and independent examiner;
- ◆ manage funds received;
- ◆ manage continuing education; and

<b>At A Glance</b>	
<b>Minnesota Licensed Chiropractor Statistics</b>	
(As of June 30, 2008)	
<b>Total Licensed/Registered</b>	
DC	4,252
(Active – 2548)	
Acupuncture	826
Independent Examiner	263
Graduate Preceptors	343
Professional Firms	747
<b>New Licenses/Registrations in FY08</b>	
DC	153
Acupuncture	33
Independent Examiner	2
Graduate Preceptors	24
Professional Firms	65
Animal Chiropractic	0
Applications Pending – all types	12
<b>Complaints</b>	
New	167
AGO Investigation	17
Closed	171
Disciplinary Action	7

- ◆ investigate and resolve complaints.

The board makes much of the information it gathers available to the public at no cost via publication on its website.

**Key Goals**

The MBCE works to meet the MN Milestone of access to government information 24x7x365 through its self-service website. The MBCE works to protect the public from access to impaired practitioners by prompt investigation of complaints and resolution of disciplinary matters through educational conferences, corrective action agreements, board orders and/or contested case proceedings as deemed required based on the severity of the infractions reported. The MBCE collaborates with other licensing boards and state agencies to create an efficient state government.

**Key Measures**

- ◆ Public protection – the board’s website offers several services to the public including viewing disciplinary orders, access to information on the complaint process and obtaining forms and information regarding how to file a complaint, and viewing individual licensee disciplinary history. The website averages 89,407 requests per month.
- ◆ Online services – the board offers license verification, address and contact information changes, license renewals, information for licensees. The board renewed 2,638 licenses, 1,195 registrations last fiscal year.
- ◆ Public information – board offers a public website, newsletters, presentations, public outreach, brochures, and real people answering the phone during business hours. The Board’s web site newsletter received over 18,000 hits.
- ◆ Currently the board has 90% of its licensees using the online renewal service; 1,237 licensees do not register an email address with the Board, and of the 917 who do, there is an approximate 10% failure rate making it time consuming to notify licensees in this manner.

**Budget**

Total direct and indirect expenditures for FY 2008-09 are estimated to be \$1.479 million, which includes salaries for five FTE employees. Direct expenditures include salaries, rent, costs for disciplinary/contested cases and operating expenditures. The board receives a direct appropriation for these costs. Indirect expenditures include costs of services received from the Attorney General’s Office, Health Professional Services Program, and the Administrative Services Unit. The board is responsible for collecting sufficient revenue to cover both direct and indirect expenditures.

The board is estimated to collect \$1.315 million in FY 2008-09, which is deposited as non-dedicated revenue into the state government special revenue fund. Revenue is collected from fees charged to applicants, licensees, and sponsors of continuing education programs. The difference between the board’s expenses and revenues is made up through the board’s reserve funds.

<p><b>Contact</b></p> <p>Board of Chiropractic Examiners                  2829 University Avenue Southeast, Suite 300                  Minneapolis, Minnesota 55414-3220</p> <p>The website at: <a href="http://www.mn-chiroboard.state.mn.us/">http://www.mn-chiroboard.state.mn.us/</a> gives visitors easy access to useful information about chiropractors. Types of information available through the website include: regulatory news and updates, rules and Minnesota statutes, public notices and forms.</p> <p>Larry A. Spicer, D.C., Executive Director                  Email: <a href="mailto:larry.spicer@state.mn.us">larry.spicer@state.mn.us</a>                  Phone: (651) 201-2850                  Fax: (651) 201-2852                  TDD: (612) 297-5353 or 1-800-627-3529</p>
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Dollars in Thousands

	Current		Governor Recomm.		Biennium 2010-11
	FY2008	FY2009	FY2010	FY2011	
<b><u>Direct Appropriations by Fund</u></b>					
<b>State Government Spec Revenue</b>					
Current Appropriation	600	447	447	447	894
<b>Recommended</b>	<b>600</b>	<b>447</b>	<b>447</b>	<b>447</b>	<b>894</b>
Change		0	0	0	0
% Biennial Change from 2008-09					-14.6%
<b><u>Expenditures by Fund</u></b>					
<b>Carry Forward</b>					
State Government Spec Revenue	0	27	0	0	0
<b>Direct Appropriations</b>					
State Government Spec Revenue	434	613	447	447	894
<b>Open Appropriations</b>					
State Government Spec Revenue	9	13	9	9	18
<b>Total</b>	<b>443</b>	<b>653</b>	<b>456</b>	<b>456</b>	<b>912</b>
<b><u>Expenditures by Category</u></b>					
Total Compensation	346	369	355	355	710
Other Operating Expenses	97	284	101	101	202
<b>Total</b>	<b>443</b>	<b>653</b>	<b>456</b>	<b>456</b>	<b>912</b>
<b><u>Expenditures by Program</u></b>					
Chiropractors, Board Of	443	653	456	456	912
<b>Total</b>	<b>443</b>	<b>653</b>	<b>456</b>	<b>456</b>	<b>912</b>
<b>Full-Time Equivalentents (FTE)</b>	<b>4.9</b>	<b>5.0</b>	<b>4.9</b>	<b>4.8</b>	

*Dollars in Thousands*

	FY2009	Governor's Recomm.		Biennium
		FY2010	FY2011	2010-11
<b><i>Fund: STATE GOVERNMENT SPEC REVENUE</i></b>				
FY 2009 Appropriations	447	447	447	894
Subtotal - Forecast Base	447	447	447	894
Total Governor's Recommendations	447	447	447	894
<b><i>Fund: STATE GOVERNMENT SPEC REVENUE</i></b>				
Planned Open Spending	13	9	9	18
Total Governor's Recommendations	13	9	9	18
<b><i>Fund: STATE GOVERNMENT SPEC REVENUE</i></b>				
Planned Statutory Spending	27	0	0	0
Total Governor's Recommendations	27	0	0	0
<b><u>Revenue Change Items</u></b>				
<b><i>Fund: STATE GOVERNMENT SPEC REVENUE</i></b>				
Change Items				
Fee Request	0	79	79	158

# CHIROPRACTORS BOARD

Change Item: Fee Request

Fiscal Impact (\$000s)	FY 2010	FY 2011	FY 2012	FY 2013
General Fund				
Expenditures	\$0	\$0	\$0	\$0
Revenues	0	0	0	0
State Government Special Revenue Fund				
Expenditures	0	0	0	0
Revenues	79	79	79	79
Net Fiscal Impact	\$(79)	\$(79)	\$(79)	\$(79)

## Recommendation

The Governor recommends that the Board of Chiropractic Examiners fees be increased in the amounts of \$79,000 in FY 2010 and \$79,000 in FY 2011. This change will allow the Board to recover costs to fulfill its mission to protect the health and safety of the public.

## Background

The Board of Chiropractic Examiners, like other health related licensing boards, is a fee-supported agency that receives no general fund dollars. While the Legislature approves the Board's appropriation levels, fees are assessed to the licensees of the agency cover all of the agency's direct and indirect expenditures. A fee increase is necessary to replenish an existing negative fund balance created in part by the Board's allocated portion of the FY 2004 legislative transfer of \$3.5 million from the state government special revenue fund to the general fund, \$134,000; the Board's allocated portion of the FY 2009 \$3.219 million transfer to the general fund, \$118,000; and by additional, unanticipated costs for contested cases and litigation.

Initial licensure, license renewal, licensure application and state examination fees charged by the Minnesota Board of Chiropractic Examiners have not been changed since 1993. The Board of Chiropractic Examiners has exhibited sound financial practices and fiscal prudence to fund ever increasing expenses with the same fee structure for eight biennia. The fee increase is necessary to replenish an existing negative fund balance and so that the agency recovers its costs, as required by M.S. 214.055 and M.S. 16A.1285, subdivision 2, to fund the ongoing expenses of managing an increased number of contested cases before the Office of Administrative Hearings and other courts of law.

## TREND DATA

Year	A. Persons Active Licensed	A. Persons Inactive Licensed	B. Complaints	C. Complaints Per 1,000 Licensees	D. Contested Cases
2008	2548	165	155	61	3
2007	2442	168	176	72	2
2006	2391	162	189	79	0 / Numbers were not available
2005	2354	156	167	71	0 / Numbers were not available
2004	2292	165	149	65	1
2003	2241	178	171	76	2
2002	2118	184	Numbers were not available for the FY2001 – 2002 biennium due to programming revisions underway at the time the information was being gathered		1
2001	1987	185			0 / Numbers were not available
2000	1966	202	133	68	1
1999	1874	191	119	64	0 / Numbers were not available

# CHIROPRACTORS BOARD

Change Item: Fee Request

Year	A. Persons Active Licensed	A. Persons Inactive Licensed	B. Complaints	C. Complaints Per 1,000 Licensees	D. Contested Cases
1998	1767	201	178	101	0 / Numbers were not available
1997	1625	201	148	90	0 / Numbers were not available
1996	1615	206	158	96	0 / Numbers were not available

## Relationship to Base Budget

The Board of Chiropractic Examiners is a fee-based agency and must collect licensing fees from chiropractors sufficient to cover all expenditures. The board receives no general fund dollars to operate. All fees collected by the board must cover the costs of operation including the cost of the Administrative Services Unit, the Attorney General's Office and the Health Professional Services Program. The last time that the board increased fees was in 1993.

The table listed below identifies:

- ◆ A list of all fees that will be changing
- ◆ The current amount of all fees that will be changing
- ◆ The current anticipated revenue collected each fiscal year
- ◆ The proposed percentage of the fee change
- ◆ The proposed amount of each fee
- ◆ The total anticipated to pay under the proposed changes
- ◆ The new proposed anticipated revenue
- ◆ The difference in revenue

### Current Fee Information

### Proposed New Fee Information

Fee Name Current location	Current Fee Amount	Current FY 2008-09 Anticipated Revenue Budget Each Year	Proposed % of the Fee Change - Increase	Proposed New Fee Amount	Number Paying Under New Proposals	Proposed FY 2008-09 Anticipated Revenue Budget Each Year	Difference in Revenue Anticipated to be Collected
Chiropractor initial license fee MR 2500.1000	\$250	\$41,000	20%	\$300	164	\$49,200	\$8,200
Chiropractor active license renewal fee MR 2500.1100	\$200	\$509,600	10%	\$220	2,548	\$560,560	\$50,960
Chiropractor inactive license renewal fee MR 2500.2030	\$150	\$24,900	10%	\$165	166	\$27,390	\$2,490
Acupuncture Initial Registration fee MS 148.108	\$100	\$3,300	25%	\$125	33	\$4,125	\$825
Acupuncture Active Renewal fee MS 148.108	\$50	\$31,200	50%	\$75	624	\$46,800	\$15,600
Acupuncture Inactive Renewal fee	\$25	\$125	0%	\$25	5	\$125	0

# CHIROPRACTORS BOARD

Change Item: Fee Request

Fee Name Current location	Current Fee Amount	Current FY 2008-09 Anticipated Revenue Budget Each Year	Proposed % of the Fee Change - Increase	Proposed New Fee Amount	Number Paying Under New Proposals	Proposed FY 2008-09 Anticipated Revenue Budget Each Year	Difference in Revenue Anticipated to be Collected
MS 148.108							
Animal Chiropractor Initial Registration fee NEW	0	0	100%	\$125	5	\$625	\$625
Animal Chiropractor Active Renewal fee NEW	0	0	100%	\$75	5	\$375	\$375
Animal Chiropractor Inactive Renewal fee NEW	0	0	100%	25	0	0	0
Total		\$610,125				\$689,200	\$79,075

## Key Goals and Measures

The mission of the Minnesota Board of Chiropractic Examiners (MBCE) is to protect the public through effective licensure and enforcement of the statutes and rules governing the practice of chiropractic to ensure a standard of competent and ethical practice in the profession.

Providing the requested increase in fees will allow the Board to perform its functions of licensing chiropractors and disciplining licensees whose behavior is a violation of the law and is a risk to the public. The Board has seen a steady increase in its total number of licensees and an increase in contested case activity.

Key measures include: eliminating the current agency negative fund balance; maintaining a revenue neutral fund balance in the future; retaining appropriate staff to manage contested cases, investigating and resolving complaints; and processing licensure applications.

In addition to the above key goals, adjustment of fees collected by the Minnesota Board of Chiropractic Examiners in the budget process will move fees from Minnesota Rule 2500 to Statute as required by Minnesota Statute § 16A.1283.

## Alternatives Considered

No alternatives have been considered. M.S. 214.055 and 16A.1285, subdivision 2, require that fee structures fully recover agency expenses.

**Statutory Change:** M.S. Chapter 148

*Dollars in Thousands*

	Actual FY2008	Budgeted FY2009	Governor's Recomm. FY2010   FY2011		Biennium 2010-11
<b><u>Non Dedicated Revenue:</u></b>					
<b>Departmental Earnings:</b>					
State Government Spec Revenue	679	637	760	760	1,520
<b>Total Non-Dedicated Receipts</b>	<b>679</b>	<b>637</b>	<b>760</b>	<b>760</b>	<b>1,520</b>
<b><u>Dedicated Receipts:</u></b>					
<b>Total Dedicated Receipts</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Agency Total Revenue</b>					
	<b>679</b>	<b>637</b>	<b>760</b>	<b>760</b>	<b>1,520</b>