

7410.3000 MEDICAL REVIEW BOARD.

Subpart 1. **Composition.** A medical review board shall be established for each of the various general types of physical and mental qualifications dealt with by parts 7410.2100 to 7410.3000. Each medical review board shall consist of one or more licensed physicians nominated by the state medical association. The physicians shall preferably be specialists in the area to which the problem relates.

Subp. 2. **Variance.** A person who disagrees with the determination of the commissioner, may apply, in writing, for a variance from parts 7410.2100 to 7410.2900.

A variance from statutory standards shall not be granted. A variance, other than from statutory standards, shall be granted to any person who establishes, under the individual circumstances in that person's case, that the person can operate a motor vehicle safely, with reasonable and ordinary control, and without posing a danger inimical to public safety or welfare.

Any applicant applying for a variance shall have the treating physician or physicians provide the commissioner with a complete medical history relating to the condition in question, together with good medical reasons why a variance should be granted. The commissioner shall then forward to the appropriate medical review board all information submitted by the applicant together with the commissioner's records relating to the matter. Each physician on the review board shall review the file and make a recommendation to the chair of the review board, who shall communicate the recommendation of the board, whether unanimous or divided, to the commissioner.

Upon receipt of the recommendation of the review board, the commissioner shall reconsider the application, take whatever action the commissioner then deems appropriate, and inform the driver or the applicant of the decision and of the reasons for the decision. This decision shall be reached and the applicant informed of the decision within 60 days of the request for a variance.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

Published Electronically: *October 11, 2007*