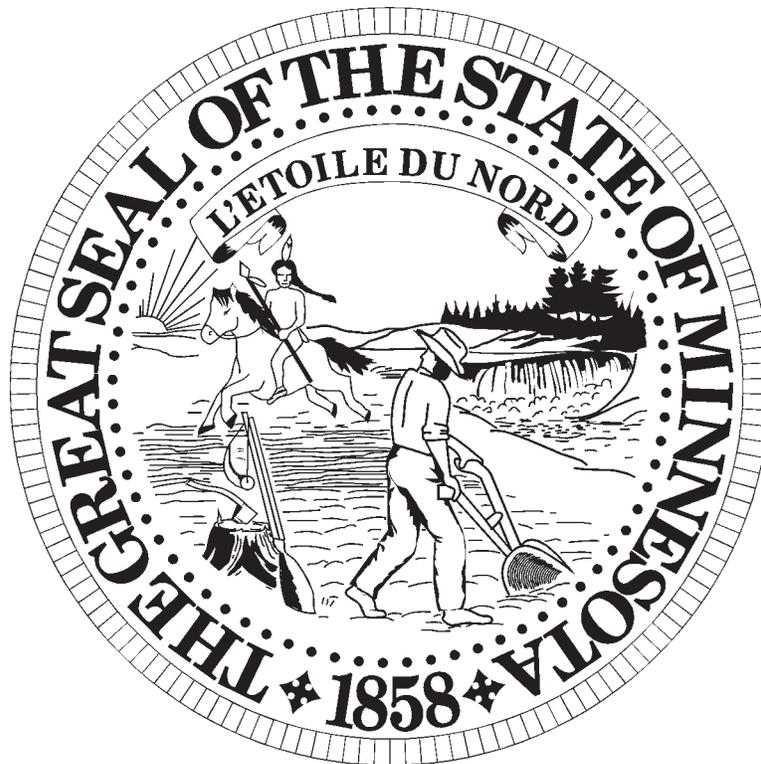


State of Minnesota

# State Register



**Rules, Executive Orders, Appointments,  
Commissioners' Orders, Revenue Notices, Official Notices, Grants,  
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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# State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

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- state grants and loans
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- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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	# 12	Monday	17 September	Noon Tuesday	11 September	Noon Wednesday	5 September
# 13	Monday	24 September	Noon Tuesday	18 September	Noon Wednesday	12 September	
# 14	Monday	1 October	Noon Tuesday	25 September	Noon Wednesday	19 September	
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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## Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**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.

## Minnesota Department of Human Services

### Proposed Permanent Rules Relating to Surveillance and Integrity Review

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received**

**Proposed Amendment to and Repeal of Rules Governing Surveillance and Integrity Review Section, *Minnesota Rules*, Parts 9505.2160 to 9505.2245.**

**Introduction.** The Department of Human Services intends to adopt rules without a public hearing unless 25 or more persons request a hearing, following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on October 17, 2007, a public hearing will be held in room 2380, Elmer L. Anderson building, 540 Cedar Street, Saint Paul, Minnesota 55155, starting at 10:00 a.m. on Wednesday, October 31, 2007. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 17, 2007 and before October 31, 2007.

# Proposed Rules

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**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Robert Klukas at Minnesota Department of Human Services, 444 Lafayette Road, Saint Paul, Minnesota, 55155, by **phone:** (651) 431-3613, and **e-mail:** *robert.klukas@state.mn.us*. **TTY/TDD** users may call the Department of Human Services at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments to *Minnesota Rules*, Parts 9505.2160 to 9505.2245, which governs surveillance and integrity review section [SIRS] for all state funded health programs. The rules govern the department's identification and investigation of fraud, theft, error or abuse by vendors or recipients of health services administered or funded by the department.

The department first adopted rules governing the Surveillance and Integrity Review Section [SIRS] program in September 1981. The most recent amendments to the rule were adopted in 1995.

The Federal government requires that the department stop fraud and abuse in programs funded through Medical Assistance (MA). The *Code of Federal Regulations* at 42 CFR, section 456.3, requires the department to have a statewide surveillance and utilization review program, which is known in Minnesota as the "SIRS" program.

The SIRS rule sets out standards and procedures used by the department to:

- Monitor compliance with health service program requirements;
- Identify fraud, theft, error or abuse by providers or recipients;
- Establish administrative and legal penalties in cases of fraud, theft, error or abuse; and
- Investigate and monitor compliance with federal and state laws and regulations that govern programs.

The department monitors compliance with program requirements for the following programs:

- Medical Assistance (MA);
- General Assistance Medical Care (GAMC);
- MinnesotaCare;
- Consolidated Chemical Dependency Treatment Fund;
- Prepaid health plans; and
- Other health service programs administered by the department.

The proposed rule amendments will improve the rule in several ways:

- Clarify the definition of the terms "abuse" and "lock out";
- Set standards for the restricted recipient program;
- Set standards for electronically stored data;
- Improve and clarify medical record requirements for medical transportation services, durable medical equipment, rehabilitative and therapeutic services, personal care providers services, school based services, and language interpreter services;
- Delete references to obsolete programs and terms and repeal conflicting requirements;
- Clarify standards for the use of random sample extrapolation in monetary recovery; and
- Change references to out-dated policies.

The Department's statutory authority to adopt the rules is set forth in *Minnesota Statutes* section 256B.04, subdivision 2, which requires the department to make rules to carry out and enforce the law regarding the Medical Assistance system. *Minnesota Statutes*, section 256B.04, subdivision 10, requires the commissioner to establish by rule procedures and criteria for the investigation of fraud, theft, abuse, and other improper claims for medical assistance. *Minnesota Statutes*, section 256B.04, subdivision 15, requires the department to establish a utilization review function to guard against the unnecessary and inappropriate use of medical assistance services and excess payments for services. *Minnesota Statutes*, sections 256D.03, subdivision 7, and 256D.04, (2), requires the commissioner to adopt rules governing the General Assistance Medical Care program, including rules about quality assurance, utilization review, and payments for medical services. Under these statutes, the Department has the necessary statutory authority to adopt the proposed rules.

A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Wednesday, October 17, 2007, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the

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## Proposed Rules

due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, October 17, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for Wednesday, October 31, 2007, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 431-3613 after October 17, 2007 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7601, and **Fax:** (612)349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the

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proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: September 4, 2007

Cal R. Ludeman, Commissioner  
Department of Human Services

## 9505.2160 SCOPE AND APPLICABILITY.

Subpart 1. **Scope.** Parts 9505.2160 to 9505.2245 govern procedures to be used by the department in identifying and investigating fraud, theft, or abuse, or error by vendors or recipients of health services through the ~~medical assistance, general assistance medical care, consolidated chemical dependency treatment, MinnesotaCare, catastrophic health expense protection programs, prepaid health plans, home and community based services under a waiver from the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, or any other health service~~ a program as defined in part 9505.2165, subpart 8, that is administered by the department, and for the imposition of sanctions against vendors and recipients of health services. Additionally, parts 9505.2160 to 9505.2245 establish standards applicable to the health service and financial records of vendors of health services through ~~medical assistance, general assistance medical care, consolidated chemical dependency treatment, MinnesotaCare, or catastrophic health expense protection programs~~ a program.

Parts 9505.2160 to 9505.2245 must be read in conjunction with titles XVIII and XIX of the Social Security Act; Code of Federal Regulations, title 42; *Minnesota Statutes*, chapters 62E, 145, 152, 245, 245A, 252, 253, 254A, 254B, 256, 256B, 256D, 256L, and 609.

[For text of subp 2, see M.R.]

## 9505.2165 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Abuse.** "Abuse" means:

A. in the case of a vendor, a pattern of practices that are inconsistent with sound fiscal, business, or health service practices, and that result in unnecessary costs to the programs or in reimbursements for services that are not medically necessary or that fail to meet professionally recognized standards for health service. The following practices are deemed to be abuse by a vendor:

- (1) submitting ~~repeated claims, or causing claims to be submitted,~~ from which required information is missing or incorrect;
- (2) submitting ~~repeated claims, or causing claims to be submitted,~~ using procedure codes which ~~that~~ overstate the level or amount of health service provided;
- (3) submitting ~~repeated claims, or causing claims to be submitted,~~ for health services which are not reimbursable under the programs;
- (4) submitting ~~repeated duplicate claims, or causing claims to be submitted,~~ for the same health service provided to the same recipient;
- (5) submitting ~~repeated claims, or causing claims to be submitted,~~ for health services that do not comply with part 9505.0210 and, if applicable, part 9505.0215;
- (6) ~~repeated submission of~~ ~~submitting~~ ~~claims, or causing claims to be submitted,~~ for health services that are not medically necessary;
- (7) failing to develop and maintain health service records as required under part 9505.2175;
- (8) failing to use generally accepted accounting principles or other accounting methods which relate entries on the recipient's health

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service record to corresponding entries on the billing invoice, unless another accounting method or principle is required by federal or state law or rule;

(9) failing to disclose or make available to the department the recipient's health service records or the vendor's financial records as required by part ~~9505.2180~~ 9505.2185;

(10) ~~repeatedly~~ failing to properly report duplicate payments from third party payers for covered health services provided to a recipient under a program and billed to the department;

(11) failing to obtain information and assignment of benefits as specified in part 9505.0070, subpart 3, or to bill Medicare as required by part 9505.0440;

(12) failing to keep financial records as required under part 9505.2180;

(13) ~~repeatedly~~ submitting or causing ~~repeated submission of~~ false information to be submitted for the purpose of obtaining a service agreement, prior authorization, inpatient hospital admission certification under parts ~~9505.0500~~ 9505.0501 to 9505.0540, or a second surgical opinion as required under part 9505.5035;

(14) ~~knowingly and willfully~~ submitting a false or fraudulent application for provider status;

(15) soliciting, charging, or receiving payments from recipients or nonmedical assistance sources, in violation of *Code of Federal Regulations*, title 42, section 447.15, or part 9505.0225, for services for which the vendor has received reimbursement from or should have billed to the program;

(16) payment by a vendor of program funds to another vendor whom the vendor knew or had reason to know was suspended or terminated from program participation;

(17) ~~repeatedly~~ billing a program for health services after entering into an agreement with a thirdparty payer to accept an amount in full satisfaction of the payer's liability;

(18) ~~repeatedly~~ failing to comply with the requirements of the provider agreement that relate to the programs covered by parts 9505.2160 to 9505.2245; ~~or~~

(19) failing to comply with the ownership and control information disclosure requirements of *Code of Federal Regulations*, title 42, part 455;

(20) billing for services that were provided to a recipient without the request or consent of the recipient, the recipient's guardian, or the recipient's responsible party;

(21) billing for services that were not provided in compliance with regulatory agency requirements or that were outside of the scope of the vendor's license; or

(22) billing for services in a manner that circumvents the program's spenddown requirement;

B. in the case of a recipient, the use of health services that results in unnecessary costs to the programs, or in reimbursements for services that are not medically necessary. The following practices are deemed to be abuse by a recipient:

(1) obtaining equipment, supplies, drugs, or health services that are in excess of program limitations or that are not medically necessary and that are paid for through a program;

(2) obtaining duplicate or comparable services for the same health condition from a multiple number of vendors, such as going to multiple pharmacies or physicians. Duplicate or comparable services do not include an additional opinion that is medically necessary for the diagnosis, evaluation, or assessment of the recipient's condition or required under program rules, or a service provided by a school district as specified in the recipient's individualized education plan under *Minnesota Statutes*, section 256B.0625, subdivision 26;

[For text of subitems (3) to (12), see M.R.]

(13) repeatedly obtaining emergency room health services for nonemergency care; ~~or~~

(14) repeatedly using medical transportation to obtain health services from providers located outside the local trade area when health services appropriate to the recipient's physical or mental health needs can be obtained inside the local trade area. For purposes of this subitem, "local trade area" has the meaning given in part 9505.0175, subpart 22; ~~or~~

(15) repeatedly arranging for services and then canceling services in order to circumvent the spenddown requirement; and

C. in addition to the criteria in item B, the following practices are deemed to be abuse by a recipient enrolled in the restricted recipient program:

(1) obtaining medical services from a physician without a referral from the recipient's designated primary care provider;

(2) obtaining emergency room services for nonemergency care;

(3) obtaining prescriptions from a pharmacy other than the designated pharmacy; or

(4) obtaining health services from a nondesignated provider when the recipient has been required to designate a provider.

Subp. 2a. **Electronically stored data.** "Electronically stored data" means data stored ~~in a typewriter, word processor, computer, by any electronic means, including, but not limited to, data stored in an~~ existing or preexisting computer system or computer network, magnetic tape, or computer disk.

[For text of subp 3, see M.R.]

Subp. 4. **Fraud.** "Fraud" means:

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

B. making a false statement, false claim, or false representation to a program where the person knows or should reasonably know the statement, claim, or representation is false, including knowingly and willfully submitting a false or fraudulent application for provider status; and

[For text of item C, see M.R.]

[For text of subs 4a and 5, see M.R.]

Subp. 6. **Health service record.** “Health service record” means documentation of the health service that is electronically stored data, and written, or diagrammed documentation of that indicates the nature, extent, and evidence of the medical necessity of a health service provided to a recipient by a vendor and billed to a program.

[For text of subp 6c, see M.R.]

Subp. 6d. **Lockout.** “Lockout” means excluding or limiting for a reasonable time the scope of health services for which a vendor may receive payment through a program.

Subp. ~~6e.~~ **Medically necessary or medical necessity.** “Medically necessary” or “medical necessity” has the meaning given in part 9505.0175, subpart 25.

Subp. ~~6e.~~ **Ownership or control interest.** “Ownership or control interest” has the meaning given in *Code of Federal Regulations*, title 42, part 455, sections 101 and 102.

Subp. ~~6f.~~ **Pattern.** “Pattern” means an identifiable series of more than one event or activity.

Subp. 7. **Primary care case manager provider.** “Primary care case manager provider” means a provider designated by the department who is a physician or a group of physicians, nurse practitioner, or physician assistant practicing within the scope of the provider’s practice, who is responsible for the direct care of a recipient, and for coordinating and controlling access to or initiating or supervising other health services needed by the recipient.

Subp. 8. **Program.** “Program” means the Minnesota medical assistance program, the general assistance medical care program, ~~catastrophic health expense protection program~~, MinnesotaCare, consolidated chemical dependency program, prepaid health plans, home and community-based services under a waiver from the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, or any other health service program administered by the department.

[For text of subs 9 and 10, see M.R.]

Subp. 10a. **Responsible party.** “Responsible party” has the meaning given in *Minnesota Statutes*, section ~~256B.0627~~ 256B.0655, subdivision 1, paragraph ~~(d)~~ (h).

Subp. 10b. **Restricted recipient program.** “Restricted recipient program” means a program for recipients who have failed to comply with the requirements of the program. Placement in the restricted recipient program does not include longterm care facilities. Placement in the restricted recipient program means:

A. requiring the recipient for a period of 24 months of eligibility to obtain health services from:

(1) a designated primary care provider, hospital, pharmacy, or other designated health service provider located in the recipient’s local trade area; and

(2) an agency licensed by the Minnesota Department of Health according to *Minnesota Statutes*, chapter 144A, as a class A home care agency or a designated Medicare-certified home health agency; or

B. prohibiting the recipient from using the personal care assistant choice or consumer-directed services for a period of 24 months of eligibility.

Subp. 11. [See repealer.]

[For text of subs 12 to 14, see M.R.]

Subp. 15. **Theft.** “Theft” means the act defined in *Minnesota Statutes*, section 609.52, subdivision 2, ~~clause (3)(c)~~.

Subp. 16. **Third-party payer.** “Third-party payer” means the term defined in part 9505.0015, subpart 46, and; additionally, the Medicare program.

Subp. 16a. **Vendor.** “Vendor” has the meaning given to “vendor of medical care” in *Minnesota Statutes*, section 256B.02, subdivision 7. The term “vendor” includes a provider and also a personal care assistant. A vendor is subject to criminal background checks according to *Minnesota Statutes*, section 245C.03.

[For text of subp 17, see M.R.]

## 9505.2175 HEALTH SERVICE RECORDS.

Subpart 1. **Documentation requirement.** As a condition for payment by a program, a vendor must document each occurrence of a health service provided to a recipient. The health service must be documented in the recipient’s health service record as specified in subpart 2 and, when applicable, subparts 3 to 7. Program funds paid for a health service not documented in a recipient’s health service record shall be recovered by the department.

Subp. 2. **Required standards for health service records.** A vendor must keep a health service record as specified in items A to I.

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

G. The record must contain the recipient's plan of care, ~~or individual treatment plan, or individual program plan~~. For purposes of this item, "plan of care" has the meaning given in part 9505.0175, subpart 35; and "individual treatment plan" has the meaning given in part 9505.0477, subpart 14; and "individual program plan" has the meaning given in part 9535.0100, subpart 15 9505.0323, subpart 1.

[For text of items H and I, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Requirements for Medical transportation service records.** A medical transportation record must meet the requirements of subparts 1 and 2 and be signed by the driver and contain the following statement: "I certify and swear that I have accurately reported in this mileage log the miles I actually drove and the dates and times I actually drove them. I understand that misreporting the miles driven and hours worked is fraud for which I could face criminal prosecution or civil proceedings." Each transportation record for each trip must document:

A. the description and address of both the origin ; and destination, and distance traveled in providing the service to the recipient the mileage for the most direct route from the origin to the destination;

B. the type of transportation provided; and

C. if applicable, a physician's certification for nonemergency, ancillary, or special transportation services as defined in part 9505.0315, subpart 1, items A and F;

D. the name of the driver and license number of the vehicle used to transport the recipient;

E. whether the recipient is ambulatory or nonambulatory;

F. the time of the pick up and the time of the drop off with a.m. and p.m. designations;

G. the number of recipients in the vehicle; and

H. the name of the extra attendant when an extra attendant is used to provide special transportation services.

Subp. 5. **Requirements for Durable medical supplies and equipment records.** A durable medical supplies and equipment record must meet the requirements of subparts 1 and 2 and must document:

A. must document that the medical supply or equipment meets the criteria in parts 9505.0210 and 9505.0310; and the type of equipment, including the brand and model names, the model number, and serial number, if available;

B. except as provided in part 9505.2190, subpart 1, must contain a hard copy of the vendor's order or prescription for the medical supply or equipment and the name and amount of the medical supply or equipment provided for the recipient: whether the equipment is being rented or purchased by the recipient;

C. when equipment is sold to a recipient, whether the equipment is under warranty and the length of the warranty;

D. repairs made to the equipment;

E. a shipping invoice or a shipping invoice with a delivery service tracking log showing the date of delivery that proves that the medical equipment was delivered to the recipient; and

F. a physician's order for the equipment that specifies the type of equipment and the expected length of time the equipment will be needed by the recipient.

Subp. 5a. **Medical supply record.** A medical supply record must meet the requirements of subparts 1 and 2 and must document:

A. a physician's order for the supplies that indicates the type of supply needed, the expected length of time the supplies will be needed, and the quantity needed;

B. the type and brand name of the supplies delivered to the recipient;

C. the quantity of each supply delivered to the recipient; and

D. a shipping invoice or a shipping invoice with a delivery service tracking log showing the date of delivery that proves the medical supply was delivered to the recipient.

Subp. 6. **Requirements for Rehabilitative and therapeutic services records.** Rehabilitative and therapeutic service records must meet the requirements of subparts 1 and 2 and must meet the criteria in part 9505.0412 and must document:

A. objective and measurable goals that relate to the recipient's functioning;

B. the need for the level of service;

C. the reason the skills of a professional physical therapist or occupational therapist are needed; and

D. a physician's order for the rehabilitative and therapeutic services.

Subp. 7. **Requirements for Personal care provider service records.** Health care service records maintained by a personal care provider record, consumer-directed home care provider, tele-home-care provider, or fiscal agent must meet the requirements of subparts 1 and 2 and must document:

A. the a physician's initial order for personal care services in the form required by the commissioner, which shall be included prior to, or within a reasonable time 30 days after the start of such services, and documentation that the physician's order has been reviewed by the physician at least once every 365 days;

B. the Department of Human Services care plan completed by the supervising registered nurse qualified professional which details the

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nurse's qualified professional's instruction to the personal care assistant;

C. the department's notice of prior authorization which identifies the amount of personal care service and registered nurse qualified professional supervision authorized for the recipient;

D. the department's notice of approval or denial of a relative hardship waiver request;

E. whether the recipient is in a shared care arrangement, and if so, the record must also meet the documentation requirements of Minnesota Statutes, section 256B.0655, subdivision 5, paragraph (g);

F. the following daily documentation requirements:

(1) in an individual care arrangement, the following documentation must be made by each personal care assistant of services provided to the recipient:

E. whether the recipient is using the flexible services use option authorized by Minnesota Statutes, section 256B.0655, subdivision 6;

F. whether the recipient is using a fiscal agent and if so, the name of the agent;

G. whether the recipient is using a consumer directed service delivery alternative;

H. for all care arrangements, the following documentation must be made for each day that care is provided by each personal care assistant who provides care to the recipient:

(a) (1) the recipient's name;

(b) (2) the name of the personal care assistant providing services;

(c) (3) the day, month, and year the personal care services were provided;

(d) (4) the total number of hours spent providing personal care services to the recipient;

(e) (5) the time of arrival at the site where personal care services were provided and the time of departure of the personal care assistant at from the site where services were provided, including a.m. and p.m. designations;

(f) (6) the personal care services provided;

(g) (7) notes by the personal care assistant regarding changes in the recipient's condition, documentation of calls to the supervising nurse qualified professional, and other notes as required by the supervising nurse qualified professional;

(h) (8) the personal care assistant's signature on the time sheets which record the hours worked by the personal care assistant, and must contain the following statement: "I certify and swear that I have accurately reported on this time sheet the hours I actually worked, the services I provided, and the dates and times worked. I understand that misreporting my hours is fraud for which I could face criminal prosecution and civil proceedings"; and

(i) (9) the recipient's signature, stamp, or mark, or the responsible party's signature, if the recipient requires a responsible party; and

(2) I. in a shared care arrangement, the following additional requirements apply:

(1) each personal care assistant must satisfy the daily documentation requirements in subitem (1) must be met separately item H and the documentation requirements of Minnesota Statutes, section 256B.0655, subdivision 5, paragraph (g), for each recipient;

(2) the qualified professional must document supervision of shared care services including:

(a) ongoing monitoring and evaluation of the effectiveness and appropriateness of shared care;

(b) the date, time of day, and number of hours spent supervising the provision of shared services;

(c) whether the supervision was face-to-face or another method of supervision;

(d) changes in the recipient's condition;

(e) scheduling issues; and

(f) recommendations;

(3) the qualified professional must document consent by the recipient or the recipient's responsible party, if any, for shared care; and

(4) the qualified professional must document revocation by the recipient or the recipient's responsible party, if any, of the shared care

option;

G. J. authorization by the recipient's responsible party, if any, for personal care services provided outside the recipient's residence;

H. K. authorization by the responsible party, who is parent of a minor recipient or a guardian of a recipient, which is approved and signed by the supervising nurse, to delegate to another adult the responsible party function for absences of at least 24 hours but not more than six days; and

F. L. supervision by the supervising nurse qualified professional, including the date of the provision of supervision of personal care services as specified in part 9505.0335, subpart 4.

**Subp. 8. Schoolbased service records.** A health service record for a child with an individualized education plan who receives covered schoolbased services, special transportation, or assistive technology devices must meet the requirements of subparts 1 and 2 and must include the following information:

A. the medical diagnosis or condition that indicates the need for an individual education program (IEP);

B. a current, complete copy of the recipient's IEP, individualized family service plan, or individual interagency intervention plan that documents the type, frequency, duration, and scope of the covered IEP services to be provided and measurable outcomes;

C. a copy of the recipient's release of information to bill a Minnesota health care program for IEP services signed by the recipient's

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parent or legal representative, or a copy of the notice provided by the district to the parent or legal representative under *Minnesota Statutes*, section 125A.21, subdivision 2, paragraph (b);

D. the name of the school district that provided the service and the recipient's date of birth;

E. for IEP assistive technology devices, a description of the device, including type of device, manufacturer, model, and quantity of devices, and a copy of the invoice or rental agreement; and

F. for IEP special transportation services:

(1) mileage for the most direct route from the place where the recipient is picked up and transported to the school setting where IEP covered services are provided to the recipient;

(2) type of service provided and service code;

(3) name, title, and signature of a person who can verify that the recipient received IEP special transportation on the dates specified; and

(4) documentation that the recipient received another MHCP covered IEP service on the date for which the special transportation is billed.

**Subp. 9. Language interpreter services.** A language interpreter service record must meet the requirements of subparts 1 and 2 and must document:

A. the name of the interpreter;

B. the name of the company that employed the interpreter;

C. the relationship of the interpreter to the recipient;

D. the languages spoken by the recipient and a statement that the recipient has limited English language proficiency;

E. a statement that the billed interpreter services were provided directly to the recipient while the recipient received a medically necessary covered health service; and

F. the length of time in hours and minutes that the language interpreter spent with the recipient during the direct person to person covered health service.

## 9505.2180 FINANCIAL RECORDS.

Subpart 1. **Financial records required of vendors.** The financial records, including written and electronically stored data, of a vendor who receives payment for a recipient's services under a program must contain the material specified in items A to H I:

A. payroll ledgers, canceled checks, bank deposit slips, and any other accounting records prepared for the vendor;

[For text of items B to F, see M.R.]

G. records showing all persons, corporations, partnerships, and entities with an ownership or control interest in the vendor; and

H. employee records for those persons currently employed by the vendor or who have been employed by the vendor at any time within the previous five years which under *Minnesota Statutes*, chapter 13, would be considered public data for a public employee such as employee name, salary, qualifications, position description, job title, and dates of employment; in addition employee records shall include the employee's time sheets, current home address of the employee or the last known address of any former employee, and criminal background checks, when required; and

I. delivery tracking information, where applicable, such as the provider's shipping invoice or the delivery service's tracking slip.

[For text of subp 2, see M.R.]

## 9505.2185 ACCESS TO RECORDS.

Subpart 1. **Recipient's consent to access.** A recipient of ~~medical assistance~~ is deemed to have authorized in writing a vendor or others to release to the department for examination according to *Minnesota Statutes*, section 256B.27, subdivision 4, upon the department's request, the ~~medical assistance~~ recipient's health service records related to services under a program. The ~~medical assistance~~ recipient's authorization of the release and review of health service records for services provided while the person is a ~~medical assistance~~ recipient shall be presumed competent if given in conjunction with the person's application for ~~medical assistance~~ a program. This presumption shall exist regardless of whether the application was signed by the person or the person's guardian or authorized representative as defined in part 9505.0015, subpart 8.

Subp. 2. **Department access to records.** A vendor shall grant the department access during the ~~vendor's regular~~ department's normal business hours to examine health service and financial records related to a health service billed to a program. A vendor shall make its records available at the vendor's place of business on the day for which access was requested, unless the vendor and the department both agree that the records will be viewed at another location. Access to a recipient's health service record or vendor's records shall be for the purposes in part 9505.2200, subpart 1. The department shall notify the vendor no less than 24 hours before obtaining access to a health service or financial record, unless the vendor waives notice.

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## 9505.2190 RETENTION OF RECORDS.

Subpart 1. **Retention required; general.** A vendor shall retain all health service and financial records related to a health service for which payment under a program was received or billed for at least five years after the initial date of billing. Microfilm or electronically stored records satisfy the record keeping requirements of this subpart and part 9505.2175, subpart 3, in the fourth and fifth years after the date of billing. Vendors must maintain and store records in a manner that will allow for review by the department within the times set forth in part 9505.2185, subpart 2.

[For text of subs 2 to 4, see M.R.]

## 9505.2195 COPYING RECORDS.

The department, at its own expense, may photocopy or otherwise duplicate any health service or financial record related to a health service for which a claim or payment is made under a program. Photocopying shall be done on the vendor's premises on the day of the audit unless removal is specifically permitted by the vendor. If a vendor fails to allow the department to use the department's equipment to photocopy or duplicate any health service or financial record on the premises, the vendor must furnish copies at the vendor's expense within two weeks of a request for copies by the department. If requested, a vendor must help the department duplicate any health service record or financial record, including hard copy or electronically stored data on the day of the audit.

## 9505.2197 VENDOR'S RESPONSIBILITY FOR ELECTRONIC RECORDS.

A vendor's use of electronic record keeping or electronic signatures shall meet the following requirements:

A. use of electronic record keeping or electronic signatures does not alter the vendor's obligations under state or federal law, regulation, or rule;

B. the vendor is responsible for all claims submitted by the vendor or the vendor's designee to the department regardless of the format in which the health service or financial record is maintained;

C. the vendor must ensure that the use of electronic record keeping does not limit the commissioner's access to records;

D. upon request, the vendor shall help department staff to access and copy all records, including encrypted records and electronic signatures; and

E. the vendor must establish a mechanism or procedure to ensure that:

(1) the act of creating the electronic record or signature is attributable to the vendor, according to *Minnesota Statutes*, section 325L.09;

(2) the electronic records and signatures are maintained in a form capable of being retained and accurately reproduced;

(3) the department has access to information that establishes the date and time that data and signatures were entered into the electronic record; and

(4) the vendor's use of electronic record keeping or electronic signatures does not compromise the security of the records.

## 9505.2200 ~~IDENTIFICATION AND INVESTIGATION OF SUSPECTED FRAUD AND ABUSE~~ IDENTIFYING FRAUD, THEFT, ABUSE, OR ERROR.

Subpart 1. **Department investigation.** The department shall investigate vendors or recipients to monitor compliance with program requirements for the purposes of identifying fraud, theft, ~~or abuse,~~ or error in the administration of the programs.

[For text of subs 2 and 3, see M.R.]

Subp. 4. **Determination of investigation.** After completing its investigation under subparts 1 to 3, the department shall determine whether:

A. the vendor or the recipient is in compliance with the requirements of a program and program payments were properly made;

B. insufficient evidence exists that fraud, theft, ~~or abuse,~~ or error has occurred; or

C. the evidence of fraud, theft, ~~or abuse,~~ or error supports administrative, civil, or criminal action.

Subp. 5. **Postinvestigation actions.**

A. After completing the determination required under subpart 4, the department shall take one or more of the actions specified in subitems (1) to ~~(6)~~ (8):

(1) close the investigation when no further action is warranted;

(2) impose administrative sanctions according to part 9505.2210;

(3) seek monetary recovery according to part 9505.2215;

(4) refer the investigation to the appropriate state regulatory agency, peer review mechanism, or licensing board;

(5) refer the investigation to the attorney general or, if appropriate, to a county attorney for possible civil or criminal legal action; ~~or~~

(6) issue a warning that states the practices are potentially in violation of program laws or regulations;

(7) refer the investigation to the appropriate child or adult protection agency; or

(8) place the recipient in the designated provider program.

B. After completing the determination required under subpart 4, the department may seek recovery of investigative costs from a vendor

under *Minnesota Statutes*, section 256B.064, subdivision 1d.

## **9505.2205 COMMISSIONER TO DECIDE IMPOSITION OF SANCTION VENDOR SANCTIONS.**

The commissioner shall decide what sanction shall be imposed against a vendor ~~or recipient~~ under part 9505.2210. ~~The commissioner shall consider the recipient's personal preferences in the designation of a primary care case manager. In addition,~~ The commissioner shall consider the following factors in determining the sanctions to be imposed on a vendor:

- A. nature and extent of fraud, theft, ~~or abuse, or error~~;
- B. history of fraud, theft, ~~or abuse, or error~~; ~~and~~
- C. ~~willingness of vendor or recipient to comply with program rules;~~
- ~~D. actions taken or recommended by other state regulatory agencies; and~~
- ~~E. in the case of a recipient, the local trade area and access to medically necessary services in the designation of a primary care case manager or other restrictions.~~

## **9505.2207 PLACEMENT OF RECIPIENT IN RESTRICTED RECIPIENT PROGRAM.**

The commissioner shall decide based upon information gathered under part 9505.2200 whether to place a recipient in the restricted recipient program. The commissioner shall consider the recipient's access to the local trade area, access to medically necessary services, and personal preference in the choice of providers.

## **9505.2210 ADMINISTRATIVE SANCTIONS FOR VENDORS.**

Subpart 1. **Authority to impose administrative sanction.** The commissioner shall impose administrative sanctions or issue a warning letter if the department's investigation under part 9505.2200 determines the presence of fraud, theft, ~~or abuse, or error~~ in connection with a program or if the vendor ~~or recipient~~ refuses to grant the department access to records as required under part 9505.2185.

Subp. 2. **Nature of administrative sanction.** The actions specified in items A to C are administrative sanctions that the commissioner may impose for the conduct specified in subpart 1.

- A. For any vendor, the actions are:
  - (1) ~~referral to the appropriate peer review mechanism or licensing board;~~
  - (2) suspending or terminating the vendor's participation;
  - (3) (2) suspending or terminating the participation of any person or corporation with whom the vendor has any ownership or control interest;
  - (4) (3) requiring attendance at education sessions provided by the department;
  - (5) (4) requiring prior authorization of services; and
  - (6) ~~restricting~~ (5) lockout of the vendor's participation in a program.
- B. For a provider, the actions in item A, and in addition:
  - (1) requiring a provider agreement of limited duration;
  - (2) requiring a provider agreement which stipulates specific conditions of participation; and
  - (3) review of the provider's claims before payment.
- C. For a recipient, ~~except as provided in subpart 3,~~ the actions are:
  - (1) ~~referral for appropriate health counseling to correct inappropriate or dangerous use of health services;~~
  - (2) restriction of the recipient; and
  - (3) ~~referral to the appropriate adult or child protection agency.~~

Subp. 3. [See repealer.]

## **9505.2215 MONETARY RECOVERY.**

Subpart 1. **Authority to seek monetary recovery.** The commissioner shall seek monetary recovery:

- A. from a vendor, if payment for a recipient's health service under a program was the result of fraud, theft, ~~or abuse~~, or error on the part of the vendor, department, or local agency; or
- B. from a recipient, if payment for a health service provided under a program was the result of fraud, theft, ~~or abuse~~, or error on the part of the recipient absent a showing that recovery would, in that particular case, be unreasonable or unfair.

Subp. 2. **Methods of monetary recovery.** The commissioner shall recover money described in subpart 1 by the following means:

- A. permitting voluntary repayment of money, either in lump sum payment or installment payments;
- B. using any legal collection process;
- C. deducting or withholding ~~from program payments~~ ~~money described in subpart 1;~~ and
- D. withholding payments to a provider under *Code of Federal Regulations*, title 42, section 447.31.

[For text of subp 3, see M.R.]

# Proposed Rules

## **9505.2220 USE OF RANDOM SAMPLE EXTRAPOLATION IN MONETARY RECOVERY; RANDOM SAMPLE EXTRAPOLATION.**

Subpart 1. **Authorization.** For the purpose of part 9505.2215, the commissioner ~~shall be~~ is authorized to calculate the amount of monetary recovery from a vendor ~~of money erroneously paid~~ based upon extrapolation from a systematic random ~~samples~~ sample of claims submitted by the ~~provider~~ vendor and paid by the program or programs. The department's random sample extrapolation shall constitute a rebuttable presumption regarding the calculation of monetary recovery. If the presumption is not rebutted by the vendor in the appeal process, the department shall use the extrapolation as the monetary recovery figure specified in subpart 3.

Subp. 2. **Decision to use samples.** The department ~~shall decide whether~~ may use sampling and extrapolation ~~are to be used in calculating to calculate~~ a monetary recovery according to the following criteria if:

- A. the claims to be ~~sampled~~ reviewed represent services to 50 or more recipients; ~~or~~
- B. there are more than 1,000 claims to be ~~sampled~~ reviewed; ~~or~~

C. complete re adjudication would be excessively costly or impractical. This test is met if the cost of conducting a review of 100 percent of the individual claims will result in a cost that is disproportionate to the amount that can probably be recovered, or if a review is otherwise impractical.

Subp. 3. **Sampling Statistical method.** The department shall use the methods in items A to ~~D~~ E in calculating the amount of monetary recovery by random sample extrapolation.

A. Samples of a given size shall be selected in such a way that every sample of that size shall be equally likely to be selected, ~~these samples are called simple random samples. The department may choose to employ other sampling designs, such as the stratified random sampling, if it determines that those designs are more likely to lead to greater precision, or a closer approximation to the population mean.~~

B. Samples shall only be selected from claims for health services provided within the interval of time that coincides with the interval during which money allegedly was ~~erroneously provided~~ overpaid and for which recovery will be made.

C. The sampling method, including sample size, drawing the sample selections, calculating values, and extrapolation extrapolating from the results of the sample, shall be performed according to statistical procedures published in the following text: W. Cochran, Sampling Techniques, John Wiley and Sons, New York 3rd Ed. (1977). Sampling Techniques is incorporated by reference and is available through the Minitex interlibrary loan system.

D. The sample size will be sufficiently large so that the estimate of the amount which would be recovered by a full audit will be within five percent of that amount with 95 percent confidence. A two-sided 95 percent confidence interval for that amount will be computed. The department's calculated monetary recovery is the lower end of that confidence interval. Samples must consist of at least 50 claims. Each stratum in a stratified sample must contain at least 30 claims or, if a population stratum contains less than 30 claims, all of the claims in that population stratum.

E. Standard techniques for extrapolating from a sample to the population shall be used to determine the amount owed to the department. With simple random samples, the amount owed to the department shall be the mean overpayment, multiplied by the number of claims in the population. The mean overpayment is the total overpayment estimated from the sample divided by the number of claims in the sample.

## **9505.2230 NOTICE OF AGENCY ACTION.**

Subpart 1. **Required written notice.** The department shall give notice in writing to a vendor or recipient of a monetary recovery, placement in the restricted recipient program, or administrative sanction that is to be imposed by the department. For vendors, the notice shall be sent by certified mail. For recipients, the notice shall be sent by first class mail. The department shall place an affidavit of the first class mailing in the recipient's file as an indication of the date of mailing and the address.

[For text of items A and B, see M.R.]

[For text of subs 2 and 3, see M.R.]

## **9505.2238 PLACEMENT IN RESTRICTED RECIPIENT PROGRAM.**

Subpart 1. **Effect of placement.** A recipient who has been placed in the restricted recipient program is eligible to receive health care services only from the designated providers. A recipient is placed in the restricted recipient program for a period of 24 months of eligibility. The period of 24 months of eligibility begins at the time of placement in the restricted recipient program. A recipient will be given 30 days to designate specific providers. At the end of the 30 days, the department shall designate specific providers for a recipient who has failed to designate specific providers. A recipient who has been prohibited from using the personal care assistant choice or consumer directed services option shall be prohibited from using that option for a period of 24 months of eligibility.

Subp. 2. **Change in selected providers.** A recipient may change designated providers under the following circumstances:

- A. if the recipient moves outside of the designated provider's local trade area;
- B. the recipient is discharged by the designated provider; or
- C. other circumstances require the recipient to change designated providers.

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# Proposed Rules

A recipient who seeks to change designated providers under this subpart must wait three months after the initial selection of a provider, and may change designated providers no more than twice in one year. The department shall grant the request to change designated providers under this subpart if the change is consistent with protecting the integrity of the restricted recipient program.

Subp. 3. **Placement renewal.** After a recipient has completed an initial 24-month period of eligibility in the restricted recipient program, the department may renew the recipient's placement in the restricted recipient program under part 9509.2165, subpart 2, item C, by sending written notice to the recipient. The recipient will remain placed in the restricted recipient program pending the resolution of an appeal of the placement renewal. If the recipient's placement is not renewed, the recipient shall be notified by the department that the recipient's participation in the restricted recipient program is over. Renewal of the recipient's placement in the restricted recipient program shall be for an additional period of 36 months of eligibility.

Subp. 4. **Emergency health services.** Emergency health services provided to a recipient in the restricted recipient program by a vendor shall be eligible for payment if the service provided meets the definition of an emergency in part 9505.0175, subpart 11. The vendor must provide documentation of the emergency circumstances with the emergency service payment claim.

## **9505.2240 NOTICE TO THIRD PARTIES ABOUT DEPARTMENT ACTIONS FOLLOWING INVESTIGATION.**

Subpart 1. **Notice about vendors.** After the department has taken an action against a vendor as specified in part 9505.2210, subpart 2, item A or B, and the right to appeal has been exhausted or the time to appeal has expired, the department shall issue the notices required in items A to C.

A. The department shall notify the appropriate professional society, board of registration or licensure, and federal or state agencies of the findings made, sanctions imposed, appeals made, and the results of any appeal.

B. The department shall notify the general public about action taken under part 9505.2210, subpart 2, item A, subitem ~~(1)~~, (2), ~~(3)~~, (4), or (5), by publishing the notice in a general circulation newspaper in the geographic area of Minnesota generally served by the vendor in the majority of its health services to Minnesota program recipients. The notice shall include the vendor's name and service type, the action taken by the department, and the effective date or dates of the action.

C. If the vendor requests reinstatement and the department approves the request for reinstatement, the department shall give written notice to the vendor and those notified in items A and B about the action taken under part 9505.2210, subpart 2, item A, subitem ~~(1)~~, (2), ~~(3)~~, (4), or (5), and the reinstatement.

Subp. 2. **Information and notice about recipients.** After the department has ~~taken an action against a recipient as specified in part 9505.2210, subpart 2, item B, subitem (2); placed the recipient in the restricted recipient program as specified in parts 9505.2207 and 9505.2238~~ and the recipient's right to appeal has been exhausted or the time to appeal has expired, the department must notify the recipient's primary care ~~case manager provider~~ and other health care providers ~~about that the restriction imposed on the recipient has been placed in the restricted recipient program and the circumstances leading to the restriction placement.~~ Notice shall include the recipient's name ~~and~~, program, the nature of the ~~restriction imposed on~~ placement of the recipient ~~in the restricted recipient program~~, a list of providers ~~to from~~ whom the recipient is ~~restricted~~ may receive medical services, and the beginning and ending dates of the ~~restriction placement period.~~ The recipient's placement in the restricted recipient program must be indicated in an eligibility verification system.

## **9505.2245 APPEAL OF DEPARTMENT ACTION.**

Subpart 1. **Vendor's right to appeal.** A vendor may appeal the department's proposed actions under parts 9505.2210, 9505.2215, and 9505.2220, under the provisions of *Minnesota Statutes*, sections 14.57 to 14.62.

[For text of items A and B, see M.R.]

C. Before the appeal hearing, the commissioner may suspend or reduce payment to the provider, except a nursing facility or convalescent care facility, if the commissioner determines that action is necessary to protect the public welfare and the interests of the medical assistance program.

[For text of subp 2, see M.R.]

**REPEALER.** *Minnesota Rules*, parts 9505.2165, subpart 11; and 9505.2210, subpart 3, are repealed.

# 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 Division of Labor Standards and Apprenticeship Adopted Exempt Rules Governing Employment; Prohibited Employment of Minors under 18 Years of Age, *Minnesota Rules* 5200 ORDER AMENDING RULES

### WHEREAS:

1. The Department of Labor and Industry, Labor Standards and Apprenticeship Division for good cause under *Minnesota Statutes* § 14.388, subd. 1(3) and *Laws of Minnesota 2007* Chapter 135, Article 2, Section 38, finds that full rulemaking is unnecessary or impractical to incorporate legislative changes at Section 21 of Article 2 of that Act and good cause exemption from full rulemaking applies; and
2. All notice and procedural requirements in *Minnesota Statutes*, chapter 14, *Minnesota Rules*, chapter 14000, for rules exempt under good cause and other applicable law have been complied with:
  - a) the Revisor of Statutes approved the form of the rule by certificate;
  - b) notice by mail of Intent to Adopt was given to persons on the agency mailing list and electronic Notice pursuant to 16E.07, subd. 3 was given;
  - c) the Office of Administrative Hearing approved the rule as to its legality and filed four copies with Secretary of State;
  - d) the Order Amending Rules is signed below;
  - e) the rule amendments will be published in the *State Register*; and
3. The office of Administrative Hearings received no written comments and submissions on the rules; and
4. The rules are needed and reasonable.

**IT IS ORDERED** that the above-captioned rules, in the form attached hereto and to the Notice of Intent to Adopt on August 20, 2007, are amended pursuant to authority vested in me by *2007 Laws of Minnesota* - Chapter 135, Article 2, Section 38, *Minnesota Statutes* § 181A.09 and *Minnesota Statutes* § 175.171.

Dated: September 5, 2007

Steve Sviggum, Commissioner  
Department of Labor and Industry

### 5200.0910 PROHIBITED EMPLOYMENTS OF MINORS UNDER 18 YEARS OLD.

No minor under the age of 18 shall be employed:

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

P. In any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquors are served or consumed or in any tasks involving the serving, dispensing, or handling of such liquors that are consumed on the premises except that:

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## Exempt Rules

(1) minors who have reached the age of ~~17~~ 16 may be employed to perform busing ~~or~~, dishwashing, ~~or~~ hosting services in those rooms or areas of a restaurant, hotel, motel, or resort where the presence of intoxicating liquor is incidental to food service or preparation;

(2) minors who have reached the age of ~~17~~ 16 may be employed to perform busing ~~or~~, dishwashing, ~~or~~ hosting services or to provide waiter or waitress service in rooms or areas where the presence of 3.2 percent malt liquor is incidental to food service or preparation;

(3) minors who have reached the age of 16 may be employed to provide musical entertainment in those rooms or areas where the presence of intoxicating liquor and 3.2 percent malt liquor is incidental to food service or preparation; and

(4) minors are not prevented from working at tasks which are not prohibited by ~~other parts of these rules or the~~ law in establishments where liquor is sold, served, dispensed, or handled in those rooms or areas where no liquor is consumed or served.

[For text of items Q to S, 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

### Executive Order #07-14: Assigning Emergency Responsibilities to State Agencies; Rescinding Executive Order #04-04

**I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, including Minnesota Statutes 2006, Chapter 12, do hereby issue this Executive Order:

**WHEREAS**, natural and technological disasters and emergencies have and may occur in any part of the state; and

**WHEREAS**, national and international events, such as conflict or threats of terrorism can increase the need for emergency preparedness within the state; and

**WHEREAS**, state agencies may be called upon to respond to and/or assist in the recovery from the effects of these emergency situations and disasters;

**NOW, THEREFORE**, I hereby order that:

1. Each department and independent state agency included in this Executive Order shall designate a member of its staff as its emergency preparedness response contact/coordinator (EPRC/C). Such individual shall serve as the point of contact for the Division of Homeland Security and Emergency Management and other State agencies with regard to emergency preparedness and response issues, and shall represent that agency on the Minnesota Emergency Preparedness and Response Committee (EPRC).

2. Each department, independent division, bureau, board, commission and independent institution of the State government, hereinafter referred to as "agency," shall carry out the general emergency preparedness, planning, response, recovery, hazard mitigation continuity of operations and service continuation responsibilities described in this Executive Order, the specific emergency assignments contained in the *Minnesota Emergency Operations Plan*, the *State All-Hazard Mitigation Plan* and such other duties as may be requested by the Division of Homeland Security and Emergency Management. The head of each agency shall be accountable for the execution of the responsibilities described in this Executive Order.

# Executive Orders

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## I. Emergency Preparedness/Planning

A. The Division of Homeland Security and Emergency Management shall have overall responsibility for coordinating the development and maintenance of the all-hazard *Minnesota Emergency Operations Plan*.

B. Each state agency shall develop and update, as necessary, its own emergency plan/procedures, each agency emergency operations plan/procedures must provide for:

1. execution of the emergency responsibilities that are assigned to the agency in this Executive Order, and are elaborated upon in the *Minnesota Emergency Operations Plan*; and
2. pre-delegation of emergency authority,
3. emergency action steps or procedures,
4. commitment of resources for the development and maintenance of an agency's all-hazard emergency operations plan.

C. Each state agency shall develop and update, as necessary, its own service continuation plan, The Department of Employee Relations shall manage the state's service continuation program. Each agency's service continuation plan must provide for:

1. prioritizing the agency's service functions, using the state defined priority service functions levels one through four; and
2. commitment of resources for the development and maintenance of an agency's service continuity plan.

D. The Office of Enterprise Technology (OET) has primary responsibility for business continuity planning related to the executive branch of state government.

## II. Emergency Response

A. All state agencies responding to a disaster or emergency shall use the National Incident Management System (NIMS). Minnesota has developed Minnesota Incident Management System (MNIMS) that mirrors NIMS. In the event of a disaster or emergency requiring a multiple state agency response, a unified command structure shall be established. If, due to the nature of an incident, a single state agency has a larger/primary role in the response to that incident, that agency may be referred to as the "lead agency." The Division of Homeland Security and Emergency Management shall have the coordinating role in a multiple state agency response to a disaster or emergency. All state agencies shall support this coordinated multi-agency response and carry out their specific assignments, as described in the *Minnesota Emergency Operations Plan*.

B. All state agencies shall be responsible for assigning necessary personnel to report to the state, regional and/or on-site emergency operations center(s) and information hotline, if such are activated, in accord with the *Minnesota Emergency Operations Plan*. The responding personnel shall be prepared to direct the activities of their agency's response personnel, and shall carry out the emergency responsibilities assigned to their agency in this Executive Order and elaborated upon in the *Minnesota Emergency Operations Plan*.

## III. Recovery/Hazard Mitigation

A. Each state agency that has a role in emergency management shall participate in the development of hazard mitigation strategies to reduce or eliminate the vulnerability of life and property to the effects of emergencies and disasters.

B. Following a presidential declaration of a major disaster, state agencies shall be responsible for carrying out the hazard mitigation responsibility assignments contained in this Executive Order and elaborated upon in the *State All-Hazard Mitigation Plan*.

C. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to assist with the damage assessment activities associated with the Public Assistance, Individual Assistance, and Hazard Mitigation programs. They shall also provide personnel to serve on an Interagency Hazard Mitigation Team or Hazard Mitigation Survey Team, when requested.

D. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to serve on the Minnesota Recovers Disaster Task Force, and be prepared to commit and combine resources toward the long-term recovery/mitigation effort.

E. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide necessary personnel to staff those Disaster Recovery Centers (DRCs) that are established, following a presidential declaration of a major disaster.

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# Executive Orders

3. Executive Order 04-04 is rescinded.

Pursuant to *Minnesota Statutes 2006*, section 4.035, subdivision 2, this Executive Order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect, in accordance with *Minnesota Statutes 2006*, section 4.035, subdivision 3.

**IN TESTIMONY WHEREOF**, I have set my hand this 7<sup>th</sup> day of September, 2007.

Signed: TIM PAWLENTY  
Governor

Filed According to Law:

Signed: MARK RITCHIE  
Secretary of State

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# Executive Orders

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## **I. DEPARTMENT OF ADMINISTRATION**

Section 100 - The Department of Administration shall administer the state self-insurance program as it relates to federal disaster and emergency assistance, as set forth under the Robert T. Stafford Disaster Relief Act (Public Law 93-288, as amended) (“Stafford Act”). This will be accomplished in conformance with Federal Emergency Management Agency (“FEMA”) guidance, as it relates to insuring public buildings for eligibility for the Public Assistance Program following a presidential declaration of a major disaster or emergency.

Section 101 - The Department of Administration shall provide administrative support to state government agencies during a disaster or emergency. This support may include, but is not limited to, assigning administrative staff and equipment, and maintenance to State Emergency Operations Centers (“SEOCs”).

Section 102 - The Department of Administration shall provide support to state agencies in the identification of alternate sites for their personnel.

Section 103 - The Department of Administration shall provide travel support to state agencies.

Section 104 - The Office of Geographic and Demographic Analysis shall use its geographic information systems tools and geographic data to assist emergency planners and responders.

Section 105 - The Department of Administration shall provide assistance to state agencies with the procurement of goods and services through the Materials and Management Division (“MMD”).

Section 106 - The Department of Administration shall provide resource management assistance to state agencies through the operation of mail services, resource recovery and confidential data disposal.

## **II. DEPARTMENT OF AGRICULTURE**

Section 200 - The Department of Agriculture shall provide guidance to state and local authorities for the protection of milk, food products, and crops affected by disaster.

Section 201 - The Department of Agriculture shall be responsible for preparing plans and procedures for monitoring/sampling of agricultural land, milk, food products, and crops affected by disaster.

Section 202 - The Department of Agriculture shall make its laboratory capabilities available, as needed, for the identification and analysis of potential biological and chemical agents.

Section 203 - The Department of Agriculture shall provide qualified personnel, as needed, to participate in a preliminary damage assessment (“PDA”) effort, following the occurrence of a disaster.

Section 204 - The Department of Agriculture shall provide a representative, as needed, to serve on the Minnesota Recovers Disaster Task Force to evaluate projects proposed for funding.

### **Board of Animal Health**

Section 220 - The Board of Animal Health shall develop procedures for responding to animal health emergencies. The Board shall provide leadership and technical expertise to local, state and federal authorities in the event of an animal disease emergency in order to prevent spread of the disease.

Section 221 - The Board of Animal Health shall develop fact sheets and provide other animal disease-related information to the public and other local and state agencies, in the event of an animal disease emergency.

Section 222 - The Board of Animal Health shall advise local and state officials on methods of livestock carcass disposal to control the spread of animal disease.

Section 223 - The Board of Animal Health shall be the lead technical agency for Minnesota Response Phases A3, A4, and A5 during a

Highly Pathogenic Avian Influenza outbreak of domestic birds.

### **III. ATTORNEY GENERAL**

Section 300 - The Attorney General shall be responsible for providing legal advice and opinions in support of state emergency operations.

Section 301 - The Attorney General shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to provide consumer information to persons affected by a disaster or emergency.

Section 302 - The Attorney General shall provide guidance on contracting requirements to state agencies, after a major disaster or emergency.

Section 303 - The Attorney General shall represent the state for isolation and quarantine proceedings.

### **IV. DEPARTMENT OF COMMERCE**

Section 400 - The Department of Commerce shall provide materials or representation at Disaster Recovery Centers (“DRCs”) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to furnish information relative to insurance claim procedures to persons affected by a disaster or emergency.

Section 401 - The Department of Commerce shall develop procedures and provide the necessary staff at the State Emergency Operations Center to support the state’s responsibility in emergency banking and fiscal matters of any economic stabilization program established by the Federal Reserve Bank of Minneapolis and/or the Federal Reserve System.

Section 402 - The Department of Commerce shall coordinate with other state agencies in supporting the utility restoration by the gas and electric utilities.

Section 403 - The Department of Commerce shall identify resources and assist vulnerable individuals and families, through the energy assistance program, during and after a disaster.

Section 404 - The Department of Commerce shall identify resources and assist vulnerable individuals and families, through the weatherization program, during and after a disaster.

Section 405 - The Department of Commerce shall assist state and local government with damage assessment of private or individual dwellings and businesses, which may include seeking cooperation of insurance underwriters’ adjustment resources, as requested by the Division of Homeland Security and Emergency Management.

Section 406 - The Department of Commerce shall develop and make available consumer fact sheets about disaster assistance and insurance regulations.

Section 407 - The Department of Commerce-Telecommunications Access Minnesota (“DOC-TAM”) shall, in coordination with the Department of Human Services-Deaf and Hard of Hearing Services Division (“DHS-DHHS”), provide Telecommunications Devices for the Deaf (“TDD”), TDD operators and American Sign Language Interpreters when the State Emergency Operations Center and Information Hotline are activated.

Section 408 - The Department of Commerce shall develop procedures for the conservation and management of energy resources during energy emergencies, in coordination with energy suppliers in the state.

Section 409 - The Department of Commerce shall coordinate their activities with the Division of Homeland Security and Emergency Management in the implementation of energy emergency procedures.

Section 410 - The Department of Commerce shall develop various public information releases for use in an energy emergency.

# Executive Orders

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Section 411 - The Department of Commerce shall provide personnel, as needed, to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster or emergency.

Section 412 - The Department of Commerce shall provide personnel, as needed, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster.

Section 413 - The Department of Commerce shall provide a representative, as needed, to serve on the Minnesota Recovers Disaster Task Force, in order to assist in the evaluation of projects proposed for funding.

## **V. DEPARTMENT OF EDUCATION**

Section 500 - The Department of Education shall coordinate with the Division of Homeland Security and Emergency Management on the development and updating, as required, of emergency plan guidance to be provided to local schools. Such guidance shall be designed to assist schools in developing an emergency plan that provides for the protection of children in the event of a disaster or emergency. The department shall be responsible for the distribution of such planning guidance to local school districts.

Section 501 - The Department of Education shall assist local school districts in preparing and submitting a request for federal financial assistance if public school facilities are damaged or destroyed as a result of a federally declared major disaster.

Section 502 - The Department of Education shall provide technical assistance in locating appropriate alternate school facilities, which are inspected and approved by the State Fire Marshal, when local facilities are damaged or destroyed as a result of a disaster.

Section 503 - The Department of Education shall work with schools to develop school-specific, all-hazard emergency plans compatible with local, county, state and federal all-hazard plans. The plans and response procedures developed for schools should specifically address violence within the buildings and the development of "safe areas" around schools.

## **VI. EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

Section 600 - The Emergency Medical Services Regulatory Board, with technical assistance from the Department of Transportation, shall develop a statewide emergency medical services radio communication plan.

Section 601 - The Emergency Medical Services Regulatory Board shall, in coordination with other state agencies, provide guidance to pre-hospital Emergency Medical Services agencies in areas affected by accidents/incidents involving hazardous materials, explosions, storage and transportation or radioactive materials, and fixed nuclear facilities and pandemics.

Section 602 - The Emergency Medical Services Regulatory Board shall coordinate resources for local ambulance service providers including, when required, coordinating pre-hospital Emergency Medical Services and transportation of patients requiring an ambulance, and for patients needing an ambulance during the evacuation of health/medical facilities.

Section 603 - The Emergency Medical Services Regulatory Board shall assign personnel, as necessary, to state, regional, and local emergency operations centers, for the purpose of coordinating pre-hospital emergency medical services.

Section 604 - The Emergency Medical Services Regulatory Board shall establish and maintain a list of the critical pre-hospital medical resources throughout the state and develop a system for rapid access to the data required to determine the availability of these resources.

Section 605 - The Emergency Medical Services Regulatory Board shall, as needed, assist in coordinating Critical Incident Stress Management (CISM) support to pre-hospital Emergency Medical Services (EMS) Providers.

## **VII. DEPARTMENT OF EMPLOYEE RELATIONS**

Section 700 - The Department of Employee Relations shall support state agencies in the management of personnel services at state and regional Emergency Operations Centers during a disaster, and will assist in the development of emergency employment utilization procedures.

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Section 701 - The Department of Employee Relations shall interface with union officials and appropriate representatives to develop strategies for resolving conflicts between labor organizations and state agencies proactively and during times of disaster and emergency including a pandemic. The Department of Employee Relations shall be proactive relative to developing options to sustain staffing for the State Emergency Operations Center (“SEOC”) and the implications thereof on labor agreements, whenever the SEOC is activated.

Section 702 - The Department of Employee Relations shall provide support to state agencies in the management of labor contracts during emergency operations, ensuring fair, uniform and consistent interpretation of contract language.

Section 703 - The Department of Employee Relations shall coordinate the reassignment of state employees between agencies.

Section 704 - The Department of Employee Relations shall facilitate and coordinate with the labor bargaining units on the procedures and processes for change in state employee scheduling, work locations, and temporary work assignments during declared emergencies, including a pandemic.

Section 705 - When the Department of Employee Relations is merged with other state agencies, the Department shall identify the state agencies that will fulfill the emergency management responsibilities currently assigned to the Department.

### **VIII. DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT**

Section 800 - The Department of Employment and Economic Development shall develop procedures to provide unemployment assistance, and dislocated worker and job training programs, to eligible individuals whose unemployment results from a major disaster declared under the federal Stafford Act (Public Law 93-288, as amended). The Department will also arrange for payment of benefits, under regular unemployment compensation laws, to eligible individuals in cases where a major disaster has not been declared.

Section 801 - The Department of Employment and Economic Development shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to furnish information relative to disaster unemployment, dislocated worker, job training, and applicable programs.

Section 802 - The Commissioner of the Department of Employment and Economic Development shall, when requested by the Division of Homeland Security and Emergency Management, provide an estimate of the immediate economic impact of a disaster or emergency, including Highly Pathogenic Avian Influenza or influenza pandemic outbreaks. Where possible and applicable, the Department shall provide estimated projections of long range effects of a major disaster or emergency, using relevant data from a variety of sources including: residents, businesses, and local, state, and federal agencies, if needed.

Section 803 - The Department of Employment and Economic Development shall provide a representative, as needed, to serve on the Minnesota Recovers Disaster Task Force, in order to assist in the evaluation of projects proposed for funding.

### **IX. DEPARTMENT OF FINANCE**

Section 900 - The Department of Finance shall develop procedures to streamline fiscal management of the state during an emergency, including a highly pathogenic avian influenza or influenza pandemic outbreak.

Section 901 - The Department of Finance shall work with the Department of Public Safety to establish procedures to estimate and monitor potential state matching commitments associated with requests for presidential disaster declarations, and accompanying strategies for appropriation authority for such matching funds.

Section 902 - The Department of Finance shall assist state agencies in identifying potential additional costs associated with supporting local agencies during emergencies when federal disaster assistance is not provided, and accompanying strategies to request appropriation authority for such additional costs.

### **X. DEPARTMENT OF HEALTH**

Section 1000 - The Department of Health shall have primary responsibility for the technical aspects of a response to an incident involving public health issues related to a disaster or an emergency, including an actual or potential terrorist incident involving biological, chemical, or radiological agents. The Department shall develop and maintain procedures for: disease surveillance, control and prevention, including

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protocols for quarantine, isolation, mass vaccination, and mass care clinics, in the event of a public health emergency; protection of human health from biological, chemical, or radiological agents; safe food preparation and handling; provision of training and assistance in the security of public water supply systems, and the maintenance of a potable water supply; handling, identification and safe disposition of dead human bodies in the event of mass casualties; and health assessment and training programs for health care and support personnel.

Section 1001 - The Department of Health shall be responsible for developing fact sheets and providing guidance on protective action levels and medical assistance to state and local authorities in areas affected by accidents/incidents involving radioactive or other hazardous, biological, or chemical materials. The Department shall develop procedures to accomplish this and conduct in-service training to maintain this response capability.

Section 1002 - The Department of Health shall, as needed, provide assistance to local officials, in conjunction with the local health agency, to ensure the safety of food and water for human consumption during, and immediately following, a disaster or emergency.

Section 1003 - The Department of Health shall provide personnel, as needed, to assist in the preliminary damage assessment (“PDA”) process for health and public water facilities damaged by a disaster or emergency. The Department will assist communities, as requested, in determining the cost to repair or replace damaged health facilities and public water distribution systems, so federal financial assistance can be requested under the Stafford Act (Public Law 93-288 as amended).

Section 1004 - The Department of Health laboratory shall be responsible for providing 24-hour analysis capability in the event of an emergency involving radioactive materials. The Department shall develop procedures to accomplish this and conduct in-service training to maintain this response capability.

Section 1005 - The Department of Health shall make its laboratory capabilities available for the analysis and identification of potential biological or chemical agents on a 24-hour basis, in the event of acts of terrorism, natural disasters, emerging health threats, and accidental or deliberate environmental contamination.

Section 1006 - The Department of Health shall, as needed, conduct food inspections at mass feeding facilities.

Section 1007 - The Governor may call upon the Department of Health, Disaster Mortuary Emergency Response Team (D-MERT), to provide mortuary or death-related services for major disasters or emergencies occurring in Minnesota.

Section 1008 - The Department of Health shall be the lead technical agency for all Minnesota Response Phases (P0-P7) of outbreaks of an influenza pandemic.

## **XI. MINNESOTA HOUSING FINANCE AGENCY**

Section 1100 - The Minnesota Housing Finance Agency shall administer home improvement grants, and/or loans, available through its programs to homeowners of low and moderate incomes, who have sustained disaster-related damage to their principal residence.

Section 1101 - The Minnesota Housing Finance Agency shall immediately, upon notification of a disaster or emergency, inventory the availability of rental property suitable for temporary or long-term housing for disaster/emergency victims.

Section 1102 - The Minnesota Housing Finance Agency, in cooperation with the Division of Homeland Security and Emergency Management, shall assist with the planning and implementation of victim housing, in conjunction with the Individuals and Households Program administered by the Federal Emergency Management Agency (“FEMA”) under the federal Stafford Act (Public Law 93-288, as amended).

Section 1103 - The Minnesota Housing and Finance Agency shall provide a representative, as needed, to serve on the Minnesota Recovers Disaster Task Force, in order to assist in the evaluation of projects proposed for funding.

## **XII. DEPARTMENT OF HUMAN SERVICES**

Section 1200 - The Department of Human Services shall coordinate a major mass care, housing and human services effort by assigning personnel, as necessary, to the primary, alternate and/or regional State Emergency Operations Center(s) (“SEOCs”).

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Section 1201 - The Department of Human Services shall assist in notifying county human service departments and other human services agencies and organizations that an emergency or disaster has occurred.

Section 1202 - The Department of Human Services shall coordinate with county human services agencies, the American Red Cross, HSEM, and others to evaluate the human services needs of emergency and disaster victims including support for persons with special needs.

Section 1203 - The Department of Human Services shall provide representation at Disaster Recovery Center (“DRCs”) and the disaster area itself to identify and assist disaster victims as deemed necessary by the Division of Homeland Security and Emergency Management.

Section 1204 - The Department of Human Services shall coordinate the delivery of emergency human services with the American Red Cross, local government and other human services agencies following an emergency or disaster.

Section 1205 - The Department of Human Services shall coordinate with county human services agencies to meet needs of emergency and disaster victims (food, shelter, clothing and medical) through state and federal income maintenance programs.

Section 1206 - The Department of Human Services shall coordinate with county social services agencies regarding childcare needs of emergency and disaster victims.

Section 1207 - The Department of Human Services shall assist with immediate mental health and chemical health services and apply for and administer special crisis counseling program grants for emergency and disaster victims and provide crisis counseling training for human service providers in the disaster area.

Section 1208 - The Department of Human Services shall coordinate the Disaster Food Stamp Program for disaster victims.

Section 1209 - The Department of Human Services shall, through the Emergency Food Assistance Program (“TEFAP”), provide USDA donated food to disaster relief agencies and emergency feed programs and assist with its distribution and storage.

Section 1210 - The Department of Human Services shall assist with, in coordination with the Department of Commerce-Telecommunications Access Minnesota, the provision of Telecommunication Devices for the Deaf (“TDD”), TDD operators and American Sign Language Interpreters when the State Emergency Operations Center and Information Hotline are activated.

Section 1211 - The Department of Human Services shall provide, as requested by the Division of Homeland Security and Emergency Management, personnel to assist the state in delivering individual assistance following a presidential declaration of a major disaster.

Section 1212 - The Department of Human Services shall provide assistance in long-term disaster recovery, using existing programs, streamlining or waiving regulatory functions where possible, and providing technical assistance and/or administrative support to stricken communities.

Section 1213 - The Department of Human Services, in cooperation with the Department of Public Safety, shall designate and activate staff, and manage the evacuee reception centers during a nuclear generating plant incident.

### **XIII. DEPARTMENT OF LABOR AND INDUSTRY**

Section 1300 - When an emergency or disaster involves employee fatalities/serious injuries, the Department of Labor and Industry, Occupational Safety and Health Division, shall respond, investigate and determine the cause, so that similar hazards to workers are prevented, or minimized, in the future.

Section 1301 - The Department of Labor and Industry, Occupational Safety and Health Division shall provide support, as needed, in the detection of air contaminants caused by chemical or biological agents and in the implementation of appropriate procedures.

Section 1302 - The Department of Labor and Industry, Occupational Safety and Health Division shall, as needed, assist in assessing hazards and personal protective equipment needs.

Section 1303 - The Department of Labor and Industry, Construction Codes and Licensing Division, shall assist in assessing damage of

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affected structures and provide staff to report to the SEOC as needed.

## **XIV. DEPARTMENT OF MILITARY AFFAIRS**

Section 1400 - The Department of Military Affairs (Minnesota National Guard) shall prepare, and maintain, plans and procedures, to support civil authorities, when an emergency exceeds local resources. As Commander-In-Chief of the National Guard, the Governor can direct the National Guard to take whatever action is needed to respond to the emergency. Upon the order of the Governor, the Adjutant General shall order to state active duty, such personnel, equipment, and facilities of the military forces of the state, as required, and for such a period of time as necessary, to assist and support civil authorities. National Guard assistance may be made available when a natural disaster, civil disturbance, hazardous materials incident, or other emergency beyond the capabilities of local government, occurs. Both local government and state agencies forward requests for National Guard assistance to the Minnesota Duty Officer (MDO), at the Division of Homeland Security and Emergency Management. The National Guard shall maintain 24-hour liaison with the MDO. County sheriffs, and mayors of cities of the first class, are authorized to request National Guard assistance.

Section 1401 - The Department of Military Affairs (Minnesota National Guard) shall prepare and maintain plans and procedures for responding to and supporting state and local authorities in their response to weapons of mass destruction including, but not limited to, biological, nuclear, incendiary, chemical and explosive devices, and compounds or materials. In the event of terrorist-type activity, the Department of Military Affairs shall provide support to the State Emergency Operations Center and the local incident command post. The Department of Military Affairs shall make the 55<sup>th</sup> Weapons of Mass Destruction – Civil Support Team (“CST”) available to support a local response to terrorist activity. When the National Guard deploys the 55<sup>th</sup> CST and technically qualified personnel to the affected jurisdictions to assess the extent of the terrorist situation, it will advise the civilian incident commander and facilitate requests for state and federal assistance, and provide policy and technical-level support in the State Emergency Operations Center, Planning and Assessment Center and Operations Section.

## **XV. DEPARTMENT OF NATURAL RESOURCES**

Section 1500 - The Department of Natural Resources shall be responsible for preparing plans and procedures for chemical, biological and radiological monitoring/sampling of plants, animals and water in cooperation with the Departments of Health and Agriculture.

Section 1501 - The Department of Natural Resources shall be responsible for providing technical assistance, personnel and equipment for debris and wreckage removal from state waterways and state-owned lands, subject to the availability of funds.

Section 1502 - The Department of Natural Resources shall assist in tracking plumes on waterways and monitoring shorelines, identifying wildlife populations within the ingestion pathway/vulnerable zone and providing personnel to conduct ingestion pathway sampling of fish and wildlife.

Section 1503 - The Department of Natural Resources shall provide aircraft to assist in damage assessment efforts, serve as state inspectors on federal/state damage survey teams, assist the Department of Administration in the inspection of damaged public buildings and facilities, and assist the Department of Transportation in the inspection of damaged road systems.

Section 1504 - The Department of Natural Resources shall provide technically qualified personnel, as needed, to participate in a preliminary damage assessment (“PDA”) effort, following a disaster.

Section 1505 - The Department of Natural Resources shall provide personnel, as needed, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster and provide hazard mitigation information to the general public.

Section 1506 - The Department of Natural Resources shall, in the case of wildfires, work with the Department of Public Safety to fulfill public information functions and requirements, work within the Minnesota Incident Command System (“MNICS”) partnership to design communication plans, and coordinate communications with all participating agencies.

Section 1507 - The Department of Natural Resources shall keep sheriffs apprised of evacuation forecasts.

Section 1508 - The Department of Natural Resources shall provide assistance in locating alternate water supplies, and provide equipment

and/or assistance in the restoration of critical public works, if requested.

Section 1509 - The Department of Natural Resources shall pre-plan for sensitive area designation, and provide for wildlife and waterfowl rehabilitation, in cooperation with the U.S. Fish and Wildlife Service.

Section 1510 - The Department of Natural Resources shall provide pathology laboratory services, with regard to the collection of dead and injured animals and their analysis; coordinate the chemical analysis of fish and wildlife samples with the Minnesota Department of Agriculture Chemistry Laboratory; and assist the Department of Health, as needed, in assessing the long-term environmental impact of a radiological accident/incident.

Section 1511 - The Department of Natural Resources shall be the lead technical agency for Minnesota Response Phases A1, A2, and A5 during an outbreak of highly pathogenic avian influenza in wild birds.

### **Enforcement Division**

Section 1520 - The Enforcement Division and other DNR divisions shall provide personnel and equipment support to the State Patrol in emergency law enforcement, evacuation or sheltering in-place, traffic control and public alerting operations, when requested by the Division of Homeland Security and Emergency Management.

Section 1521 - The Enforcement Division shall prepare procedures for providing communications support in a disaster area.

Section 1522 - The Enforcement Division shall prepare plans and provide support to local government agencies during floods, storms and other disasters and emergencies. The Division shall assist local law enforcement with search and rescue, shall provide special equipment such as boats, ATVs, snowmobiles, etc., and provide any other needs identified, when requested by the Division of Homeland Security and Emergency Management.

### **Forestry Division**

Section 1530 - The Forestry Division shall provide personnel and equipment support to the State Fire Marshal in emergency operations, when requested by the Division of Homeland Security and Emergency Management.

Section 1531 - The Forestry Division shall prevent and extinguish wildland fires, coordinate fire suppression planning and direct fire suppression activities work, through agreements with the Minnesota Incident Command System ("MNICS") partnership.

Section 1532 - The Forestry Division shall coordinate with the Division of Homeland Security and Emergency Management when Federal Emergency Management Agency assistance, through the Fire Management Assistance Grant Program, may be/has been made available to the State.

Section 1533 - The Forestry Division shall be responsible for coordinating fire suppression activities in forested and grassland areas of the state.

Section 1534 - The Forestry Division shall assist state and local governments in applying for grants from the federal government for the purpose of reimbursing expenses actually incurred by a property owner in the removal of timber damaged by a disaster.

Section 1535 - The Forestry Division shall assist local government in training for fire and rescue operations in coordination with the State Fire Marshal Division and the Minnesota State Colleges and Universities.

Section 1536 - The Forestry Division shall assist state and local governments with tree disposal recommendations, following a major wind event.

Section 1537 - The Forestry Division shall coordinate with the Department of Public Safety, State Patrol Division, and the Department of Transportation, Aeronautics Division, for air operations and air transportation services, during an emergency or disaster.

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## **Waters Division**

Section 1540 - The Waters Division shall be responsible for coordinating the Flood Plain Management Program and the National Flood Insurance Program ("NFIP") in Minnesota, including enrollment of communities in the NFIP, publicity regarding flood insurance availability and coordination of insurance agent workshops.

Section 1541 - The Waters Division shall assign staff, as needed, to a (post-disaster declaration) FEMA Interagency Hazard Mitigation Team and to the Minnesota Recovers Disaster Task Force. DNR staff shall help implement provisions of the *State All-Hazard Mitigation Plan* and update the Plan, as necessary.

Section 1542 - The Waters Division shall assist local units of government in applying for grants, through the Department of Natural Resources, Flood Damage Reduction Grant Program.

Section 1543 - The Waters Division shall assign the state climatologist and other needed staff to prepare climatological and hydrologic reports, as well as other related hydrologic data, in support of emergency operations.

Section 1544 - The Waters Division shall provide information or personnel at Disaster Recovery Centers ("DRCs") to disseminate information to, and solicit information from, flood victims.

## **XVI. OFFICE OF ENTERPRISE TECHNOLOGY**

Section 1600 - The Office of Enterprise Technology shall furnish computer services needed for state operations and resource management in an emergency.

Section 1601 - The Office of Enterprise Technology shall coordinate planning and delivery of statewide telecommunications systems and services for operations during an emergency and shall provide emergency telecommunications support.

Section 1602 - The Office of Enterprise Technology shall be responsible for providing telephone operations support during exercises and emergencies in state and regional EOCs.

Section 1603 - The Office of Enterprise Technology shall provide support to state agencies in the identification of alternate recovery sites for time-sensitive services and systems.

Section 1604 - The Office of Enterprise Technology shall coordinate planning and recovery of all enterprise technology systems.

Section 1605 - The Office of Enterprise Technology shall manage the state's business continuity program by establishing policies and standards, providing and maintaining an enterprise plan development tool, providing plan development templates, managing recovery strategies and funding, providing planners to assist agencies and by reviewing agency plans.

## **XVII. MINNESOTA POLLUTION CONTROL AGENCY**

Section 1700 - The Minnesota Pollution Control Agency shall, upon instructions from the office of the Governor or the Governor's Authorized Representative, waive, modify or suspend selected enforcement rules of the agency for areas stricken by an emergency or disaster, when statute provides for such waivers. This action will relieve or expedite recovery operations and avert an even greater disaster from occurring, while ensuring continued protection of the public.

Section 1701 - The Minnesota Pollution Control Agency shall provide technically qualified personnel, as needed, to participate in a preliminary damage assessment ("PDA") effort, following the occurrence of a disaster.

Section 1702 - The Minnesota Pollution Control Agency shall provide personnel, as needed, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of major disaster.

Section 1703 - The Minnesota Pollution Control Agency shall provide a representative, as needed, to serve on the Minnesota Recovers Disaster Task Force to evaluate projects proposed for funding.

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Section 1704 - The Minnesota Pollution Control Agency shall review the environmental effects of an emergency diking project and recommend approval or disapproval before work begins.

Section 1705 - The Minnesota Pollution Control Agency shall provide technical and policy-level staff to the State Emergency Operations Center, specifically to the Planning and Assessment Center and the Operations Section, when requested by the Department of Public Safety, Division of Homeland Security and Emergency Management.

Section 1706 - The Minnesota Pollution Control Agency shall develop and provide guidelines and procedures, assisting local authorities to manage and dispose of debris after a disaster/emergency.

### **XVIII. DEPARTMENT OF PUBLIC SAFETY**

#### **Bureau of Criminal Apprehension**

Section 1800 - The Bureau of Criminal Apprehension shall make its field agents available, when possible, to assist other state agencies with search and rescue, evacuation and traffic control, and law enforcement, during a disaster or emergency.

Section 1801 - The Bureau of Criminal Apprehension shall lend forensics capabilities to the analysis and identification of evidence during a potential weapons of mass destruction event.

Section 1802 - The Bureau of Criminal Apprehension, along with the Division of Homeland Security and Emergency Management, shall coordinate flights in search and rescue missions with the Civil Air Patrol.

Section 1803 - The Bureau of Criminal Apprehension shall maintain the 24-hour Minnesota Duty Officer system to ensure the proper receipt and dissemination of disaster/emergency notifications and requests for emergency resources to appropriate state and local government agencies.

#### **Capitol Complex Security Division**

Section 1810 - The Capitol Complex Security Division shall be responsible for providing protection to property and equipment on the Capitol Complex, during an emergency.

Section 1811 - The Capitol Complex Security Division shall provide 24-hour security for the State Emergency Operations Center (SEOC) and the Joint Public Information Center (JPIC) during an emergency, when located on the Capitol Complex.

Section 1812 - The Capitol Complex Security Division shall, if feasible, provide backup radio operators for duty officers operating the radio console in the SEOC.

#### **Office of Communications**

Section 1820 - The Office of Communications shall provide emergency public information support, following the occurrence of an emergency or disaster, including disaster exercises, in coordination with the Division of Homeland Security and Emergency Management and the Governor's Office.

#### **State Fire Marshal/Office of Pipeline Safety**

Section 1830 - The State Fire Marshal Division shall assist local jurisdictions, in coordination with the Division of Homeland Security and Emergency Management, in obtaining, through implementation of the Minnesota Fire and Rescue Mutual Aid Plan ("FIREMAP"), fire fighting and rescue response assistance (except for missing or lost person search and rescue), during an emergency, and providing technical expertise and general assistance with the coordination of local fire and rescue emergency response operations.

Section 1831 - The State Fire Marshal Division shall, when requested by local authorities or deemed necessary by the State Fire Marshal (in accordance with Minn. Stat. § 299F.04 (2006)), investigate fires and explosions to determine their origin and cause. If the cause is determined to be other than accidental, the Division shall assist local authorities with the collection and analysis of evidence, and the preparation of criminal cases for prosecution.

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Section 1832 - The State Fire Marshal Division shall, upon the request of a local jurisdiction, provide technical expertise necessary to examine major structure fires (large dollar loss or multiple fire deaths) to identify the effectiveness of fire protection systems and prevention programs in place prior to the fire. The results of such examinations shall be used in efforts to prevent similar future losses.

Section 1833 - The State Fire Marshal Division personnel shall be assigned to conduct fire and life safety inspections of jurisdictional facilities damaged or otherwise impacted during a disaster or emergency, when requested by local authorities, or deemed necessary by the State Fire Marshal.

Section 1834 - The State Fire Marshal Division, Office of Pipeline Safety, shall act as a liaison with pipeline companies and other utilities, local units of government and federal pipeline authorities, and provide post-incident enforcement, investigation and damage prevention education.

Section 1835 - The State Fire Marshal Division, Office of Pipeline Safety, shall act as the contact with U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration ("PHMSA") for security-related pipeline issues, distribute alerts received, and participate in pipeline security inspections, as required under federal regulations 49 CFR, as adopted by the state.

## **Fiscal and Administrative Services**

Section 1840 - Fiscal and Administrative Services shall, within five working days, process Individual and Households Program payments received from the Federal Emergency Management Agency, via the Division of Homeland Security and Emergency Management.

## **Division of Homeland Security and Emergency Management**

Section 1850 - The Director of the Division of Homeland Security and Emergency Management ("HSEM") shall serve as the state coordinating officer ("SCO") and the Governor's authorized representative ("GAR") for all presidentially declared disasters and emergencies.

Section 1851 - The Director of HSEM shall ensure that emergency operations planning for a potential nuclear generation plant accident/incident is carried out. In the event of an actual accident/incident, the Director shall assess the need for protective actions required to mitigate the effects of an incident at a nuclear generating plant.

Section 1852 - The Director of HSEM, or designee, shall chair and facilitate the activities of the Minnesota Emergency Preparedness and Response Committee.

Section 1853 - HSEM shall monitor the operations of the state portion of the National Warning System ("NAWAS") and coordinate any actions necessary to maintain service or extend coverage.

Section 1854 - HSEM shall activate the State Emergency Operations Center ("SEOC") when any major emergency/disaster occurs that poses a significant threat to public safety and/or health. When warranted, Division staff shall establish regional Emergency Operations Centers ("EOCs") or field offices in/or adjacent to the emergency or disaster area to coordinate field operations. When regional EOC or field office is opened, the Division shall notify state agencies, so that they may provide the staff necessary to ensure that their emergency responsibilities are carried out.

Section 1855 - HSEM shall keep the Commissioner of Public Safety, Governor, Executive Council, and the Legislature, as appropriate, informed of actual or impending emergency operations.

Section 1856 - HSEM shall provide guidance and information sufficient to allow local governments to request assistance via the provisions of Minnesota Statutes, Section 9.061, (the "Calamity Act"), and Section 273.123 (reassessment of Homestead Property Damaged in a Disaster).

Section 1857 - HSEM shall designate personnel to serve as the State Hazard Mitigation Officer ("SHMO"). The SHMO is responsible for ensuring that the hazard mitigation requirements contained in the federal Stafford Act (Public Law 93-288, as amended) including implementation of the Hazard Mitigation Grant Program, are carried out.

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Section 1858 - HSEM shall facilitate long-term disaster recovery/hazard mitigation efforts by: coordinating maintenance of the *State All-Hazard Mitigation Plan*, and activating the Minnesota Recovers Disaster Task Force, when appropriate.

Section 1859 - HSEM shall administer the Public Assistance Program and the Hazard Mitigation Grant Programs under the federal Stafford Act, (Public Law 93-288, as amended).

Section 1860 - HSEM shall support the FEMA Individual Assistance Program, including FEMA's implementation of the Individuals and Households Program, following a presidential declaration of a major disaster.

Section 1861 - HSEM shall assist local communities in the completion of all prerequisite actions needed to construct flood protection works. The Division shall also help to obtain the concurrence of the Departments of Natural Resources and Transportation, and the Minnesota Pollution Control Agency in any project, before requesting construction assistance from the U.S. Army Corps of Engineers.

Section 1862 - HSEM shall obtain initial damage assessment information from state agencies and local governments. If it appears that the extent of the damage is beyond state and local capabilities, HSEM will request that FEMA conduct a preliminary damage assessment ("PDA") to determine whether a request by the Governor for a presidential disaster declaration is warranted.

Section 1863 - HSEM shall request all appropriate state agencies to provide materials and/or representatives for those Disaster Recovery Centers ("DRCs") that may be established, following a presidential declaration of a major disaster.

Section 1864 - HSEM shall have overall responsibility for supporting both local government emergency operations planning and all-hazards mitigation planning. This responsibility includes the development and maintenance of prototype emergency operations plans, mitigation plans and supporting documents, as well as planning requirements guidance.

Section 1865 - HSEM Regional Program Coordinators shall review county emergency operations plans to determine if they are in compliance with state and federal requirements and, when necessary, provide guidance for bringing them into compliance.

Section 1866 - HSEM shall coordinate the development and conducting of emergency preparedness drills and exercises, involving multiple Minnesota state agencies.

Section 1867 - HSEM shall be responsible for the overall coordination of the State Hazardous Materials Regional Response Team program. This responsibility includes the maintenance of contracts with the Teams, the performance of other administrative tasks associated with the Program, and coordination of the deployment of the Teams.

Section 1868 - HSEM shall receive the advance notification of shipments of high-level radioactive waste and spent nuclear fuel through or within the State of Minnesota, in accord with the requirements contained in federal regulations, 10 CFR Parts 71 and 73. The Division shall make all necessary notifications and coordinate state agency shipment preparedness and response activities.

Section 1869 - HSEM shall maintain the state's contracts with designated bomb disposal squads, and shall coordinate the deployment of those squads when they are called upon to carry out a state mission.

Section 1870 - HSEM, with the cooperation of the Bureau of Criminal Apprehension, shall coordinate flights in search and rescue missions with the Civil Air Patrol.

Section 1871 - HSEM shall coordinate with FEMA to facilitate the use of FEMA travel trailers and/or mobile homes as temporary housing for disaster victims, should such trailers/homes be needed, following a presidential declaration of a major disaster.

Section 1872 - HSEM's Emergency Planning and Community Right-to-Know Act ("EPCRA") Program staff shall provide state and local emergency response personnel with hazardous chemical storage information provided to the EPCRA Program by facilities subject to Title III of the Superfund Amendments and Reauthorization Act of 1986 ("SARA Title III").

Section 1873 - HSEM's EPCRA Program staff shall provide technical guidance and assistance to political subdivisions in meeting EPCRA requirements.

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Section 1874 - The HSEM Director shall require that the Regional Review Committees review county emergency operations plans, and determine whether they believe those plans adequately address the required EPCRA plan content items.

## **State Patrol Division**

Section 1880 - The State Patrol Division shall be responsible for law enforcement and traffic control on all interstate and state trunk highways in an emergency.

Section 1881 - The State Patrol Division shall use available resources to assist local police agencies with law enforcement and traffic control during an emergency when requested by the proper local authority.

Section 1882 - The State Patrol Division shall act as net control for the National Warning System ("NAWAS") within the state for the dissemination of national and local emergency information and warnings.

Section 1883 - The State Patrol Division shall provide assistance, as needed, to the Capitol Complex Security Division to protect the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this.

Section 1884 - The Chief of the State Patrol Division shall be in charge of the law enforcement function and shall coordinate its emergency operations in the state, including the assignment of personnel as law enforcement representatives at the state and regional emergency operations centers.

Section 1885 - The State Patrol radio frequencies shall serve as the redundant direction and control net.

Section 1886 - The State Patrol Division shall provide backup radio operators to serve as SEOC communications personal to operate the radio console in the SEOC, as needed.

Section 1887 - The State Patrol Division, Air Section, shall provide immediately, at the time of a disaster or large-scale emergency, aerial photography and assessment of the disaster or emergency area. State Patrol helicopters with cameras shall be utilized to do aerial filming of the area and shall provide that information directly to the State Emergency Operations Center.

Section 1888 - The State Patrol Division, Air Section, shall request the restriction of flights and access over disaster and emergency areas, when requested by the Division of Homeland Security and Emergency Management or local authorities.

Section 1889 - The State Patrol Division, Air Section, shall provide personnel to participate in a preliminary damage assessment for airports and airport facilities damaged in any type of major disaster in conjunction with the Department of Transportation, Aeronautics Division, and the Department of Natural Resources, when requested.

Section 1890 - The State Patrol Division, Air Section, shall provide transportation and/or reconnaissance, in conjunction with the Department of Transportation, Aeronautics Division, as requested by the Division of Homeland Security and Emergency Management, during a declared emergency or disaster situation.

Section 1891 - The State Patrol Division, Air Section, shall have a plan for the utilization of agency aircraft available for emergency operations, including records of agency aircraft, pilots, and available airports.

Section 1892 - The State Patrol Division, Air Section, shall coordinate with the Department of Transportation, Aeronautics Division, and the Department of Natural Resources for the provision and use of air transportation resources within state government, during an emergency or disaster.

Section 1893 - The State Patrol Division shall provide 24-hour security for the State Emergency Operations Center (SEOC) and the Joint Public Information Center (JPIC) during an emergency.

## **Warehouse**

Section 1895 - The Public Safety Warehouse shall assist with the relocation of furniture, equipment, and supplies from the State

Emergency Operations Center to an alternate site, when necessary and feasible.

### **XIX. DEPARTMENT OF REVENUE**

Section 1900 - The Department of Revenue shall provide materials or representatives at Disaster Recovery Centers (DRCs) to provide guidance to clients on how their tax burden shall be affected by their disaster losses, when requested by the Division of Homeland Security and Emergency Management.

Section 1901 - The Department of Revenue shall assist local governments and help citizens determine value of losses sustained as a result of an emergency or disaster.

Section 1902 - The Department of Revenue shall assist local government in conducting a damage assessment of private homes and businesses, as needed.

Section 1903 - The Department of Revenue shall assist the Division of Homeland Security and Emergency Management and the Department of Commerce in the implementation of an energy plan which provides for the allocation and conservation of energy resources, as needed.

Section 1904 - The Department of Revenue shall assign personnel to assist with the compliance activities associated with the economic stabilization function.

### **XX. MINNESOTA STATE COLLEGES AND UNIVERSITIES**

Section 2000 - The Minnesota State Colleges and Universities shall assist local government, state agencies, and other public and private entities as appropriate by providing training and education in all hazards emergency operations and planning through its colleges and universities.

### **XXI. DEPARTMENT OF TRANSPORTATION**

Section 2100 - The Department of Transportation shall provide personnel, as needed, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster.

Section 2101 - The Department of Transportation shall be responsible for debris and wreckage removal from all interstate and state trunk highways, and for assistance to political subdivisions on other roadways, as requested and as resources permit.

Section 2102 - The Department of Transportation shall approve emergency construction projects on the interstate and trunk highway system before work begins.

Section 2103 - The Department of Transportation shall provide technically qualified personnel to participate in preliminary damage assessment ("PDA") efforts for all interstate and state trunk highways, general aviation facilities, and for other political subdivisions' roadways, as needed and as resources permit. The Department shall also provide personnel, as needed, for the preparation of project worksheets for general aviation facilities and other political subdivisions' roadways.

Section 2104 - The Department of Transportation shall assist in radiological emergency response and protection efforts such as evacuation, traffic control, and supporting radiological monitoring and decontamination of state highways and vital facilities performed by others, in coordination with the Department of Health and Department of Public Safety.

Section 2105 - The Department of Transportation shall prepare emergency highway traffic plans and procedures for the regulation of highway travel, during periods of emergency, in coordination with the Department of Public Safety and local law enforcement.

Section 2106 - The Department of Transportation shall process Temporary Flight Restriction ("TFR") requests, through the Federal Aviation Authority ("FAA"), as requested by the Division of Homeland Security and Emergency Management or other appropriate authority.

Section 2107 - The Department of Transportation shall coordinate air transportation and reconnaissance with the FAA, Metropolitan

# Executive Orders

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Airports Commission, Department of Military Affairs, Department of Natural Resources, Department of Public Safety and general aviation, as requested by the Division of Homeland Security and Emergency Management. The Department shall support this effort through utilization of its aircraft for emergency operations, when feasible.

Section 2108 - The Department of Transportation shall maintain current records of general aviation airport facilities and aircraft registered in the state. The Department shall also act as liaison with FAA for access to the FAA listing of licensed pilots.

Section 2109 - The Department of Transportation shall provide emergency engineering services in disaster operations and shall assign personnel, as needed, to state and regional emergency operations centers.

Section 2110 - The Department of Transportation shall coordinate emergency relief efforts with the motor carrier industry to enlist their assistance in emergency response efforts.

Section 2111 - The Department of Transportation shall develop procedures for receiving and disseminating information to appropriate agencies, concerning the shipment of chemicals, radiological substances, and other materials that are potentially hazardous.

Section 2112 - The Department of Transportation shall assist in preparing emergency executive orders granting relief from the motor carrier safety regulations, including overweight and over-dimension permits, upon instruction from the Governor's Authorized Representative. The Department shall also coordinate state emergency declarations with the United States Department of Transportation, Federal Motor Carrier Safety Administration, to ensure consistent application of the emergency relief to interstate carriers providing direct assistance to the emergency.

Section 2113 - The Department of Transportation shall coordinate with all rail, bus and waterway transportation providers, and the federal agencies with jurisdiction over these modes, as requested by the Division of Homeland Security and Emergency Management.

Section 2114 - The Department of Transportation shall make the Maintenance Construction Communications network available for use as the Division of Homeland Security and Emergency Management's command net, should the direction and control net fail or become overloaded.

Section 2115 - The Department of Transportation shall provide technical radio communications assistance to the Division of Homeland Security and Emergency Management and incident commanders, as requested.

Section 2116 - The Department of Transportation shall provide technical assistance in developing radio capabilities for statewide emergency preparedness, when multiple state agencies or multiple levels of government need to carry out a coordinated response

Section 2117 - The Department of Transportation shall provide radio frequency spectrum management, as delegated by the Federal Communications Commission ("FCC").

Section 2118 - The Department of Transportation shall provide for the maintenance of state radio communications systems essential to operations, during an emergency or disaster.

## **XXII. METROPOLITAN COUNCIL/METRO TRANSIT.**

Section 2201 - Provide direct support with planning, coordination, equipment, personnel and facilities for Twin Cities Metropolitan Area. Metropolitan Council/Metro Transit shall provide consultative services with the Minnesota Department of Transportation (Mn/DOT) for out-state transit planning, coordination and response.

Section - 2202 - Assign personnel, as necessary, to primary, alternate and/or regional emergency operations center(s) (EOCs) to coordinate with the State Patrol, Mn/DOT, and other agencies involved in the evacuation effort.

Section - 2203 - Assist political subdivisions and local law enforcement agencies in coordinating public rail and transit transportation resources needed during a large-scale evacuation, as requested.

Section 2204 - Develop procedures, support transit and emergency operations planning, with available resources, as requested.

Section 2205 - Must be contacted through the Minnesota Duty Officer. Metropolitan Council/Metro Transit can provide direct support with transit and emergency operations planning, and provide emergency Metro Transit buses and rail, personnel, temporary shelter and protect personnel from adverse weather conditions at the emergency site or other locations during a disaster in the Twin Cities Metropolitan Area. Metropolitan Council/Metro Transit shall provide consultative services with Mn/Dot for out state transit planning, coordination and response.

### Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

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## Minnesota Board of Chiropractic Examiners

### REQUEST FOR COMMENTS ON Possible Amendment to Rules Governing Reinstatement of License, *Minnesota Rules*, 2500.1900, 2500.2040, 2500.2110, 2500.2130

**Subject of Rules.** The Minnesota Board of Chiropractic Examiners requests comments on its possible amendment to rules governing license reinstatement requirements. The Board is considering rule amendments that clarify, standardize, and consolidate the requirements that are presently varied or non-specific based on the reason for not holding an active license, i.e. retired, inactive but practicing elsewhere, revoked, suspended, etc.

**Persons Affected.** The amendment to the rules would likely affect chiropractors licensed in another state, retired chiropractors, and chiropractors that have lost their license due to disciplinary or revenue action, who now wish to reinstate their Minnesota license to active status.

**Statutory Authority.** *Minnesota Statutes*, section 148.08, subd 3, authorizes the Board to promulgate rules necessary to administer its legislative authority.

# Official Notices

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**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board does not contemplate appointing an advisory committee to comment on the possible rules amendments.

**Rules Drafts.** The Board has not yet prepared a draft of the possible rules amendments and does not anticipate that a draft of the rules amendments will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Micki King at The Minnesota Board of Chiropractic Examiners, 2829 University Ave SE, Suite 300, Minneapolis MN 55414-3220, (651) 201-2849, and [micki.king@state.mn.us](mailto:micki.king@state.mn.us). TTY users may call the Board at 1-800-627-3529.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: September 11, 2007

Larry A. Spicer, DC, Executive Director  
Minnesota Board of Chiropractic Examiners

## Minnesota Comprehensive Health Association Notice of Meeting of the Actuarial Committee September 6, 2007

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Actuarial Committee will take place **Wednesday, September 26, 2007, 1:00 pm. at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.**

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Comprehensive Health Association Notice of Meeting of the Finance Committee September 24, 2007

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 9:30 a.m. on Monday, September 24, 2007. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Comprehensive Health Association Notice of Meeting of the Public Policy Committee September 20, 2007

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Public Policy Committee will be held at 9:00 a.m. on Thursday, September 20, 2007. The meeting will take place at the MCHA executive office located

at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

## **Minnesota Comprehensive Health Association Notice of MCHA Member Outreach Meetings**

**NOTICE IS HEREBY GIVEN** that Member Outreach Meetings of the Minnesota Comprehensive Health Association's (MCHA) will be held as indicated below:

For additional information, please call Lynn Gruber at (952) 593-9609.

<b>LOCATION</b>	<b>DATE</b>	<b>TIME</b>
<b>Rochester</b>	<b>Tuesday, September 18, 2007</b> University Center Rochester Community & Technical College 851 30 <sup>th</sup> Ave, SE Coffman Hall rooms 206/208	5:30-6:30pm for Medicare members 7:00-9:00pm Non-Medicare members
<b>St. Cloud</b>	<b>Wednesday, September 19, 2007</b> St. John's University Collegeville Peter Engel Science Center Rm. 244	5:30-6:30pm for Medicare members 7:00-9:00pm Non-Medicare members
<b>Eden Prairie</b>	<b>Thursday, September 20, 2007</b> Hennepin Technical College 131 College View Drive Rooms H193/195	5:30-6:30pm for Medicare members 7:00-9:00pm Non-Medicare members
<b>Duluth</b>	<b>Wednesday, September 26, 2007</b> College of St. Scholastica 1200 Kenwood Avenue Somers Hall meeting area lounge	5:30-6:30pm for Medicare members 7:00-9:00pm Non-Medicare members
<b>White Bear Lake</b>	<b>Thursday, September 27, 2007</b> Century College 3300 Century Avenue North West Campus, Room 2490	5:30-6:30pm for Medicare members 7:00-9:00pm Non-Medicare members

## **Minnesota Department of Health Notice of Hospital Public Interest Review**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health has received a letter of intent from Prairie St. John's seeking to obtain a hospital license to operate a 70 to 80 bed inpatient mental health hospital with the potential to expand to 160 beds in the City of Woodbury, Minnesota. Under *Minnesota Statute* 144.553 Subd.1, any other organization seeking a hospital license to serve the same, or similar, service area must notify the Commissioner of Health within thirty days of the date of this notice.

# Official Notices

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Organizations requesting additional information, or submitting letters of intent to the commissioner, should contact:

Julie Sonier  
Director, Health Economics Program  
Minnesota Department of Health  
PO Box 64882  
St. Paul, Minnesota 55164-0882  
**Phone:** (651) 201-3561  
**Fax:** (651) 201-5179  
**E-mail:** [julie.sonier@state.mn.us](mailto:julie.sonier@state.mn.us)

## Minnesota Department of Natural Resources Notice of Sale of 26 Parcels of State Land in Aitkin, Beltrami, Cook, Lake, Marshall, Red Lake and St. Louis Counties

**NOTICE IS HEREBY GIVEN**, that The Department of Natural Resources will offer 26 parcels of state land for sale to the public. The properties will be sold at public oral auction and sealed bid auction on October 24 & 26, 2007.

Included in the auctions will be lands from Aitkin, Beltrami, Cook, Lake, Marshall, Red Lake and St. Louis Counties. 5 parcels (4 Cook County & 1 Lake County) will be sold at public oral auction on October 24, 2007, at the Lake County Courthouse, 601 3<sup>rd</sup> Ave, Two Harbors, MN 55616 at 1:30 PM. 21 parcels (4 Aitkin County, 1 Beltrami County, 1 Marshall County, 3 Red Lake County and 12 St. Louis County) will be sold by sealed bid auction. Sealed bids are due no later than 4:30 PM CST on Thursday, October 25, 2007 to the DNR Central Office, 500 Lafayette Rd., Box 45, St. Paul, MN 55155-4045. The opening of these bids is open to the public and will take place in the 6<sup>th</sup> Floor Conference Room, DNR Central Office, 500 Lafayette Rd., St. Paul, MN 55155-4045 on Friday, October 26, 2007 at 11 AM.

Prospective bidders are urged to obtain full information on properties and sale conditions prior to the auction. No properties offered at oral auction or by sealed bid will be sold for less than the minimum bid identified for each property on the property data sheet. The minimum bid consists of the value of the land and any improvements, the timber value and sale costs.

All properties are sold 'as is.' Property data sheets for all parcels are available from the DNR, and contain exact locations, minimum bids, date and location of auction for that property, site description and property condition.

To view or request more information about any or all properties, contact the DNR land sale line by calling (651) 259-5432, or toll free at 1-888-MINNDNR (1-888-646-6367), TTY 800-657-3929, or check out DNR Land Sale information on the DNR website at [www.dnr.state.mn.us](http://www.dnr.state.mn.us), or request information by email at [landsale@dnr.state.mn.us](mailto:landsale@dnr.state.mn.us).

## Minnesota Pollution Control Agency Regional Division Notice of Availability of draft Twin Lakes and Ryan Lake Excess Nutrients Total Maximum Daily Load Report and Request for Comment Public Comment Period Begins: September 17, 2007 Public Comment Period Ends: October 15, 2007

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft report for the Twin Lakes and Ryan Lake Total Maximum Daily Load (TMDL). The Twin Lakes and Ryan Lake are impaired because they do not meet the State Water Quality Standards for aquatic recreation due to excess nutrients, particularly phosphorus. The draft TMDL Report for the Twin Lakes and Ryan Lake TMDL is available for review at: <http://www.pca.state.mn.us/water/tmdl.html#drafttmdl>. Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

The Twin and Ryan Lakes have been found to be impaired based on water quality monitoring conducted during the last several years. These results have frequently shown excessive levels of nutrients, particularly phosphorus, making the waters unsuitable for aquatic recreation. The TMDL study assessed the phosphorus concentrations in North, Middle and South Twin Lakes and Ryan Lake, and determined the amounts of phosphorus these lakes could receive and still meet water quality standards. Sources of phosphorus were also evaluated, including watershed runoff, internal loading, and atmospheric load.

The Twin Lake chain of lakes is a regional water resource located in Hennepin County, Minnesota, in the Shingle Creek watershed, specifically in the cities of Brooklyn Center, Crystal, Minneapolis, and Robbinsdale. The lakes in the Twin Lake chain are highly used recreational waters that support fishing and swimming as well as providing other aesthetic values. The drainage area to the lake chain is 5,550 acres of fully developed urban and suburban land. The lakes are connected to each other by channels of varying lengths. The lake system discharges into Shingle Creek, which ultimately discharges into the Mississippi River. Water quality in North and South Twin Lake is considered poor with frequent algal blooms while Ryan and Middle Twin Lake have more moderately degraded water quality. North and South Twin Lakes do not currently support recreational activities while Ryan and Middle Twin Lake partially support recreational activities. The lakes are impaired for aquatic recreation because of excess nutrient levels, particularly phosphorus, and violate Minnesota water quality standards. Due to the violations, the lakes appear on Minnesota's list of impaired waters.

The draft TMDL Report indicated reductions ranging from 0-76 percent, for phosphorus, will be needed to meet the water quality standard during summer growing season conditions, corresponding to the time when violations of the aquatic recreation standard were more likely to occur. Implementation strategies in the draft TMDL Report will be used to generally guide future phosphorus reduction efforts. A more detailed implementation plan is being developed to identify specific measures needed to achieve the desired reductions. The lakes are located in the Shingle Creek watershed which covers 44.5 square miles in east-central Hennepin County, Minnesota, including nine municipalities. The nine municipalities in the watershed include Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. These entities created a joint powers organization, the Shingle Creek Watershed Management Commission (SCWMC), as required by the Metropolitan Surface Water Management Act of 1982. The SCWMC's responsibilities include controlling excessive volumes and rate of runoff, stormwater management, improving water quality, preventing flooding and erosion, promoting ground water recharge, protecting and enhancing fish and wildlife habitat, and water recreation. In addition to these municipalities, roads in the watershed are also maintained by Hennepin County and the Minnesota Department of Transportation (Mn/DOT). The nine communities, Hennepin County, and Mn/DOT are all considered municipal separate storm sewer systems (MS4s) under the EPA's – National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program.

**Preliminary Determination on the Draft TMDL Report:** The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed below, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl.html#drafttmdl>.

**Written Comments:** You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the MPCA Commissioner to investigate the merits of your position.

Written comments on the draft TMDL Report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice.

Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

# Official Notices

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**Agency Contact Person.** Written comments and requests for more information should be directed to:

Timothy Larson  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
**Phone:** (651) 296-7359 (direct)  
**Minnesota Toll Free:** 1-800-657-3864  
**Fax:** (651) 297-8676  
**E-mail:** *timothy.larson@pca.state.mn.us*

TTY users may call the MPCA teletypewriter at 651-282-5332 or 1-800-657-3864.

**Petition for Public Informational Meeting:** You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

**Petition for Contested Case Hearing:** You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft TMDL Report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

**MPCA Decision:** You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL Report.

## State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

### Minnesota Department of Corrections Notice of Availability of Funds for 18-Month Sex Offender Programming Projects

The Minnesota Department of Corrections, Community Services Division, Grants and Subsidies Unit, announces the availability of funds through a Request for Proposals (RFP) for 18-month sex offender programming projects providing local services as defined in *Minnesota Statutes* 241.31, Subd.1, 241.67, Subd. 1, 3(b), and 8, and 242.195, Subd.1. The goal of this RFP is to provide and promote a variety of adult and juvenile sex offender programming across the State of Minnesota.

The amount of funding available is \$1,461,000 for the six-month period of January 1, 2008, through June 30, 2008, and \$2,422,000 for the twelve-month period of July 1, 2008, through June 30, 2009.

Private, for-profit, non-profit 501(c)(3) organizations, public human service agencies, community corrections agencies, local units of government, and American Indian tribal governments that are able to provide direct sex offender-specific services to juvenile and/or adult sex offenders are eligible to apply. Successful applicants may be eligible to request an additional two years of funding. This RFP does not obligate the state to complete the proposed project, and the state reserves the right to cancel this solicitation if it is considered to be in its best interest.

All applications are due at 4:30 p.m., Monday, October 22, 2007.

To receive a copy of the RFP that describes in detail how to apply for funding, contact:

Lynda Davis  
Minnesota Department of Corrections  
Grants and Subsidies Unit  
1450 Energy Park Drive, Suite 200  
St. Paul, Minnesota 55108-5219  
**Telephone:** (651) 361-7166,  
**TTY:** 800-627-3529  
**E-mail:** [ldavis@co.doc.state.mn.us](mailto:ldavis@co.doc.state.mn.us)

### Minnesota Department of Health Office of Rural Health and Primary Care Applications Sought for the New Rural Pharmacy Planning and Transition Grant Program

The Office of Rural Health & Primary Care is seeking applications from rural communities and health care providers (hospitals, clinics, pharmacies, long-term care institutions, or other health care facilities) for the new Rural Pharmacy Planning and Transition Grant Program. The program is intended to preserve access to prescription medication and the skills of a pharmacist in rural areas. A total of \$180,000 is available and the maximum grant award is \$50,000. Applications are due November 16, 2007. Information is online

<http://www.health.state.mn.us/divs/cfh/orhpc/grant/home.htm>

For more information contact Doug Benson at (651) 201-3842.

# State Grants & Loans

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## Minnesota Department of Human Services

### Continuing Care Administration - CORRECTION NOTICE

#### Home and Community-Based (HCBS) Employee Scholarship Program Open For Proposals

**Bidder's conference date was incorrect. It should have been Tuesday September 18, 2007, not Thursday.**

A bidder's conference will be held at The Minnesota Department of Human Services (DHS) Elmer Andersen Building, 540 Cedar Street, St. Paul, MN., on **Tuesday** September 18, 2007, from 12:30 to 2:00 p.m., in Room 3335.

The Request for Proposal (RFP) can be obtained from:

Munna Yasiri  
State Programs Administrator Director  
Department of Human Services  
Continuing Care Administration  
**Phone:** (651) 431-2264  
**E-mail:** [munna.yasiri@state.mn.us](mailto:munna.yasiri@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement **must be received at the address above no later than 4:00 p.m., Central Time, Friday September 28, 2007. Late proposals will not be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Human Services

### Health Services and Medical Management Division

#### Notice of Intent to Contract for a Primary Care Access Pilot Project

The Minnesota Department of Human Services, Health Services and Medical Management Division (DHS) has issued a Request for Proposals (RFP) to implement in Hennepin and Ramsey counties a web-based primary care access pilot Project. The Project must be a collaboration between the private and public sectors to connect, where appropriate, a patient with a primary care medical home, and schedule patients into available community-based appointments as an alternative to non-emergency use of the hospital emergency room.

The goal of this solicitation is the establishment of a Project that will:

- Divert patients presenting at an emergency room for non-emergency care to more appropriate outpatient settings for follow-up care.
- Provide the patient with a scheduled appointment that is timely, with an appropriate provider who is conveniently located.
- For the patient who is uninsured and potentially eligible for a Minnesota health care program, connect the patient to a primary care provider, community clinic, or agency that can assist the patient with the application process.

DHS will conduct an evaluation of the Project in consultation with the Minnesota Hospital Association. The evaluation shall include a comparison of the number of nonemergency visits and repeat visits to hospital emergency rooms for the period before the commencement of the Project and one year after the commencement, and an estimate of the costs saved from any documented reductions. DHS is required to submit the evaluation results to the legislature by January 15, 2009.

Potential respondents are advised that the payment schedule of any resultant contract will be structured on a results basis. Results triggering payments will reflect the goals, tasks, deliverables and outcomes specified in the RFP.

The term of the contract is anticipated to be approximately 13 months, terminating on December 31, 2008. The legislative appropriation for this project is \$700,000. Cost-effectiveness will be a factor in the evaluation of the Proposals.

Requests for the detailed RFP and any related inquiries concerning this solicitation should be directed to:

Thomas Fields  
Minnesota Department of Human Services  
Health Services and Medical Management Division  
P.O. Box 64984, St. Paul, MN 55164-0984 (USPS deliveries)  
540 Cedar Street,  
St. Paul, MN 55101 (all other deliveries)  
**Fax:** (651) 431-7420  
**E-mail:** *tom.fields@state.mn.us*

Final Written Proposals must be submitted per the RFP instructions no later than 4:00 p.m. CDT on October 15, 2007.

### **Minnesota Department of Human Services (DHS) Nursing Facility Rates and Policy (NFRP) Division Nursing Facility Diversity Mini-Grant Program Open For Proposals**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services (DHS) through its Nursing Facility Rates and Policy Division (State), is seeking Proposals from qualified Nursing Facility Responders to develop or provide a program related to diversity and/or cultural competency issues in staffing and resident care within their respective facility.

The Nursing Facility Diversity Mini-Grant program was established under authority of the DHS Civil Monetary Penalties (CMP) Committee. The purpose of the Nursing Facility Diversity Mini-Grant program is to encourage the design and development of programming surrounding diversity issues and/or cultural competency affecting nursing facilities. This proposed program may be related to staff *and/or* resident diversity issues.

Budget requests are limited and must fall within a range of \$200 - \$2,000. The total available funds will not necessarily be divided equally, nor will selected applicants be guaranteed the entire amount requested.

The term of any resulting contract is anticipated to extend 3 months beyond program implementation. A bidder's conference will be held at The Minnesota Department of Human Services (DHS) Elmer Andersen Building, 540 Cedar Street, St. Paul, MN. on Wednesday October 3, 2007.

The Request for Proposal (RFP) can be obtained from:

Audrey Riddle  
Department of Human Services  
Nursing Facility Rates and Policy Division  
540 Cedar Street  
St. Paul, MN 55155  
Phone: (651) 431-4225  
**E-mail:** *audrey.c.riddle@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement **must be received at the address above no later than 4:00 p.m., Central Time, Monday October 15, 2007. Late proposals will not be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Grants & Loans

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## Minnesota Pollution Control Agency

### Notice of Request for Proposals (RFP): Fiscal Year 2008 Environmental Assistance Grants

The Minnesota Pollution Control Agency (MPCA) hereby announces that it will accept preliminary applications for financial assistance in the development of environmentally sustainable practices in Minnesota through voluntary partnerships and goal-oriented, economically-driven approaches to pollution prevention and resource conservation (as authorized by *Minnesota Statute* §115A.0716).

#### Eligible Applicants

Eligible applicants are persons as defined in *Minnesota Rules* 9210.0805, Subpart 9:

“Person” means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Minnesota Pollution Control Agency.

#### Types of Projects

Eligible projects are those that will further objectives identified in the MPCA Strategic Plan (February 2006) in the following four (4) areas that have been selected for this funding round:

#### A. Preventing Waste and Pollution at the Source (Maximum grant \$40,000; 25% match required)

- **Grant focus:** Preventing and reducing waste and pollution at the source of generation.

**Background:** Waste reduction and pollution prevention at the source have been demonstrated to be more efficient and economically sound practices than managing wastes or pollution after it has been created. Minnesota has strategic objectives to reduce the generation of solid wastes, hazardous wastes and toxic chemicals. Despite these objectives, generation totals have not been reduced during the past several years. Therefore, increasing efforts to reduce waste and prevent pollution are priorities to conserve resources, prevent land pollution and reduce or eliminate the use of environmentally harmful substances.

- **Preferred Project Proposals:** Priority consideration will be given to proposals that implement one or more of the programs/initiatives listed below:

- 1) Office Paper: reducing the use of paper in offices.
- 2) Resource Management Contracting: creating template language for use by multiple sectors (commercial, manufacturing, institutions) as guidance for resource management contracts.
- 3) Determining the types and quantities of solid waste generated by the commercial, retail, and service sectors in Minnesota.
- 4) Reduce waste in the grocery sector.
- 5) Demonstration and/or pilot projects designed to determine the feasibility of pollution prevention opportunities in the manufacturing and commercial sectors (projects involving Design for Environment (DfE) and/or green chemistry concepts or targeting Toxic Release Inventory (TRI) or Persistent Bioaccumulative Toxic (PBT) chemicals).
- 6) Counties or municipalities implementing “true” volume-base pricing (a system under which residents and/or commercial sectors pay for municipal solid waste management services per amount of waste (weight or volume) collected rather than through a fixed fee per unit).

#### B. Creating More Sustainable Communities (Maximum grant \$40,000; 25% match required)

- **Grant focus:** Implementation of green building and water conservation programs, and citizen education to increase environmentally sustainable actions.

**Background:** More sustainable communities have buildings with a lower ecological footprint, reduce and prevent degradation and depletion of surface and ground waters, and have an environmentally literate public that acts on their environmental knowledge to support healthy ecosystems. These results depend in part on citizens and organizations (public and private) developing and using green products and services.

- **Preferred Project Proposals:** Priority consideration will be given to proposals that implement one or more of the programs/initiatives listed below:

- 1) Green building programs and initiatives
  - Creation, implementation, community outreach, and ongoing funding, by a local government, of a comprehensive program that provides strong incentives (legal and/or financial and regulatory) and technical support for green building by citizens and/or businesses, and for its own buildings.
  - Integration of the LEED-ND rating system (Leadership in Energy and Environmental Design for Neighborhood Development) into a city's comprehensive planning, zoning, land development and permitting processes.
- 2) Community water conservation programs
  - Adoption and promotion by a local government of strong incentives (legal and/or financial and regulatory) for local water use reduction, reuse and conservation in the residential and/or commercial, public and industrial sectors, including elimination of local regulatory barriers to advanced technologies (i.e., greywater systems, rainwater harvesting, composting toilets, etc.).
- 3) Citizen education
  - Innovative education and assistance for citizens to reduce energy consumption and carbon emissions.
  - Innovative public education and marketing that aims to dramatically increase the market demand for green products and services.
  - Creation, adoption and funding, by a local government, of an innovative program that reduces summertime residential water use, and educate citizens about the long term sustainability of drinking water resources.
  - Homeowner education to reduce chloride discharges to surface and ground waters from residential water softeners, which involves water softener/pellet makers, water softener retailers, and plumbers/repair people.

**C. Developing and Expanding Markets for Underutilized Materials** (Maximum grant \$40,000; 25% match required)

- **Grant focus:** Developing markets for and promoting the use of recycled feedstock for glass, sheetrock, agricultural plastics, and shingles, including equipment determined to be necessary to ensure innovative research and development (R&D) programs.

**Background:** Developing markets for recyclables is an important link in the recycling loop, and promoting the use of recycled feedstock fosters the growth of jobs, revenues and investment in the recycling industry. Glass, sheetrock, agricultural plastics, and shingles provide current opportunities for expansion of recyclable materials that have either been traditionally low or are experiencing a difficult marketplace transition. In order to increase statewide recycling rates and value-added recycling jobs, new, innovative technologies and recycling methods and standards must be explored through research and development and implementation for these materials.

- **Preferred Project Proposals:** Priority consideration will be given to proposals that implement one or more of the programs/initiatives listed below:

- 1) Glass: a comprehensive plan, utilizing best management practices, to address the lack of markets in Greater Minnesota; comprehensive plan to identify and implement use of glass in alternative markets.
- 2) Agricultural plastics: develop infrastructure and capacity to use the material.
- 3) Sheetrock: develop infrastructure and capacity to use the material.
- 4) Shingles: develop additional capacity to process tear-off shingles.

**D. High Impact Integrated Environmental Improvements** (Maximum grant \$75,000; 25% match required)

- **Grant focus:** To conserve resources and support a healthy ecosystem by promoting environmentally-friendly practices and programs on a large scale.

**Background:** A single, large event or business can generate a phenomenal amount of waste. While Minnesotans may strive to be stewards of the environment, they often find themselves without such opportunities in these settings. Events and businesses are big users of resources, and as such, can have a high impact on the environment. The goal is to promote integrated environmental improvements in these high-impact areas. An environmentally-friendly, systematic approach in the high-impact areas will reduce the environmental impact and lead to integrated environmental improvements.

- **Preferred Project Proposals:** Priority consideration will be given to proposals that implement one or more of the programs/initiatives listed below and incorporate multiple environmentally-friendly components (i.e., water conservation, energy conservation, environmentally-preferable procurement, waste reduction, reuse, recycling, organic recovery, source and toxicity reduction, etc.).

- 1) Develop environmentally friendly practices and programs for large-scale events and venues (i.e., public spaces, conventions, sporting facilities, airports, malls, etc.).
- 2) Institutions and businesses implementing organization-wide environmentally-friendly practices and programs.

# State Grants & Loans

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## Funding Availability and Restrictions

Approximately \$350,000 is currently available for Fiscal Year 2008 Grant awards. Projects in Focus Areas A, B and C are eligible for a maximum grant award of \$40,000 or 75% of the total project cost, whichever is less. Projects in Focus Area D are eligible for a maximum grant award of \$75,000 or 75% of the total project cost, whichever is less. In all cases, the applicant must provide a minimum 25% match of the total project cost. The match may be in the form of in-kind services or cash, but cannot be funds derived from other funding sources administered by the MPCA.

## Criteria and Process for Project Selection

The criteria and procedural conditions under which the MPCA may award assistance are outlined in the Request for Proposals (RFP) (<http://www.pca.state.mn.us/grants/eagrants.html>). Preliminary Applications are reviewed and scored by MPCA review teams, and if necessary, outside sources for technical review. In addition to the evaluation criteria listed in the Minnesota Rules (9210.0805 through 9210.0845), applications reflective of the examples of preferred project proposals identified under each of the four focus areas will receive priority consideration.

Preliminary applications are scored and ranked to determine which projects best meet the focus areas and examples of preferred project proposals. Applicants of selected projects will be invited to complete a Final Application, inclusive of a detailed workplan and budget. Grant awards will be based on available funding and the MPCA's review of final applications to determine which projects will be most beneficial in furthering the Agency's mission of working with Minnesotans to protect, conserve, and improve our environment and enhance our quality of life, particularly within the Fiscal Year 2008 focus areas.

## Submittal Process, Requirements and Deadlines

The complete RFP, instructions and fill-in-the-blank forms are available for downloading from the Agency website at:

<http://www.pca.state.mn.us/grants/eagrants.html>.

This site also provides links to the statutes, rules, and the MPCA Strategic Plan. **Please note that the Preliminary Application submittal is limited to four (4) pages.**

All preliminary applications must be completed using the electronic forms and must be electronically submitted to the e-mail address of [Grants-Loans@pca.state.mn.us](mailto:Grants-Loans@pca.state.mn.us) by 3:00 p.m. on **October 29, 2007** in order to be eligible. The preferred computer file format is Microsoft Word. Faxed submittals or documents in PDF format will not be accepted.

If you are unable to access the web page or experience difficulties in submitting the documents electronically, please contact Sally Peterson prior to the submittal deadline (651) 215-0286 or 1-800-657-3864 or [sally.peterson@state.mn.us](mailto:sally.peterson@state.mn.us).

Submissions not in compliance with the specified format and not submitted by the specified deadline to the specified site will not be accepted for consideration this FY08 Grant Round.

## Timeline for Fiscal Year 2008 Grants

September 17, 2007	State Register Notice published
October 29, 2007	Preliminary Applications due ( <b>4-page limit</b> )

(electronically submitted by 3:00 p.m. Central Standard Time)

December 17, 2007	Notification of Final Applicant selections
February 4, 2008	Final Applications due (inclusive of detailed workplans and budgets)
March 31, 2008	Final Applicants notified of "grant award" status
May 5, 2008	Deadline to execute grant agreement

# State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

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## Department of Administration Notice of Availability of Contract for MMCAP Program Annual Meeting Coordinator

The Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting proposals in order to establish a contract for the coordination of the MMCAP program's annual meeting, to be held in April 2008.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceuticals and related products. MMCAP is currently made up of 45 participating states. For more information on MMCAP, go to [www.mmcap.org](http://www.mmcap.org) (no password necessary).

The Request for Proposals (RFP) document may be found online at the web site referenced above. Copies of the RFP may also be requested by sending an e-mail to: [mn.multistate@state.mn.us](mailto:mn.multistate@state.mn.us) Or write to:

MMCAP Program Annual Meeting Coordinator  
Minnesota Department of Administration  
Attn: Al Becicka  
50 Sherburne Avenue, Room 112  
St. Paul, MN 55155

Proposals submitted in response to the RFP must be received at the address specified in the RFP no later than 2:00 p.m. on **October 15, 2007**, per the instructions in the RFP. **Late proposals will not be considered.**

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Contracts

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## Department of Administration

### Real Estate & Construction Services

#### Notice of State Real Property for Sale in Duluth, Minnesota

**NOTICE IS HEREBY GIVEN** that the Department of Administration is offering for sale by sealed bid the real property located 716 Garfield Avenue, Duluth, MN. This former grain inspection facility consists of a 1-story, masonry structure constructed in 1941 containing of approximately 2,240 sq.ft. and a detached, wood frame garage-style building. The land area is 6,000 sq.ft. The property is located adjacent to the I-535 / US 53 highway connecting Duluth, MN and Superior, WI. To obtain a copy of the bid package, visit [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs) (click on Notices), e-mail: [wayne.waslaski@state.mn.us](mailto:wayne.waslaski@state.mn.us) or call (651) 201-2548. Written bids must be received no later than 2:30 p.m., on Tuesday, September 25, 2007.

## Department of Administration

### Real Estate & Construction Services

#### Notice of State Real Property for Sale in Golden Valley, Minnesota

**NOTICE IS HEREBY GIVEN** that the Department of Administration is offering for sale by sealed bid two secluded wooded lots located at 228 and 308 Meander Road in Golden Valley, Minnesota. The lots, containing approximately 1.3 and 1.04 acres, respectively, are located in a residential neighborhood adjacent to the Perpich Center for Arts Education. To obtain the complete bid packages, visit [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs), e-mail: [wayne.waslaski@state.mn.us](mailto:wayne.waslaski@state.mn.us) or call (651) 201-2548. Written bids must be received no later than 2:30 p.m., on Tuesday, September 25, 2007.

## Department of Administration

### Real Estate & Construction Services

#### Notice of State Real Property for Sale in Hermantown, Minnesota

**NOTICE IS HEREBY GIVEN** that the Department of Administration is offering for sale by sealed bid the real property located 5668 W. Arrowhead Road, Hermantown, MN 55811. The property consists of a 4 bedroom, 3 bathroom ranch-style home with 2-car detached garage and 12-ft x 22-ft storage bldg. The site is a private lot containing approximately 2 acres. Minimum bid of \$160,000. To obtain a copy of the bid package, visit [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs) (click on Notices), e-mail: [wayne.waslaski@state.mn.us](mailto:wayne.waslaski@state.mn.us) or call (651) 201-2548. Written bids must be received no later than 2:30 p.m., on Tuesday, September 25, 2007.

## Department of Administration

### Division of Real Estate and Construction Services

#### Notice of Request for Proposals (RFP) and Fee Schedule for Professional Industrial Hygiene Services\*

\*This RFP was originally published in 2006.

The State of Minnesota (State) through its Department of Administration's Real Estate and Construction Services (RECS), requests proposals and fee schedules from firms and individuals (Responder) to provide industrial hygiene services, including but not limited to, project management, testing, sample collection and analysis, and surveys for abatement of asbestos and other hazardous materials. Services include on-site air monitoring and daily electronic log reports, site surveys, on-site and bulk material collection, sampling and analysis, recommendations, and reports for hazardous materials projects.

The Real Estate and Construction Services intends to enter into a Professional and Technical Services Master Contract (Master Contract) with Responders meeting the criteria noted in the RFP. Multiple Responders may be offered a Master Contract to perform work. Projects will vary in nature and scope, and will involve emergency response services, new construction, and remodeling.

The Master Contracts will be used by the Real Estate and Construction Services on most or all state projects required to be done under the authority of the Commissioner of Administration. This includes, but is not limited to, projects done for the Departments of Administration, Corrections, Human Services, and Veterans Affairs, as well as the Minnesota State Academies, Minnesota State Retirement Systems, Perpich Center for Arts Education, and Veterans Home Board.

Those firms currently having Master Contract for I.H.S. should not submit responses to this RFP. Current Master Contract for industrial hygiene services will remain in use until May 31, 2011.

Note that an abatement firm, or employees of a firm for an asbestos and/or other related hazardous materials abatement contractor, are not eligible to respond to this RFP.

The Request for Proposals documents and exhibits may be found online at: [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us). Copies of the RFP may also be requested from:

Contracts Officer  
Real Estate and Construction Services  
301 Centennial Building, 658 Cedar Street  
St. Paul, MN 55155-1625  
**Phone:** (651) 201-2399

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFP is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of this Request for Proposals or subsequent Master Contracts if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Proposals must be received no later than 1:00 p.m. CDT on October 22, 2007 at Real Estate and Construction Services, 301 Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1625.

## Department of Administration

### Division of State Architect's Office

### Notice of Request for Qualifications (RFQ) and Fee Schedule for Professional Services of Minnesota Registered Architects, Engineers, Interior Designers, Land Surveyors, Landscape Architects, and Geoscientists

The Department of Administration, State Architect's Office ("State"), requests qualifications of Minnesota registered architects, engineers, interior designers, land surveyors, and geoscientists ("Consultant") to assist the State in providing studies, predesigns, design through construction documents, construction administration, post construction services, interior design, land surveys, geoscience, and project-related professional services as needed for up to a five-year period. These projects will be varied in nature and scope and will involve new construction and remodeling, which includes but is not limited to buildings, commissioning, bridges, parking structures, site and utility work, roadways, and land development.

Unless otherwise provided in *Minnesota Statutes* § 16B.33, the following guidelines apply when using the Master Roster. State agency construction projects requiring a primary designer will have an estimated cost of construction of no greater than \$2,000,000.00; or a study, report, or predesign for a state agency planning project will have a consultant estimated fee no greater than \$200,000.00. Higher education construction projects requiring a primary designer will have an estimated cost of construction of no greater than \$2,000,000.00; and a study, report or predesign for a planning project will have a consultant estimated fee no greater than \$200,000.00. Primary Designers for Projects to construct, erect, or remodel a building with an estimated cost in excess of these amounts will be selected by the State Designer

# State Contracts

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Selection Board in accordance with *Minnesota Statutes* §16B.33.

The Request for Qualifications document may be found online at: [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us). Copies of the RFQ may also be requested from:

Contracts Officer  
State Architect's Office  
301 Centennial Building, 658 Cedar Street  
St. Paul, MN 55155-1625  
**Phone:** (651) 201-2399

The Request for Qualifications and Fee Schedule will remain open continually to enable individuals and firms not currently on the Roster to submit their qualifications and fee schedules. One year after a completed response is added to the Master Roster, the firm will be asked whether it wants to remain on the roster. If the responder wants to continue to remain on the roster it will be able to update its fee schedule, and will be required to submit updated written documents. If no response is received within 30 days of the notice, the responder's name will be removed from the Master Roster until such time as it has re-submitted a complete response to the RFQ.

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFQ is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of this Master Roster program if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota State Colleges and Universities Hennepin Technical College, Eden Prairie, Brooklyn Park Campuses Notice of Availability of Request for Proposal (RFP) for Designer Selection for Hennepin Technical College, Eden Prairie and Brooklyn Park Campuses Science Labs, Library and Student Services Renovations Project (State Project No. 07-04)

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Hennepin Technical College, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: [www.facilities.mnscu.edu](http://www.facilities.mnscu.edu), click on "Solicitation Announcements."

A **MANDATORY** informational meeting is scheduled for **8:30 A.M., Wednesday, September 26, 2007** in Room D125 at Hennepin Technical College, Eden Prairie Campus, 13100 College View Drive, Eden Prairie, MN 55347. The second part of the meeting will be held at the Brooklyn Park Campus. All firms interested in this meeting should e-mail Diane Paulson at [Diane.paulson@hennepintech.edu](mailto:Diane.paulson@hennepintech.edu) to indicate they plan to attend. The meeting will include a tour of the proposed project areas and a review of the scope of work. ***All prime responder firms that submit proposals must have an individual present at this meeting to be eligible for consideration by the State Designer Selection Board process for this Request for Proposals.***

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, in the Real Estate and Construction Services Office, 301 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, not later than **1:00 P.M., Monday, October 8, 2007**. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Minnesota State Colleges and Universities (MnSCU)  
North Hennepin Community College  
Notice of Request for Proposals for New Design of Web Presence**

Notice of Request for Proposals for consultation and development of a new design and improved functionality of North Hennepin Community College's web presence. Bids are due Monday, October 8, 2007 at 2:00 P.M. CST.

North Hennepin Community College's agent for purpose of responding to inquiries about this RFP is:

**Name:** Wade Nelson  
**Title:** Chief Information Officer  
**Address:** 7411 85<sup>th</sup> Ave. N  
Brooklyn Park, MN 55445  
**Phone:** (763) 424-0964  
**Fax:** (763) 488-0489  
**E-mail:** *wnelson@nhcc.edu*

Optional pre-award vendors' conference is Thursday, September 27, 2007 at 3:00 P.M. in conference room ES-01 at North Hennepin Community College.

Submission information see Section VI of the RFP. The website for the RFP is *www.nhcc.edu/rfp*.

For purposes of this RFP, posting on this web site (*www.nhcc.edu/rfp*) constitutes notification to all vendors. Vendors are expected to check the web site frequently.

**Minnesota Historical Society  
Notice of Request for PROPOSALS for Digitization Services for the National  
Digital Newspaper Program**

The Minnesota Historical Society is seeking a qualified vendor to perform digitization services to support the digital conversion of newspaper collections on microfilm for the National Digital Newspaper Program (NDNP). The Society will select newspaper titles from its own microfilm collection published between 1880-1910. The successful vendor will perform the digital conversion of page images in several formats from microfilm, prepare optical character recognition (OCR) files, and create relevant metadata and documentation in conformity with the specified technical guidelines established by the Library of Congress, which are available at *http://www.loc.gov/ndnp*. The Society will subsequently deliver the content files and metadata to the Library of Congress.

The Request for Proposals is available from Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102. **Telephone:** (651) 259-3175; **e-mail:** *mary.green-toussaint@mnhs.org*.

Proposals must be received no later than 2:00 p.m., Local Time, on Thursday, October 4, 2007. A public bid opening will be conducted at that time. Late proposals will not be accepted.

Dated: September 17, 2007

# State Contracts

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## Department of Transportation (Mn/DOT)

### Engineering Services Division

#### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Brad Hamilton at (651) 366-4626 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Brad Hamilton  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. Mail Stop 680  
St. Paul Minnesota 55155

**Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation (Mn/DOT)

### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT’s Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

**Department of Transportation (Mn/DOT)  
State Aid for Local Transportation Division  
Request for Information (RFI) for replacing an existing Crash Data Mapping Tool  
Application ('MnCMAT')**

(Originally published Monday 10 September 2007)

The Minnesota Department of Transportation ('Mn/DOT'), State Aid for Local Transportation Division ('State Aid') is exploring what options may be available for replacing an existing Crash Data Mapping Tool application ('MnCMAT').

MnCMAT is a GIS viewer that displays the locations of reported crashes on a state map. The crash points are displayed at the appropriate location on a graphic representation of the state map overlaid with recorded highways, bridges, RR crossings, lakes, etc.

Multiple crashes at the same point are graphically represented as 'stacked' points. Users are able to filter the crashes displayed using the crash details such as location, date range, case number, severity of injury, time of day, weather conditions, driver age, et al. Statistical data about the displayed crashes is accessible by 'hovering', clicking on a crash indicator, or via generation of a pre-defined report, chart, or exportable data file.

A Request for Information (RFI) soliciting information about potential solutions has been issued. Responses are due October 05, 2007.

An electronic copy of the RFI is available for download at Mn/DOT Consultant Services website:

*<http://www.dot.state.mn.us/consult/files/notices/notices.html>*

For further information, contact the Mn/DOT State Aid for Local Transportation Division via email to MnCMAT Administration. (E-mail to *MnCMAT@dot.state.mn.us*).

# Non-State Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## Metropolitan Council

### Notice of Invitation for Bids (IFB) for Solid Waste Removal Services

Reference Number 07P128

Bids will be accepted for Solid Waste Removal Services for various locations in the seven county Metro area.

Issue Invitation for Bids	September 18, 2007
Bids Due	October 16, 2007
Award Contract	November 2007

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request either by e-mail, fax, or mail to:

Sunny Jo Emerson  
Contracts and Procurement Unit  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101  
**Fax:** (651) 602-1083  
**E-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

## Minnehaha Creek Watershed District

### Bids Solicited for Wetland and Upland Restoration of about 30 Acres

**NOTICE IS HEREBY GIVEN** that the Minnehaha Creek Watershed District (MCWD) is soliciting bids for wetland and upland restoration of approximately 30 acres. The project is located 301 Rolling Hills Drive in the City of Minnetrista. Work shall begin no later than October 1, 2007.

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work will be received by Minnehaha Creek Watershed District at its office, 18202 Minnetonka Boulevard, Deephaven, MN until 12:00 PM, September 19, 2007. Bid submittals must be clearly labeled "MCWD 301 Rolling Hills Drive Bid Package" on the outside of the submittal package.

All communications relative to this project should be addressed to the Project Manager prior to opening of the Bid. Minnehaha Creek Watershed District: Attention Renae Clark, [rclark@minnehahacreek.org](mailto:rclark@minnehahacreek.org) or phone (952) 471-0590.

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the office of Minnehaha Creek Watershed District, payment of a \$25.00 non-refundable fee for each bid package. Bid packages are also available for examination at each location, or electronically at <ftp://www.minnehahacreek.org/301%20Rolling%20Hills%20Drive%20Specifications/>

A mandatory pre-bid meeting will be held at the Minnehaha Creek Watershed District office at 12:00 PM on September 12, 2007.

Each bid proposal shall be submitted on forms furnished for that purpose. Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("owner") in an amount not less than five

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## Non-State Bids, Contracts & Grants

percent (5%) of the total bid, or a surety bond in the same amount, running to the Owner, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the Owner in case the bidder fails to do so. The Owner will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The Owner, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

### University of Minnesota Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

#### State Register Binders

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