

# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Labor and Industry Adopted Exempt Permanent Rules Updating Workers' Compensation Independent Medical Examination Fees and Workers' Compensation Conversion Factors

### 5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

*[For text of subs 1 to 3, see M.R.]*

Subp. 4. **Adjustments.** On October 1, 1994, and on October 1 of each succeeding year, the fees in this part must be adjusted by the percentage determined under Minnesota Statutes, section 176.645, in the same manner as the conversion factor of the relative value fee schedule is adjusted under Minnesota Statutes, section 176.136. This provision does not apply to expenses under subpart 3, item E, subitem (1). The fees shall be adjusted as follows:

*[For text of items A to V, see M.R.]*

W. on October 1, 2016, there shall be no further adjustment to the fees set forth in item V; ~~and~~

X. on October 1, 2017, the fees adjusted in item V shall be increased by 0.2 percent; and

Y. on October 1, 2018, the fees adjusted in item X shall be increased by 0.45 percent.

### 5221.4020 DETERMINING FEE SCHEDULE PAYMENT LIMITS.

*[For text of subs 1 and 1a, see M.R.]*

Subp. 1b. **Conversion factors and maximum fee formulas.**

*[For text of item A, see M.R.]*

B. The conversion factors for services, articles, and supplies included in parts 5221.4030 to 5221.4061 are as provided in Minnesota Statutes, section 176.136, subdivision 1a, as follows:

*[For text of subitems (1) to (6), see M.R.]*

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(7) for dates of service from October 1, 2016, to September 30, 2017, the conversion factors are:

*[For text of units (a) to (c), see M.R.]*

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$49.34;  
and

(8) for dates of service from October 1, 2017, to September 30, 2018, the conversion factors are:

*[For text of units (a) and (b), see M.R.]*

(c) for physical medicine and rehabilitation services identified by procedure codes described in part 5221.4050, subpart 2d: \$55.68; and

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$49.44;  
and

(9) for dates of service from October 1, 2018, to September 30, 2019, the conversion factors are:

(a) for medical/surgical services identified by procedure codes described in part 5221.4030, subpart 3: \$69.93;

(b) for pathology and laboratory services identified by procedure codes described in part 5221.4040, subpart 3: \$57.07;

(c) for physical medicine and rehabilitation services identified by procedure codes described in part 5221.4050, subpart 2d: \$55.93; and

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$49.66.

*[For text of subps 1c to 4, see M.R.]*

## Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the Constitution of the State of Minnesota, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order 18-13: Providing for Assistance to the States of North Carolina, South Carolina, and Virginia

**I, Mark Dayton, Governor of the State of Minnesota,** by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Emergency Executive Order:

**Whereas,** Hurricane Florence made landfall on Thursday, September 13, 2018 in the Carolinas as a major hurricane and traveled inland, endangering life and property;

**Whereas,** the areas of the Southeastern United States are expected to be severely impacted by damaging wind and