

CHAPTER 337—S.F.No. 1054

An act relating to state departments and agencies; providing for reports on advisory task forces committees and councils; providing for their expirations; eliminating certain advisory bodies; amending Minnesota Statutes 1992, sections 15.059, subdivision 5; 16B.39, subdivision 1a; 41A.02, subdivision 1; 41A.04, subdivisions 2 and 4; 116J.975; 125.188, subdivision 3; 125.1885, subdivision 3; 129D.16; 148.235, subdivision 2; 161.1419, subdivision 8; 246.017, subdivision 2; 246.56, subdivision 2; 254A.035, subdivision 2; 254A.04; 256B.0629, subdivision 4; 256B.433, subdivision 1; and 299F.093, subdivision 1; repealing Minnesota Statutes 1992, sections 41.54; 41A.07; 43A.31, subdivision 4; 82.30, subdivision 1; 84.524, subdivisions 1 and 2; 85A.02, subdivision 4; 86A.10, subdivision 1; 116J.645; 116J.984, subdivision 11; 116N.05; 120.064, subdivision 6; 121.87; 145.93, subdivision 2; 148B.20, subdivision 2; 152.02, subdivision 11; 184.23; 206.57, subdivision 3; 245.476, subdivision 4; 245.4885, subdivision 4; 256.9745; 256B.433, subdivision 4; 257.072, subdivision 6; 299F.092, subdivision 9; 299F.097; and 626.5592.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 15.059, subdivision 5, is amended to read:

Subd. 5. **EXPIRATION DATE.** Unless a different date is specified by law, the existence of each advisory council and committee created before January 1, 1993, and governed by this section shall terminate on June 30, 1993. An advisory council or committee whose expiration is not governed by this section does not terminate June 30, 1993, unless specified by other law. An advisory council or committee created by law and in existence after June 30, 1993, expires on the date specified in the law creating the group or on June 30, 1997, whichever is sooner. This expiration provision applies whether or not the law creating the group provides that the group is governed by this section.

Sec. 2. Minnesota Statutes 1992, section 16B.39, subdivision 1a, is amended to read:

Subd. 1a. **ENDOWMENT FUND.** The commissioner of administration may establish an endowment fund to reward state agencies and their employees for improving productivity and service quality. The commissioner shall use gift money to establish the fund. The interest earnings are appropriated to the commissioner to make agency and employee awards. ~~The commissioner shall establish an advisory task force of state employees and private individuals to recommend criteria for granting rewards and to recommend award recipients.~~

Sec. 3. Minnesota Statutes 1992, section 41A.02, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** The definition of each term given in this section applies whenever the term is used in sections 41A.01 to ~~41A.07~~ 41A.066.

Sec. 4. Minnesota Statutes 1992, section 41A.04, subdivision 2, is amended to read:

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Subd. 2. **ENVIRONMENTAL ASSESSMENT.** Notwithstanding any other law or rule, no environmental impact statement must be completed prior to the approval of an application and the issuance of a conditional commitment for the guaranty of a loan for an agricultural resource project, or the taking of any other action permitted by sections 41A.01 to ~~41A.07~~ 41A.066, including the issuance of bonds, which is considered necessary or desirable by the board to prepare for a final commitment and to make it effective. Environmental review, to the extent required by law, shall be made in conjunction with the issuance by state agencies of environmental permits for the project. Permits may be applied for prior to the issuance of a conditional commitment. Action shall be taken as expeditiously as possible on environmental review and all permits required. Environmental review shall be completed within 180 days after the initial filing of an application to the pollution control agency for the first permit. Final action shall be taken on permits within 90 days after completion of environmental review or, as to any permit requiring a public hearing, within 90 days after the receipt of the administrative law judge's report.

Sec. 5. Minnesota Statutes 1992, section 41A.04, subdivision 4, is amended to read:

Subd. 4. **RULEMAKING AUTHORITY.** In order to effectuate the purposes of sections 41A.01 to ~~41A.07~~ 41A.066, the board shall adopt rules which are subject to the provisions of chapter 14. The board may adopt emergency rules and permanent rules.

Sec. 6. Minnesota Statutes 1992, section 116J.975, is amended to read:

116J.975 PARTNERSHIP PROGRAM PROJECT.

The commissioner may establish an international partnership project as part of the review procedure under section 116J.974, clause (7). The commissioner may solicit applications and proposals from Minnesota companies and nonprofit organizations for projects that will achieve the goals of the international partnership program. The grants may be used for planning or for participation in joint venture programs. Applications or proposals must:

- (1) contain a detailed description of the project or activities that will be used to achieve the goals of the partnership program;
- (2) identify the source of the matching funds as required by section 116J.974;
- (3) identify the participating country or countries and their financial or other contributions to the project;
- (4) identify the expected outcomes from the project; and
- (5) contain any other information the commissioner determines necessary to award grants.

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The commissioner may establish priorities for applications. The commissioner may adopt rules as necessary for the administration of the grants under this section. ~~The commissioner may establish an advisory committee to assist in carrying out the purposes of this section.~~

Sec. 7. Minnesota Statutes 1992, section 125.188, subdivision 3, is amended to read:

Subd. 3. **PROGRAM APPROVAL.** (a) The board of teaching shall approve alternative preparation programs based on criteria adopted by the board; ~~after receiving recommendations from an advisory task force appointed by the board.~~

(b) An alternative preparation program at a school district, group of schools, or an education district must be affiliated with a post-secondary institution that has a teacher preparation program.

Sec. 8. Minnesota Statutes 1992, section 125.1885, subdivision 3, is amended to read:

Subd. 3. **PROGRAM APPROVAL.** (a) The state board of education shall approve alternative preparation programs based on criteria adopted by the board; ~~after receiving recommendations from an advisory task force appointed by the board.~~

(b) An alternative preparation program at a school district, group of schools, or an education district must be affiliated with a post-secondary institution that has a graduate program in educational administration for public school administrators.

Sec. 9. Minnesota Statutes 1992, section 129D.16, is amended to read:

129D.16 ~~ADVISORY TASK FORCE~~ AUDIT PROCEDURES.

The commissioner of administration may ~~appoint an advisory task force consisting of representatives of public broadcasting facilities to make recommendations on the distribution~~ establish a procedure to audit expenditure of money appropriated for grants to public television stations and noncommercial radio stations. ~~The commissioner may establish a procedure to audit the expenditure of this money.~~

Sec. 10. Minnesota Statutes 1992, section 148.235, subdivision 2, is amended to read:

Subd. 2. **NURSE PRACTITIONERS.** (a) **PRESCRIBING AUTHORITY.** A registered nurse who (1) has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse practitioners, (2) is certified through a national professional nursing organization which certifies nurse practitioners and is included in the list of professional nursing organizations adopted by the board under section 62A.15, subdivision 3a, and (3) has a writ-

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ten agreement with a physician based on standards established by the Minnesota nurses association and the Minnesota medical association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a nurse practitioner.

(b) **RULES.** By July 1, 1991, the board shall promulgate rules to provide for the following:

(1) a system of identifying nurse practitioners eligible to prescribe drugs and therapeutic devices;

(2) a method of determining which general categories of prescription drugs and therapeutic devices have been delegated to each nurse practitioner;

(3) a system of transmitting to pharmacists information concerning nurse practitioners eligible to prescribe drugs and therapeutic devices and the types of drugs and therapeutic devices they have been delegated the authority to prescribe; and

(4) a fee to the nurse practitioner who seeks prescribing authority in an amount sufficient to cover the board's ongoing costs relating to monitoring and regulating the prescribing authority of nurse practitioners.

(c) **TASK FORCE.** For purposes of adopting rules under this paragraph, the board shall establish and appoint an advisory task force composed of the following nine members:

(1) five nurse practitioners;

(2) two pharmacists; and

(3) two physicians.

Members must be appointed from lists of qualified persons nominated by the appropriate professional associations. The task force shall recommend rules to the board on each of the subjects listed above. No rule relating to the prescribing of drugs and therapeutic devices by nurse practitioners may be proposed by the board unless it was first submitted to the task force for review and comment.

Sec. 11. Minnesota Statutes 1992, section 161.1419, subdivision 8, is amended to read:

Subd. 8. **EXPIRATION.** The commission shall expire on the date provided by section 15.059, subdivision 5 June 30, 1997.

Sec. 12. Minnesota Statutes 1992, section 246.017, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP, DUTIES, MEETINGS.** The commissioner of human services may appoint a medical policy directional task force on mental health including members who are experts in their fields of medicine, mental health, mental retardation, or related sciences. Members shall also be selected

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~~from social service, rehabilitation, volunteer services, nursing, hospital administration or related fields. Not more than one member shall be selected from any one field of medicine or related sciences which shall include the field of psychiatry, neurology, physiology, biochemistry, internal medicine, pediatrics, pharmacology, and psychology. The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.~~

The commissioner of human services shall appoint, and unless otherwise established by law, set the salary of a licensed physician to serve as medical director to assist in establishing and maintaining the medical policies of the department of human services. The commissioner may place the medical director's position in the unclassified service if the position meets the criteria of section 43A.08, subdivision 1a.

Sec. 13. Minnesota Statutes 1992, section 246.56, subdivision 2, is amended to read:

Subd. 2. **POWERS OF COMMISSIONER.** The work activity programs authorized herein shall be planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make productive capacity inconsequential. Notwithstanding section 177.24, the activities within this program shall conform to the rules and regulations relating to work activity centers promulgated by the United States Department of Labor. To accomplish the foregoing purpose the commissioner of human services shall have the power and authority to:

(a) use the diversified labor fund established by Laws 1945, chapter 575, section 19, to purchase equipment and remodel facilities of the state hospitals referred to in subdivision 1 to initiate the work activity program;

(b) formulate a system of records and accounts which shall at all times indicate the extent of purchases, sales, wages, and bidding practices and which shall be open to public inspection;

(c) contract with public or private entities for the provision of custodial, domestic, maintenance, and other services carried out by patients or residents. To the extent that a qualified direct care employee of a regional treatment center is available, staff services required by the contract shall be provided by that direct care employee.

The commissioner of human services shall, subject to the approval of the commissioner of education, have the power and authority to:

(a) create a work activity center revolving fund for the purpose of receiving and expending money in the operation of the said programs;

(b) contract with public and private industries for the manufacture, repair, or assembling of work according to standard bidding practices;

(c) use the revenue from the operation of said programs to pay wages to

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patients or residents according to their productivity, purchase equipment and supplies and pay other expenses necessary to the operation of the said programs;

(d) establish an advisory task force consisting of representatives from the departments of health, jobs and training, and human services, labor and business groups, interested community agencies, including but not limited to the Minnesota association of rehabilitation facilities, the Minnesota association for retarded children, and the Minnesota association for mental health, and the general public. This task force will act in an advisory capacity with respect to the scope of work activity programs, the nature of the goods to be produced and services to be performed in such programs. The task force expires as provided in section 15.059, subdivision 5;

(e) utilize all available vocational rehabilitation services and encourage the integration of the work activity program into existing vocational rehabilitation and community-based programs, so that the work activity program will neither duplicate nor unfairly compete with existing public or private community programs.

Sec. 14. Minnesota Statutes 1992, section 254A.035, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP TERMS, COMPENSATION, REMOVAL AND EXPIRATION.** The membership of this council shall be composed of 17 persons who are American Indians and who are appointed by the commissioner. The commissioner shall appoint one representative from each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band, Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton Sioux Indian Reservation; Upper Sioux Indian Reservation; International Falls Northern Range; Duluth Urban Indian Community; and two representatives from the Minneapolis Urban Indian Community and two from the St. Paul Urban Indian Community. The terms, compensation, and removal of American Indian advisory council members ~~and expiration of the council~~ shall be as provided in section 15.059. The council expires June 30, 1997.

Sec. 15. Minnesota Statutes 1992, section 254A.04, is amended to read:

254A.04 CITIZENS ADVISORY COUNCIL.

There is hereby created an alcohol and other drug abuse advisory council to advise the department of human services concerning the problems of alcohol and other drug dependency and abuse, composed of ten members. Five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. ~~The council shall~~

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~~expire and~~ The terms, compensation and removal of members shall be as provided in section 15.059. The council expires June 30, 1997. The commissioner of human services shall appoint members whose terms end in even-numbered years. The commissioner of health shall appoint members whose terms end in odd-numbered years.

Sec. 16. Minnesota Statutes 1992, section 256B.0629, subdivision 4, is amended to read:

Subd. 4. **RESPONSIBILITIES OF THE COMMISSIONER.** The commissioner shall periodically:

(1) Recommend to the legislature criteria governing the eligibility of organ and tissue transplant procedures for reimbursement from medical assistance and general assistance medical care. Procedures approved by Medicare are automatically eligible for medical assistance and general assistance medical care reimbursement. Additional procedures are eligible for reimbursement only upon approval by the legislature. Only procedures recommended by the ~~task force and~~ the commissioner may be considered by the legislature.

(2) Recommend to the legislature criteria for certifying transplant centers within and outside of Minnesota where Minnesotans receiving medical assistance and general assistance medical care may obtain transplants. Additional centers may be certified only upon approval of the legislature. Only centers recommended by the ~~task force and~~ the commissioner may be considered by the legislature.

Sec. 17. Minnesota Statutes 1992, section 256B.433, subdivision 1, is amended to read:

Subdivision 1. **SETTING PAYMENT; MONITORING USE OF THERAPY SERVICES.** The commissioner shall promulgate rules pursuant to the administrative procedure act to set the amount and method of payment for ancillary materials and services provided to recipients residing in nursing facilities. Payment for materials and services may be made to either the nursing facility in the operating cost per diem, to the vendor of ancillary services pursuant to Minnesota Rules, parts 9505.0170 to 9505.0475 or to a nursing facility pursuant to Minnesota Rules, parts 9505.0170 to 9505.0475. Payment for the same or similar service to a recipient shall not be made to both the nursing facility and the vendor. The commissioner shall ensure the avoidance of double payments through audits and adjustments to the nursing facility's annual cost report as required by section 256B.47, and that charges and arrangements for ancillary materials and services are cost-effective and as would be incurred by a prudent and cost-conscious buyer. Therapy services provided to a recipient must be medically necessary and appropriate to the medical condition of the recipient. If the vendor, nursing facility, or ordering physician cannot provide adequate medical necessity justification, as determined by the commissioner, ~~in consultation with an advisory task force that meets the requirements of section 256B.064, subdivision 1a;~~ the commissioner may recover or disallow the payment for the services

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and may require prior authorization for therapy services as a condition of payment or may impose administrative sanctions to limit the vendor, nursing facility, or ordering physician's participation in the medical assistance program. If the provider number of a nursing facility is used to bill services provided by a vendor of therapy services that is not related to the nursing facility by ownership, control, affiliation, or employment status, no withholding of payment shall be imposed against the nursing facility for services not medically necessary except for funds due the unrelated vendor of therapy services as provided in subdivision 3, paragraph (c). For the purpose of this subdivision, no monetary recovery may be imposed against the nursing facility for funds paid to the unrelated vendor of therapy services as provided in subdivision 3, paragraph (c), for services not medically necessary. For purposes of this section and section 256B.47, therapy includes physical therapy, occupational therapy, speech therapy, audiology, and mental health services that are covered services according to Minnesota Rules, parts 9505.0170 to 9505.0475, and that could be reimbursed separately from the nursing facility per diem.

Sec. 18. Minnesota Statutes 1992, section 299F.093, subdivision 1, is amended to read:

Subdivision 1. **DUTIES.** (a) The commissioner shall:

(1) adopt rules no later than July 1, 1987, with the advice of the hazardous substance notification advisory committee, establishing the form and content of the hazardous substance notification report form, as required by section 299F.094, and describing one or more hazard categories with specified ranges of quantities in each hazard category, representing increments of substantially increased risk;

(2) print and provide to individual fire departments the requested number of hazardous substance notification reports, which must be made available to a fire department no more than 90 days following its request, for the fire department to mail or otherwise make available to employers in the jurisdiction;

(3) report to the legislature, as needed, on the effectiveness of sections 299F.091 to 299F.099 and recommend amendments to sections 299F.091 to 299F.099 that are considered necessary;

(4) ~~appoint a hazardous substance notification advisory committee as required in section 299F.097;~~

(5) adopt rules to implement sections 299F.091 to 299F.099, compatible with the Minnesota Uniform Fire Code so as to not limit the authority of local fire officials under that code; and

(6) ~~in consultation with the hazardous substance notification advisory committee;~~ (5) adopt rules that are based on the most recent standard 704, adopted by the National Fire Protection Association, and that allow a fire department to require employers within its jurisdiction to post signs conforming to standard

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704, and indicating the presence of hazardous substances. If the signs are required, a fire department shall supply the signs or provide information to assist an employer to obtain them.

(b) The commissioner shall adopt criteria and guidelines, with the concurrence of the hazardous substance notification advisory committee, for the disbursement of funds pursuant to Laws 1986, First Special Session chapter 1, article 10, section 20, subdivision 1. These criteria and guidelines are exempt from the Minnesota administrative procedure act.

Sec. 19. **REPORT.**

The appointing authority for each advisory task force, committee, or council created in statute or by a commissioner or agency head under Minnesota Statutes, section 15.014, must submit a one page report to the chair of the committee on governmental operations and gambling of the house of representatives, the chair of the committee on governmental operations and reform of the senate, and the governor by January 15, 1994. The report must list the following information for each group for the most recently completed fiscal year:

- (1) the number of meetings;
- (2) the estimated expenses for the group;
- (3) the estimated number of hours that the host agency staff served the group; and
- (4) a summary of the group's activities.

If there is more than one appointing authority, the authority that appoints the most members must submit the report.

Sec. 20. **REPEALER.**

Minnesota Statutes 1992, sections 41.54; 41A.07; 43A.31, subdivision 4; 82.30, subdivision 1; 84.524, subdivisions 1 and 2; 85A.02, subdivision 4; 86A.10, subdivision 1; 116J.645; 116J.984, subdivision 11; 116N.05; 120.064, subdivision 6; 121.87; 145.93, subdivision 2; 148B.20, subdivision 2; 152.02, subdivision 11; 184.23; 206.57, subdivision 3; 245.476, subdivision 4; 245.4885, subdivision 4; 256.9745; 256B.433, subdivision 4; 257.072, subdivision 6; 299F.092, subdivision 9; 299F.097; and 626.5592, are repealed.

Sec. 21. **EFFECTIVE DATE.**

Section 11 is effective the day following final enactment. The remainder of this act is effective July 1, 1993.

Presented to the governor May 20, 1993

Signed by the governor May 24, 1993, 12:22 p.m.

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