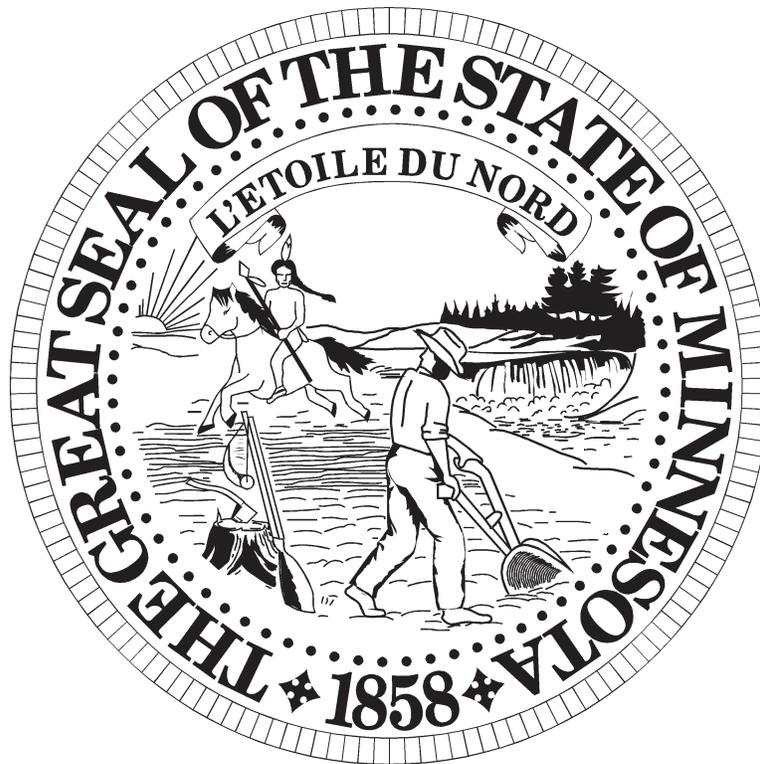


Minnesota State Register

(Published every Monday (Tuesday when Monday is a holiday.)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts & Grants**

**Monday 15 September 2014
Volume 39, Number 11
Pages 337 - 376**

Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the *Minnesota State Register*

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 39 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 12	Monday 22 September	Noon Tuesday 16 September	Noon Thursday 11 September
# 13	Monday 29 September	Noon Tuesday 23 September	Noon Thursday 18 September
# 14	Monday 6 October	Noon Tuesday 30 September	Noon Thursday 25 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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529

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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 Board of Dentistry

Proposed Permanent Rules Relating to Licensing Dentists, Dental Hygienists, and Dental Assistants

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 Amendments to Permanent Rules of the Minnesota Board of Dentistry Relating to Dentists, Dental Therapists, Dental Hygienists, and Licensed Dental Assistants, *Minnesota Rules*, Parts 3100.0100, 3100.0300, 3100.1100, 3100.1150, 3100.1160, 3100.1200, 3100.1300, 3100.1400, 3100.1850, 3100.3300, 3100.3400, 3100.3500, 3100.3600, 3100.5100, 3100.5300, 3100.7000, 3100.8500, 3100.8700, and 3100.9600

Introduction. The Minnesota Board of Dentistry intends to adopt rules without a public hearing following the procedures 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 Wednesday, October 15, 2014, the board will hold a public hearing in the 4th Floor Conference Room A, University Park Plaza, 2829 University Avenue SE, Minneapolis, Minnesota 55414, starting at 1:00 p.m. on Thursday, November 6, 2014. To find out whether the board will adopt the rules without a hearing or if the hearing will be held, you should contact the agency contact person after October 15, 2014, and before November 6, 2014.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Kathy Johnson at Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue SE, Suite 450, Minneapolis, MN 55414-3249, **phone:** (612) 548-2134 or (888) 240-4762 (outside metro), **fax:** (612) 617-2260. **TTY** users may call the Board of Dentistry at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about: clarifying the appropriate training required for advanced cardiac life support and CPR; providing proper notification for reinstatement of license; notifying the Board of nitrous oxide form for dental therapists; changing the audit fee; adding new duties regarding informed consent and retraction material for dental hygienists and licensed dental assistants; and including the task of informed consent by allied dental personnel within the record keeping regulations.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 150A.04, subdivision 5. A copy of the proposed rules is published in the *State Register*. The proposed rules are also available on the board's website at www.dentalboard.state.mn.us or a free copy of the entire proposed rules is available upon request from the agency contact person listed above.

Proposed Rules

Comments. You have until 4:30 p.m. on Wednesday, October 15, 2014, 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 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 that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, October 15, 2014. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the board cannot count that request when determining whether the board must hold a public hearing. 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, the board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the board must give written notice of this to all persons who requested a hearing, explain the actions the board took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, the board can make this Notice available in an alternative format, such as large print, Braille, or audio. 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 board may modify the proposed rules, 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 board or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The board will cancel the hearing scheduled for Thursday, November 6, 2014, if the board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the board will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (612) 548-2134 after October 15, 2014, 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, the board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The board will hold the hearing 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 James Mortenson is assigned to conduct the hearing. Judge Mortenson's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, MN 55164-0620, **telephone:** (651) 361-7900, **fax:** (651) 539-0300, or **e-mail:** denise.collins@state.mn.us.

Hearing Procedure. If the board holds a hearing, 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 hearing record closes. 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. At the hearing, the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the board and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge 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. You may direct questions about the procedure to the Administrative Law Judge.

The board requests that any person submitting written views or data to the Administrative Law Judge before 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.

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Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A free copy of the statement is now available from the agency contact person, if requested, or available on the board's website at www.dentalboard.state.mn.us.

A copy of the Dual Notice and proposed rules shall be mailed by sending an electronic mailing to everyone who has registered to be on the Board of Dentistry's rulemaking mailing list under *Minnesota Statutes*, section 14.14, subdivision 1a; and a copy of the Dual Notice, proposed rules, and the Statement of Need and Reasonableness shall be mailed to the Legislature according to *Minnesota Statutes*, section 14.116.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 2965148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the board may adopt the rules after the end of the comment period. The board will submit the rules and supporting documents 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 either to receive notice of this, to receive a copy of the adopted rules, or to register with the board 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 that 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 that the board adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by 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.

Signed by Executive Director Marshall Shragg, MPH on August 19, 2014.

3100.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. **Advanced cardiac life support or ACLS.** "Advanced cardiac life support" or "ACLS" refers to an advanced educational course for a health care provider that teaches a detailed medical protocol for the provision of lifesaving cardiac care in settings ranging from the prehospital environment to the hospital setting. The course must include advanced airway management skills, cardiac drug usage, defibrillation, and arrhythmia interpretation. An ACLS certificate must be obtained through the American Heart Association, ~~the American Red Cross, or an equivalent course.~~

[For text of subps 2b to 7a, see M.R.]

Subp. 8. [See repealer.]

[For text of subps 8a to 9, see M.R.]

Subp. 9a. **CPR.** "CPR" refers to a comprehensive, hands-on course for a health care provider that includes: cardiopulmonary resuscitation on an adult, child, and infant; two-person rescuer; barrier mask or bag for ventilation; foreign body airway obstruction; and automated external defibrillation. A CPR certificate shall be obtained through the American Heart Association health care provider course; or the American Red Cross professional rescuer course; ~~or an equivalent course.~~

[For text of subps 9b to 15b, see M.R.]

Subp. 15c. **Pediatric advanced life support or PALS.** "Pediatric advanced life support" or "PALS" refers to an advanced life support educational course for the pediatric health care provider that teaches the current certification standards of the American Academy of Pediatrics or the American Heart Association. A PALS certificate must be obtained through the American Heart Association ~~or an equivalent course.~~

[For text of subps 16 to 22, see M.R.]

3100.0300 MEETINGS.

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

Subp. 4. **Parliamentary procedure.** When not otherwise provided, Sturgis American Institute of Parliamentarians Standard Code of Parliamentary Procedure shall govern the conduct of all business meetings of the board.

3100.1100 APPLICATIONS FOR LICENSE TO PRACTICE DENTISTRY.

Subpart 1. **Form, credentials, and certification.** A person seeking licensure to practice dentistry within Minnesota must present to the board an application and credentials, as determined by the board, and meet the following requirements.

A. The application must be on a form furnished by the board and must be completely filled out.

B. The applicant shall furnish satisfactory evidence of having graduated from a school of dentistry accredited by the Commission on Dental Accreditation.

[For text of items C and D, see M.R.]

[For text of subps 2 to 6, see M.R.]

3100.1150 LICENSE TO PRACTICE DENTISTRY AS A FACULTY DENTIST.

Subpart 1. **Licensure.**

A. In order to practice dentistry, a faculty member must be licensed by the board.

B. The board must license a person to practice dentistry as a faculty dentist if:

[For text of subitems (1) and (2), see M.R.]

(3) the dean of a school of dentistry accredited by the Commission on Dental Accreditation certifies to the board, in accordance with the requirements of item C, that the person is a member of the school's faculty and practices dentistry; and

[For text of subitem (4), see M.R.]

C. The board must accept an applicant as a faculty dentist if the dean of a school of dentistry accredited by the Commission on Dental Accreditation provides to the board the following information:

[For text of subitems (1) to (7), see M.R.]

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

3100.1160 LICENSE TO PRACTICE DENTISTRY AS A RESIDENT DENTIST.

Subpart 1. **Licensure.**

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

B. The board must license a person to practice dentistry as a resident dentist if:

[For text of subitems (1) to (3), see M.R.]

(4) the person provides evidence of being an enrolled graduate student or a student of an advanced dental education program accredited by the Commission on Dental Accreditation; and

[For text of subitem (5), see M.R.]

Subp. 2. **Termination of licensure.**

A. A person's license to practice dentistry as a resident dentist is terminated when the person is no longer an enrolled graduate student or a student of an advanced dental education program accredited by the Commission on Dental Accreditation.

B. A person licensed to practice dentistry as a resident dentist must inform the board when the licensee is no longer an enrolled graduate student or a student of an advanced dental education program accredited by the Commission on Dental Accreditation.

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

3100.1200 APPLICATION FOR LICENSE TO PRACTICE DENTAL HYGIENE.

A person seeking licensure to practice dental hygiene must present an application and credentials as determined by the board and meet the following requirements of the board.

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

D. The applicant shall furnish satisfactory evidence of having been granted a diploma or certificate in dental hygiene from a school accredited by the Commission on Dental Accreditation.

[For text of items E and F, see M.R.]

3100.1300 APPLICATION FOR LICENSE TO PRACTICE DENTAL ASSISTING.

A person desiring to be licensed as a dental assistant shall submit to the board an application and credentials as prescribed by the act and shall conform to the following:

A. An application on a form furnished by the board shall be completely filled out.

B. The applicant shall furnish a certified copy or its equivalent of a diploma or certificate of satisfactory completion of a training program approved by the Commission on Dental Accreditation or other program which, in the judgment of the board, is equivalent. If the curriculum of the training program does not include training in the expanded duties specified in part 3100.8500, the applicant must successfully complete a course in these functions which has been approved by the board.

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

3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.

A person who is already a licensed dentist or dental hygienist in another state or Canadian province desiring to be licensed to practice dentistry or dental hygiene in Minnesota shall, in order to demonstrate the person's knowledge of dental subjects and ability to practice dentistry or dental hygiene in Minnesota, comply with the requirements in items A to N.

A. The applicant shall complete an application furnished by the board.

B. The applicant shall furnish satisfactory evidence of having graduated from a school of dentistry, or dental hygiene, whichever the case may be, which has been accredited by the Commission on Dental Accreditation.

[For text of items C to N, see M.R.]

3100.1850 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements.** ~~Upon complying with the requirements in this part, the applicant's license shall be reinstated.~~

A. A person desiring the reinstatement of a license ~~shall~~ must:

~~A:~~

(1) submit to the board a completed reinstatement application provided by the board;

~~B:~~

(2) submit with the reinstatement application the fee specified in Minnesota Statutes, section 150A.091, subdivision 10;

~~C:~~

(3) include with the reinstatement application a letter stating the reasons for applying for reinstatement; and

~~D:~~

(4) comply with the applicable provisions of subparts 2 to 5.

~~B. Upon~~ Once the requirements of this subpart have been reviewed by the board, the board shall officially notify the applicant by letter as to whether the reinstatement of a license has been denied or granted by the board. If granted reinstatement, the person shall be assigned to the biennial term to which the licensee was assigned prior to termination of the license. An applicant denied reinstatement of a license may appeal the denial by initiating a contested case hearing pursuant to Minnesota Statutes, chapter 14.

[For text of subps 2 to 5, see M.R.]

3100.3300 EXAMINATION OF DENTISTS.

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

Subp. 4a. **Additional education for two failed clinical examinations.** When an applicant fails twice any part of the clinical examination required by Minnesota Statutes, section 150A.06, subdivision 1, the applicant may not take it again until the applicant

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successfully completes additional education provided by an institution accredited by the Commission on Dental Accreditation. The education must cover all of the subject areas failed by the applicant in each of the two clinical examinations. The applicant may retake the examination only after the institution provides to the board information specifying the areas failed in the previous examinations and the instruction provided to address the areas failed, and certifies that the applicant has successfully completed the instruction. The applicant must take the additional instruction required in this subpart each time the applicant fails the clinical examination twice.

Subp. 5. **Examination for continued licensure.** The board may administer any other examination it deems necessary to determine qualification for continued licensure.

3100.3400 EXAMINATION OF DENTAL HYGIENISTS.

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

Subp. 3a. **Additional education for two failed clinical examinations.** When an applicant fails twice any part of the clinical examination required by Minnesota Statutes, section 150A.06, subdivision 2, the applicant may not take it again until the applicant successfully completes additional education provided by an institution accredited by the Commission on Dental Accreditation. The education must cover all of the subject areas failed by the applicant in each of the two clinical examinations. The applicant may retake the examination only after the institution provides to the board information specifying the areas failed in the previous examinations and the instruction provided to address the areas failed, and certifies that the applicant has successfully completed the instruction. The applicant must take the additional instruction provided above each time the applicant fails the clinical examination twice.

Subp. 4. **Examination for continued licensure.** The board may administer any other examination it deems necessary to determine qualifications for continued licensure.

3100.3500 EXAMINATION OF LICENSED DENTAL ASSISTANTS.

[For text of subs 1 and 2, see M.R.]

Subp. 2a. **Additional education for two failed clinical examinations.** When an applicant fails twice any part of the clinical examination required by Minnesota Statutes, section 150A.06, subdivision 2a, the applicant may not take it again until the applicant successfully completes additional education provided by an institution accredited by the Commission on Dental Accreditation or an independent instructor approved by the board. The education must cover all of the subject areas failed by the applicant in each of the two clinical examinations. The applicant may retake the examination only after the institution or independent instructor provides to the board information specifying the areas failed in the previous examinations and the instruction provided to address the areas failed, and certifies that the applicant has successfully completed the instruction. The applicant must take the additional instruction required in this subpart each time the applicant fails the clinical examination twice.

[For text of subs 3 and 4, see M.R.]

3100.3600 ADMINISTRATION OF GENERAL ANESTHESIA, DEEP SEDATION, MODERATE SEDATION, MINIMAL SEDATION, AND NITROUS OXIDE INHALATION ANALGESIA.

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

Subp. 2. **General anesthesia or deep sedation; educational training requirements.** A dentist may administer general anesthesia or deep sedation only pursuant to items A to C.

A. A dentist must complete either subitem (1) or (2) and subitems (3) and (4):

(1) a didactic and clinical program at a dental school, hospital, or graduate medical or dental program accredited by the Commission on Dental Accreditation, resulting in the dentist becoming clinically competent in the administration of general anesthesia. The program must be equivalent to a program for advanced specialty education in oral and maxillofacial surgery; or

[For text of subitem (2), see M.R.]

(3) ~~an appropriate dental sedation/anesthesia emergency management course such as the ACLS or PALS course~~ and maintain current ~~dental sedation/anesthesia emergency management~~ advanced certification thereafter; and

(4) a CPR certification course and maintain current CPR certification thereafter.

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

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Subp. 3. **Moderate sedation; educational training requirements.** A dentist may administer moderate sedation only pursuant to items A to C.

A. A dentist must complete subitems (1) to (3):

[For text of subitem (1), see M.R.]

(2) ~~an appropriate dental sedation/anesthesia emergency management course such as the ACLS or PALS course~~ and maintain current ~~dental sedation/anesthesia emergency management~~ advanced certification thereafter; and

(3) a CPR certification course and maintain current CPR certification thereafter.

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

Subp. 4. **Nitrous oxide inhalation analgesia; educational training requirements.** A dentist may administer nitrous oxide inhalation analgesia only according to items A to D and subpart 5, items A and C. A dental therapist may administer nitrous oxide inhalation analgesia only according to items C to F. A dental hygienist may administer nitrous oxide inhalation analgesia only according to items C to F and subpart 5, item D. A licensed dental assistant may administer nitrous oxide inhalation analgesia only after a maximum dosage has been prescribed by a dentist for a specific patient, and it is administered according to items C to F and subpart 5, item D.

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

B. A dentist who has not previously registered with the board pursuant to subpart 5, item A, may administer nitrous oxide inhalation analgesia only after satisfactorily completing a dental school or postdental graduate education course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation, and submitting to the board original documentation from the institution of successful completion of the course. The course must be a minimum of 12 hours total comprised of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

[For text of items C and D, see M.R.]

E. A dental therapist, dental hygienist, or licensed dental assistant may administer nitrous oxide inhalation analgesia only after satisfactorily completing a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation, and submitting to the board original documentation from the institution of successful completion of the course. The course must be a minimum of 12 hours total comprised of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

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

Subp. 5. **Notice to board.**

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

B. A dentist may administer general anesthesia, deep sedation, or moderate sedation only if the dentist has submitted the following information to the board on forms provided by the board: the name, address, and telephone number of the institution at which the dentist took the program or residency that complies with subparts 2, item A, subitem (1) or (2); and 3, item A, subitem (1), a certified copy of the dentist's transcript and other official record from the institution verifying that the dentist satisfactorily completed the program, residency, or course; and the name, address, and telephone number of the institution or other agency at which the dentist successfully completed the ACLS; or PALS; or an equivalent course required by subparts 2, item A, subitem (3); and 3, item A, subitem (2). After this initial submission, dentists shall submit on a license renewal application or other form provided by the board a statement of the most recent course completed in ACLS; or PALS; or an equivalent course.

C. A dentist not previously registered with the board according to item A or who graduated from an institution in Minnesota accredited by the Commission on Dental Accreditation prior to April 15, 2008, may administer nitrous oxide inhalation analgesia only after the dentist has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

(1) the name, address, and telephone number of the institution at which the dentist took the course that complies with subpart 4, item B; and

(2) a certified copy of the dentist's transcript and other official record from the institution verifying that the dentist has successfully completed CPR as required by subpart 4, item C.

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After the initial submission, a dentist ~~shall submit on the license renewal application or other form provided by the board a statement of the most recent course completed in~~ must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

D. A dental hygienist or licensed dental assistant who graduated from an institution in Minnesota accredited by the Commission on Dental Accreditation or received licensure by credentials prior to September 2, 2004, may administer nitrous oxide inhalation analgesia only after the dental hygienist or licensed dental assistant has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

[For text of subitem (1), see M.R.]

(2) a certified copy of the dental hygienist's or licensed dental assistant's transcript and other official record from the institution verifying that the dental hygienist or licensed dental assistant has successfully completed CPR as required by subpart 4, item C.

After the initial submission, ~~the a dental hygienist or licensed dental assistant shall submit on the license renewal application or other form provided by the board a statement of the most recent course completed in~~ must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

E. A dental therapist who graduated from a board-approved dental therapy program in Minnesota prior to August 1, 2013, may administer nitrous oxide inhalation analgesia only after the dental therapist has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

(1) the name, address, and telephone number of the institution where the dental therapist successfully completed the course required by subpart 4, item E; and

(2) a certified copy of the dental therapist's transcript and other official records from the institution verifying that the dental therapist has successfully completed CPR as required by subpart 4, item C.

After the initial submission, a dental therapist must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

[For text of subs 6 to 9, see M.R.]

Subp. 9a. **Expiration or termination of general anesthesia or moderate sedation certificate; requirements.** A dentist requesting renewal or recertification of a general anesthesia or moderate sedation certificate following expiration or termination must comply with the requirements for the applicable interval specified in item A or B. After successful completion of all requirements, the board shall issue a general anesthesia or moderate sedation certificate to the dentist.

A. A dentist whose anesthesia/sedation certificate has expired as described in subpart 9, item C, subitem (5), or who voluntarily terminated the anesthesia/sedation certificate, within 60 calendar days after the renewal application deadline, must comply with subitems (1) to (6):

[For text of subitems (1) to (3), see M.R.]

(4) provide official documentation as proof of current certification in ACLS; ~~or PALS; or an equivalent dental sedation/anesthesia emergency management course;~~

[For text of subitems (5) and (6), see M.R.]

B. A dentist whose anesthesia/sedation certificate has been terminated by the board according to subpart 9, item C, subitem (5), or who voluntarily terminated the anesthesia/sedation certificate, more than 60 calendar days after the renewal application deadline, must comply with subitems (1) to (6):

[For text of subitems (1) to (3), see M.R.]

(4) provide official documentation of current certification in ACLS; ~~or PALS; or an equivalent dental sedation/anesthesia emergency management course;~~

[For text of subitems (5) and (6), see M.R.]

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

[For text of subs 9b to 11, see M.R.]

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3100.5100 PROFESSIONAL DEVELOPMENT.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Professional development activities.** Professional development activities include, but are not limited to, continuing education, community services, publications, and career accomplishments throughout a professional's life. Professional development activities are categorized as fundamental or elective activities as described in items A and B.

A. Fundamental activities include, but are not limited to, clinical subjects, core subjects, CPR training, and the self-assessment examination. Examples of fundamental activities for an initial or biennial cycle are described in subitems (1) to (5).

[For text of subitems (1) and (2), see M.R.]

(3) A CPR certification course is mandatory for each licensee to maintain licensure. The CPR course must be ~~equivalent to~~ the American Heart Association healthcare provider course or the American Red Cross professional rescuer course. The licensee must maintain a consecutive and current CPR certificate when renewing a license or permit each biennial term.

[For text of subitems (4) and (5), see M.R.]

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

Subp. 4. **Acceptable documentation of professional development activities.** A licensee must record or obtain acceptable documentation of hours in professional development activities for the licensee's portfolio. Acceptable documentation includes, but is not limited to, the following:

A. a completed self-assessment examination;

B. a copy of the front and back of a completed CPR card ~~or certificate~~ from the American Heart Association; or the American Red Cross; ~~or other equivalent organization;~~

[For text of items C and D, see M.R.]

[For text of subp 5, see M.R.]

3100.5300 AUDIT PROCESS OF PORTFOLIO.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Failure of an audit.**

A. Upon failure of an audit, the appropriate board committee ~~may either~~ must impose one or both of the following options:

(1) grant the licensee up to six months to comply with written requirements to resolve deficiencies in professional development compliance; or

(2) initiate disciplinary proceedings against the licensee on grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1. Deficiencies causing audit failure may include, but are not limited to, the following:

(1)

(a) lack of proof of documentation or participation;

(2)

(b) credit hours earned outside of renewal period being audited;

(3)

(c) excess of earned hours in a category having a maximum if a deficiency exists;

(4)

(d) lack of earned hours in a category having a minimum if a deficiency exists;

(5)

(e) failure to submit the portfolio;

(6)

(f) unacceptable professional development sources; or

(7)

(g) fraudulently earned or reported hours.

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

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

Subp. 6. **Audit fee.** The licensee shall submit to the board the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 16, after failing two ~~consecutive~~ professional development portfolio audits and thereafter for each failed professional development portfolio audit.

3100.7000 ADVERTISING DENTAL SPECIALTY PRACTICE.

Subpart 1. **Specialty areas.** The following special areas of dentistry are recognized as suitable for the announcement of specialty dental practices:

A. dental public health;

~~A.B.~~ endodontics (endodontist);

C. oral and maxillofacial pathology (oral pathologist);

~~B.D.~~ oral and maxillofacial radiology (oral ~~and maxillofacial~~ radiologist);

~~E.~~ oral and maxillofacial surgery (oral surgeon/oral maxillofacial surgeon);

~~D.~~ oral pathology (oral pathologist);

~~E.F.~~ orthodontics and dentofacial orthopedics (orthodontist);

~~F.G.~~ pediatric dentistry (pediatric dentist/pedodontist);

~~G.H.~~ periodontics (periodontist); and

~~H.I.~~ prosthodontics (prosthodontist); ~~and~~

~~I.~~ public health.

Subp. 2. ~~Postdoctoral course completion~~ **Specialty announcement.** Only a licensed ~~dentists~~ dentist who ~~have~~ has successfully completed a postdoctoral course of study approved by the Commission on Dental Accreditation in ~~one any~~ one any of the designated specialty areas, or who has announced a limitation of practice prior to 1967, or who ~~have~~ has successfully completed certification by ~~one any~~ one any of the following specialty examining boards; may announce each specialty practice area and may advertise as a specialist in that area: ~~American Board of Dental Public Health, American Board of Endodontics, American Board of Oral and Maxillofacial Radiology, American Board of Oral and Maxillofacial Surgery, American Board of Oral Pathology, American Board of Orthodontics, American Board of Pediatric Dentistry, American Board of Periodontology, and American Board of Prosthodontics.~~

A. American Board of Dental Public Health;

B. American Board of Endodontics;

C. American Board of Oral and Maxillofacial Pathology;

D. American Board of Oral and Maxillofacial Radiology;

E. American Board of Oral and Maxillofacial Surgery;

F. American Board of Orthodontics;

G. American Board of Pediatric Dentistry;

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H. American Board of Periodontology; and

I. American Board of Prosthodontics.

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

3100.8500 LICENSED DENTAL ASSISTANTS.

Subpart 1. **Duties under general supervision.** A licensed dental assistant may perform the following procedures without the dentist being present in the dental office or on the premises if the procedures being performed are with prior knowledge and consent of the dentist:

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

K. take photographs extraorally or intraorally; ~~and~~

L. take vital signs such as pulse rate and blood pressure as directed by a dentist; and

M. obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the licensed dental assistant's scope of practice.

Subp. 1a. **Duties under indirect supervision.** A licensed dental assistant, in addition to the services performed by an assistant described in part 3100.8400, subpart 1, may perform the following services if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

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

L. etch appropriate enamel surfaces, apply and adjust pit and fissure sealants. Before the application of pit and fissure sealants, a licensed dental assistant must have successfully completed a course in pit and fissure sealants at a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation;

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

Subp. 1b. **Duties under direct supervision.** A licensed dental assistant may perform the following services if a dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the licensed dental assistant before dismissing the patient:

A. remove excess bond material from orthodontic appliances;

B. remove bond material from teeth with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bond material, a licensed dental assistant must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation;

[For text of items C to H, see M.R.]

I. remove fixed orthodontic bands and brackets; ~~and~~

J. initiate and place an intravenous infusion line in preparation for intravenous medications and sedation while under direct supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before initiating and placing an intravenous infusion line, a licensed dental assistant must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training; and

K. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a licensed dental assistant must have successfully completed a course in nonsurgical retraction material for gingival displacement at a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation.

[For text of subps 1c to 3, see M.R.]

3100.8700 DENTAL HYGIENISTS.

Subpart 1. **Duties under general supervision.** A dental hygienist may perform the following procedures without the dentist being present in the dental office or on the premises if the procedures being performed are with prior knowledge and consent of the dentist:

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

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J. administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Dental Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia; ~~and~~

K. administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5; and

L. obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the dental hygienist's scope of practice.

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

Subp. 2a. **Duties under direct supervision.** A dental hygienist may perform the following procedures if a dentist is in the office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the dental hygienist before dismissing the patient:

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

E. remove bond material from teeth with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bond material, a dental hygienist must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation;

F. attach prefit and preadjusted orthodontic appliances;

G. remove fixed orthodontic bands and brackets; ~~and~~

H. initiate and place an intravenous infusion line in preparation for intravenous medications and sedation while under direct supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before initiating and placing an intravenous infusion line, a dental hygienist must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training; and

I. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a dental hygienist must have successfully completed a course in nonsurgical retraction material for gingival displacement at a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation.

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

3100.9600 RECORD KEEPING.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Informed consent.** Dental records must include a notation that:

A. the dentist, advanced dental therapist, ~~or~~ dental therapist, dental hygienist, or licensed dental assistant discussed with the patient the treatment options and the prognosis, benefits, and risks of each treatment that is within the scope of practice of the respective licensee; and

B. the patient has consented to the treatment chosen.

[For text of subps 10 to 14, see M.R.]

REPEALER. Minnesota Rules, part 3100.0100, subpart 8, is repealed.

EFFECTIVE DATE. The amendments to Minnesota Rules, parts 3100.0100; 3100.3600; and 3100.5100, are effective August 1, 2014.

Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

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 Health (MDH)

Division of Health Policy

Proposed Expedited Permanent Rules Governing Health Quality Measures

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Expedited Amendments to Permanent Rules Relating to Health Care Quality Measures, *Minnesota Rules*, Chapter 4654

Introduction. The Department of Health intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until October 15, 2014.

Agency Contact Person. You must submit your comments or questions on the rules to: Denise McCabe, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882, **phone:** (651) 201-5530, and **e-mail:** health.reform@state.mn.us.

Subject of Rules and Statutory Authority. The Minnesota Department of Health adopted *Minnesota Rules* Chapter 4654 in December 2009 and amended it in November 2010, 2011, 2012, and 2013 to implement part of the comprehensive 2008 state health reform law. Consistent with *Minnesota Statutes* 62U.02, these rules established a standardized set of quality measures that the Department will use to assess the quality of services offered by health care providers. These measures include the specific details for the data physician clinics and hospitals must submit to the Minnesota Department of Health or to the Commissioner's designee for public reporting. The rules also specify:

- requirements for physician clinics and hospitals to submit quality data to the Minnesota Department of Health or its designee;
- obligations for physician clinics and hospitals to cooperate with data validation procedures;
- a restriction on health plans prohibiting them from requiring providers to use and report data on quality measures not included in the standardized set; and
- annual review by the Minnesota Department of Health of existing quality measures and evaluation and adoption of new measures into the standardized set.

The Commissioner is required to review the adopted quality measures annually and propose any additions, deletions, or modifications annually through the expedited rulemaking process. Consequently, the Commissioner is proposing several amendments to the existing rules, including its appendices:

- a repeal of Part 4654.0300, subpart 3—ambulatory surgical centers;
- an updated reference to the appendices incorporated into the rule by reference in Part 4654.0800;
- the addition of four new measures in 2015—Spine Surgery – Lumbar Discectomy/Laminotomy, Spine Surgery – Lumbar Spinal Fusion, Pediatric Preventive Care – Adolescent Mental Health and/or Depression Screening, and Pediatric Preventive Care – Obesity/BMI & Counseling;
- the removal of three ambulatory surgical center measures—Prophylactic Intravenous Antibiotic Timing, Hospital Transfer/ Admission, and Appropriate Surgical Site Hair Removal; and
- modifications and clarifications to existing measures for physician clinics and hospitals.

Expedited Rules

These changes are part of the appendices to the rule, which may be found at:

www.health.state.mn.us/healthreform/measurement/index.html.

The statutory authority to adopt this rule is *Minnesota Statutes* §62U.02. The statutory authority to adopt this rule under the expedited rulemaking process is *Minnesota Statutes* §62U.06, subd. 3. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. The proposed expedited rule and appendices may be viewed at:

www.health.state.mn.us/healthreform/measurement/index.html.

A free copy of the appendices related to this proposed rule is also available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on October 15, 2014, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment and it is specifically seeking comments about including a stand-alone Asthma Education and Self-Management quality measure. More information about this potential measure may be viewed at:

www.health.state.mn.us/healthreform/measurement/index.html.

Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Modifications. The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process. The Department will publish any changes in the *State Register*.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Rules. The agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the Department submits the rules 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.

Dated: 2 September 2014

Edward P. Ehlinger, MD, MSPH, Commissioner
Minnesota Department of Health

4654.0800 INCORPORATION BY REFERENCE.

“Minnesota Statewide Quality Reporting and Measurement System: Appendices to Minnesota Administrative Rules, Chapter 4654,” issued by the Minnesota Department of Health, ~~November 2013~~ August 2014, is incorporated by reference. It is available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at:

<http://www.health.state.mn.us/healthreform/measurement/index.html>.

They are not subject to frequent change.

REPEALER. *Minnesota Rules*, part 4654.0300, subpart 3, is 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.

Minnesota Department of Public Safety (DPS)

Division of Driver and Vehicle Services

Adopted Exempt Permanent Rules Relating to Concurrent Driver Education

ORDER ADOPTING EXEMPT PERMANENT RULES

Adoption of Exempt Permanent Rules Governing Concurrent Driver Education Program amending *Minnesota Rules*, part 7411.0100, 7411.0210, 7411.0250, 7411.0280, 7411.0305, 7411.0325, 7411.0410, 7411.0515, and 7411.0520; Revisor's ID Number R-4255

BACKGROUND

By this Order, the Minnesota Department of Public Safety Driver and Vehicle Services is adopting these amendments to add provisions for the rules governing concurrent driver education, curriculum, definitions, requirements, instruction and enrollment.

FINDINGS

1. The Department has complied with or exceeded the notice and procedural requirements of *Minnesota Statutes*, 14.386. The agency followed the Rules of Administrative Procedures pursuant to *Minnesota Rules*, Part 1400.2400; and all other applicable law, under its grant of exempt rule making authority in *Minnesota Laws*, 2013, chapter 117, article 3, section 10, and *Laws*, 2014, chapter 261, section 3.

2. Currently, Class D concurrent driver education is allowable in Minnesota; however, there are no definitions for the administrative and curriculum requirements. Driver education programs in Minnesota are not required to offer concurrent driver instruction; however, a driver education program may only offer either concurrent or consecutive driver education. The Department of Public Safety Driver and Vehicle Services (DVS) needs to define both concurrent and consecutive driver education to distinguish each program and its requirements.

3. Re-programming of the DVS driver record database is necessary to accommodate a notation of enrollment in a concurrent driver education on the driver's record. This is necessary to differentiate and properly track student completion of the concurrent driver education and consecutive driver education programs. DVS must create new driver enrollment and program completion cards to signify student enrollment in a concurrent driver education program.

4. Additional amendments to existing rules governing driver education curriculum, definitions, requirements, instruction and enrollment are reasonable and necessary to ensure that administrative provisions are available to support compliance among driver education programs, instructors, industry stakeholders and Minnesota drivers in general.

5. Concurrent driver education programs will need to have their classroom curriculums approved by DVS prior to being able to provide concurrent instruction. This curriculum requirement mirrors curriculum requirements for consecutive driver education programs.

Exempt Rules

6. The Department adopts these rules subject to *Minnesota Statutes* chapter 14.386, excluding paragraph (b); pursuant to *Minnesota Laws*, 2013, chapter 117, article 3, section 10; *Minnesota Laws*, 2014, chapter 261, section 3. Exempt rulemaking under *Minnesota Statutes*, section 14.386 does not prescribe notice requirements for the public; however, the Department took steps to inform stakeholders interested and affected by the proposed rule amendments, about the Concurrent Driver Education Rules.

a) DVS staff shared information about the proposed amendments with the Novice Driver Education Improvement Task Force (NDEIT). The review and comment opportunity provided the Department with important observations that assisted in the refinement of the proposed rules. The membership of the NDEIT includes stakeholders from commercial driving schools; the Minnesota Driver and Traffic Safety Education Association (MTSEA); the DPS Office of Traffic Safety (OTS); Mothers Against Drunk Drivers, and other stakeholders concerned about driving safety for drivers under age 18.

b) On June 30, 2014, the Department of Public Safety Driver Education Coordinator sent out a New Laws and Information Update to all private, public, and commercial driver education programs. The update included information about the Concurrent Driver Education Program and the Graduated Driver Licensing (GDL) program. *Minnesota Laws* 2013, Chapter 117, article 3, section 10, subdivision 2, clause (2) paragraph (d), established law that requires clarification in rule and provides authority for exempt rulemaking for concurrent driver education. Similarly, *Laws* 2014, Chapter 261, section 1, established new laws relating to graduated licensing of drivers under the age of 18, and authorizes the Department to complete exempt rulemaking efforts for the GDL program.

c) DVS Driver Education staff will provide additional information to Driver Exam Supervisors relating to Concurrent Driver Education, and will post a sample of the driving log, required by *Minnesota Laws*, 2014, chapter 261, section 4, and a general Q & A fact sheet on the DVS website.

7. On August 11, 2014, the Department filed the Commissioner's Preliminary Proposal Form and a draft of the proposed exempt permanent rules, and received preliminary approval of the rules, on August 21, 2014 from the Office of the Governor.

8. The Department has filed the proposed rules, as certified by the Revisor of Statutes and a draft Order Adopting the Concurrent Driver Education Rules from the Commissioner with the Office of Administrative Hearings.

9. On review, and if approved by the Office of Administrative Hearings, as required by *Minnesota Statutes*, section 14.386 and *Minnesota Rules*, part 1400.2400, as to legality, the Department will publish notice and the text of the proposed exempt permanent rules for Concurrent Driver Education on the DPS Public Notice webpage.

10. The Department provided notice by sending a copy of the proposed exempt permanent rules, as approved by the Revisor of Statutes, by electronic email, U.S. mail, or the State of Minnesota interoffice mail system to:

a. The chairs and ranking minority members of the Senate Transportation Budget and Policy Committee and the House Transportation and Finance Committee, on August 25, 2014.

b. The House and Senate authors of the legislation being implemented through the rulemaking, on August 25, 2014;

The rules are needed and reasonable. The Department describes below each of the amended permanent rules scheduled for adoption below, and why each rule is reasonable and necessary:

Amendments

- **7411.0100, subpart 10a. – 10b.** adds definitions for a “concurrent driver education program” and for a “consecutive driver education program.” The subparts also specify the minimum number of hours required for classroom instruction prior to obtaining an instruction permit; and, lists the requirements for completing the remaining classroom hours of instruction provided concurrently with behind the wheel instruction; defines consecutive driver education as class instruction followed by behind the wheel instruction.

- **7411.0210, subp. 7, item I.** – requires that a class D driver education program must provide either concurrent or consecutive instruction and informs driver education programs of the restriction, for those under 18 years of age;

- **7411.0250, subp. 2, items C, and G.** – specify the issuance and certification requirements of the authorized program official of a driver education program relating to laboratory and classroom instruction; specifies the reporting time and notice requirements relating to student failure to complete the classroom instruction, as contracted; and,

- **7411.0280, subp. 1a. Items A. and B.** – governs the form and substance for program record keeping;

- **7411.0305, amending item H** – clarifying requirements of record keeping relating to student agreements or contracts;

- **7411.0325, subp. 3, Items B - D** – clarifies the age, qualifications, and enrollment requirements for who is eligible to enroll in a concurrent driver education program;

Exempt Rules

- **7411.0325**, adding a new subpart 4, which clarifies procedures for requesting variances relating to Part 7411.325, Subpart 3, Item (C);
- **7411.0410, item G** – expands curriculum approval requirements for class D motor vehicle driver training, and specifies that both classroom and behind the wheel must be approved to offer either consecutive or concurrent driver education;
- **7411.0515, subp. 2a. items A - F, and Subp. 42b. Items A - J** – specify requirements for the content of concurrent classroom curriculum for class D motor vehicles.
- **7411.0520, subp. 4a** – specifies the number of classroom hours required for class D motor vehicle instruction for a concurrent program, and the sequencing of instruction delivery.

ORDER

The above-named rules are adopted under my authority, as provided under *Minnesota Statutes*, section 14.386; *Minnesota Laws*, 2013, chapter 117, article 3, section 10; and *Minnesota Laws*, 2014, chapter 261, section 3. Upon review and approval by the Office of Administrative Hearings, the department will take the remaining steps to finalize these rules, including posting the rules in the *State Register*.

Dated: 8 September 2014

Ramona Dohman, Commissioner
Department of Public Safety

7411.0100 DEFINITIONS.

[For text of subps 1 to 10, see M.R.]

Subp. 10a. **Concurrent driver education program.** “Concurrent driver education program” means a class D motor vehicle program requiring a minimum of 15 hours of classroom instruction, followed by the remaining minimum 15 hours of classroom instruction provided with concurrent behind-the-wheel instruction.

Subp. 10b. **Consecutive driver education program.** “Consecutive driver education program” means a class D motor vehicle program that provides a student with classroom instruction followed by behind the wheel instruction.

[For text of subps 11 to 26, see M.R.]

7411.0210 APPLYING FOR DRIVER EDUCATION PROGRAM LICENSE OR APPROVAL.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Application content for program license or certificate of approval.** Application for a new or renewal license or certificate of approval for the program must be made on a format prescribed by the commissioner.

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

I. A class D motor vehicle program must specify whether the program will be providing concurrent or consecutive instruction to drivers under age 18. A class D motor vehicle program shall not offer both concurrent and consecutive instruction to drivers under age 18.

[For text of subps 8 to 12, see M.R.]

7411.0250 AUTHORIZED PROGRAM OFFICIAL.

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

Subp. 2. **Duties of program’s authorized official.** The authorized official shall perform the duties specified in this subpart.

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

C. If a student enrolled in a concurrent class D program (1) completes the first 15 hours of the classroom portion of a program, and (2) demonstrates current financial enrollment in the laboratory portion of a class D program and the remaining 15 hours of classroom instruction, the authorized official shall issue a certificate of enrollment in the laboratory portion and remaining 15 hours of classroom instruction. The certificate must be in a format provided or specified by the commissioner.

E. D. Within 15 days after a student under age 18 completes the laboratory portion of a class D or motorcycle program, the authorized official shall issue a certificate of completion of the laboratory portion of the program, in a format provided or specified by the commissioner.

Exempt Rules

~~D. E.~~ For a motorcycle endorsement training course where classroom and laboratory instruction may be taken concurrently, the student must be issued a certificate of enrollment by the authorized official, indicating the student is enrolled in both the classroom and laboratory portions of a course at the same time. Upon completion of the motorcycle endorsement training course, a certificate of completion of both the classroom and laboratory portions of the course, in a format provided by or specified by the commissioner, must be issued by the authorized official within 15 calendar days after the student completes both portions of the course.

~~E. F.~~ The authorized official shall notify the commissioner within 15 days of the time a student fails to continue or complete the laboratory portion of a class D motor vehicle program or motorcycle endorsement course as specified in the program's contract or agreement with the student.

~~G.~~ The authorized official shall notify the commissioner within 15 days of the date a student fails to continue or complete the final 15 hours of classroom instruction of a concurrent class D motor vehicle program as specified in the program's contract or agreement with the student.

7411.0280 PROGRAM RECORDS.

Subpart 1. **General requirements.** The program must:

A. maintain the records specified in this part for at least five years;

B. keep an instruction record of every person enrolled, whether or not the person was given instruction or other services relating to classroom instruction, laboratory instruction, or both, in operating a motor vehicle, and the instruction record must contain:

(1) the person's legal name, including first, middle, and last name; residence address; date of birth; unique identifier of the contract or agreement; date and number of hours of all instruction; and type of instruction; ~~and~~

(2) ~~for a student who has completed a portion of the driver education program, the completion date of the portion of the program shown on the document issued to the student and the name of both the last instructor and the program's authorized official;~~

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

Subp. 1a. **Additional records; certain students.** In addition to the information required under subpart 1, item B, the instruction record must contain:

A. for a student who has completed a portion of the driver education program, the completion date of the portion of the program shown on the document issued to the student and the name of both the last instructor and the program's authorized official; or

B. for a student who is enrolled in a concurrent driver education program, the completion date of the of the first 15 hours of classroom instruction shown on the document issued to the student and the name of both the last instructor and the program's authorized official.

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

7411.0305 STUDENT AGREEMENTS OR CONTRACTS.

Initial and revised contracts and agreements between a program and student must comply with this part.

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

~~H.~~ For a student enrolled in a concurrent class D driver instruction program, the contract or agreement must specify dates for the start and completion of the first 15 hours and the second 15 hours of classroom instruction. The completion date of the second 15 hours of classroom instruction must be within 90 days of the completion date of the first 15 hours of classroom instruction.

~~H. I.~~ If a program wants to exceed the hours specified in item F, the contract or agreement may be renewed only by mutual agreement between the student and program, in writing, and only if approved by the commissioner.

~~F. J.~~ When an original contract or agreement and each subsequent contract or agreement for instruction expires, the instructor shall evaluate with the student the progress made and determine how much further instruction, if any, is necessary.

(1) The instructor and authorized official shall then determine if the student can complete the instruction.

(2) If the instructor and authorized official of the program determine that the student cannot complete the instruction, the authorized official shall notify the commissioner in writing.

Exempt Rules

(3) The program may continue the instruction of that student only if authorized to do so in writing by the commissioner.

~~J. K.~~ A contract or agreement to provide instruction to operate a class A, B, or C motor vehicle must:

(1) specify the hours of instruction to be provided to the student;

(2) describe the course or individualized instruction provided;

(3) specify the course fee or hourly rate for individualized instruction;

(4) provide that the authorized program official notify the commissioner in writing if the instructor and official determine that the student cannot complete the instruction; and

(5) specify that the program may continue the instruction of that student only if authorized to do so in writing by the commissioner.

~~K. L.~~ Contracts or agreements for which a fee is charged must address the issue of refunds in the event a student or the program is not able to complete instruction.

~~L. M.~~ The contract or agreement must specify whether and under what circumstances a person other than the student or instructor will be permitted or required in the motor vehicle during laboratory instruction.

7411.0325 STUDENT AGE, QUALIFICATIONS; ENROLLMENT REQUIREMENTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Students under age 18.** A program offering a class D motor vehicle course to a student under the age of 18 must require the student to enroll in either the classroom phase of a program, the laboratory phase of a program, or both.

A. Proper enrollment must be reflected in the student contract or agreement.

B. For students enrolled in a consecutive driver education program, enrollment in either classroom instruction or laboratory instruction need not occur with the same program.

C. Only a student who is under the age of 18 and has never previously completed a driver education course may enroll in a concurrent program.

D. A program offering a concurrent class D motor vehicle course to a student under the age of 18 must require the student to enroll in both the classroom and laboratory phase of the program.

~~E. E.~~ A homeschooled student need only indicate enrollment in the laboratory phase of a program.

~~F. F.~~ Classroom instruction hours are not transferable from one program to another unless the commissioner can verify documentation of comparable instruction.

Subp. 4. **Variations.** The commissioner of public safety may grant variations from subpart 3, item C.

A. If a student is unable to comply with subpart 3, item C, the student shall make written application to the commissioner of public safety or a designee for a variance.

B. A student applying for a variance must submit written documentation of the reason why a variance should be granted. The applicant must also provide the applicant's name, address, and date of birth, as well as information about the applicant's current driver education program enrollment.

C. The student applying for a variance must make arrangements to satisfy the requirements of parts 7411.0520, subpart 4, and 7411.0555, item A, subitem (2).

D. The commissioner of public safety or a designee shall review the request for a variance. In making a decision to grant or deny the

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variance, the commissioner or a designee shall consider the degree of hardship placed on the applicant, whether variance from the rule is consistent with the public interest, and whether a variance from the rule would conflict with any other standards imposed by law.

E. The commissioner of public safety or a designee shall grant or deny the request for a variance within 30 days of receipt of the request. The applicant shall be notified of the decision by mail within the 30-day period.

7411.0410 SUBMISSION OF PROGRAM CURRICULUM.

The program must submit all curriculum that will be provided to students to the commissioner for approval at the time of application for program licensure or approval.

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

G. If a program seeks to provide instruction on how to operate a class D motor vehicle, the classroom and behind-the-wheel curriculum must be either consecutive or concurrent.

7411.0515 CURRICULUM FOR DRIVER EDUCATION PROGRAMS.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. **Concurrent classroom curriculum for class D motor vehicles.** The classroom curriculum presented and delivered to each student enrolled in the first 15 hours of a concurrent program for class D motor vehicle operation must include:

A. information on how alcohol and other drugs affect a driver's ability to safely operate a motor vehicle, including:

(1) information on how the consumption of alcohol and the use of other drugs physically impacts a person's ability to operate a motor vehicle;

(2) the hazards of driving while under the influence of alcohol or other drugs; and

(3) the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or other drugs;

B. an opportunity for the student to identify and analyze a variety of driving decisions involving roadway characteristics and highway users including, but not limited to, safe interaction with:

(1) bicycles, other nonmotorized vehicles, and pedestrians; and

(2) commercial motor vehicles, with instruction to include information about truck stopping distances, proper following distances, and identifying and avoiding driving in truck blind spots;

C. an explanation of the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;

D. at least 30 minutes of instruction covering the duties of the driver when encountering a school bus, the content and requirements of *Minnesota Statutes*, section 169.444, and the penalties for violating that section;

E. information pertaining to principles of safe operation of a motor vehicle at railroad-highway grade crossings; and

F. information on carbon monoxide poisoning, including but not limited to:

(1) a description of the characteristics of carbon monoxide;

(2) a review of the risks and potential speed of death from carbon monoxide poisoning; and

(3) specific suggestions regarding vehicle idling practices.

Subp. 2b. **Concurrent classroom curriculum for class D motor vehicles.** The classroom curriculum presented and delivered to each student enrolled in a concurrent program for class D motor vehicle operation must include:

A. an opportunity for the student to analyze and assess several decision-making models and factors influencing highway-user decisions;

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B. an opportunity for the student to analyze and practice making decisions about use of occupant restraints;

C. an opportunity for the student to analyze and practice making decisions about vehicle speed under different driving conditions;

D. an opportunity for the student to identify, analyze, and describe the proper procedures for a variety of driving situations;

E. an opportunity for the student to gather information and practice making decisions about vehicle ownership, leasing, insurance, and maintenance;

F. an opportunity for the student to identify, analyze, and practice making decisions related to drivers' attitudes and emotions;

G. an opportunity for the student to explore alternative ways to become a better driver;

H. information pertaining to the principles and relationships of tires and surfaces when turning, braking, and accelerating;

I. information pertaining to the characteristics of both conventional and antilock brake systems; and

J. an opportunity for the student to become informed about becoming an organ donor.

[For text of subps 3 to 7, see M.R.]

7411.0520 CLASSROOM AND LABORATORY INSTRUCTION.

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

Subp. 4a. **Required number of class D motor vehicle classroom hours for a concurrent program.** A class D motor vehicle concurrent program must provide a student who is less than 18 years old with a minimum of 15 hours of classroom instruction, followed by a minimum of 15 hours of classroom instruction and six hours of laboratory instruction. The final 15 hours of concurrent classroom instruction must be completed before the student completes the fifth and sixth hour of laboratory instruction.

[For text of subp 5, see M.R.]

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Department of Natural Resources (DNR)

Commissioner's Order 14-02: Wildlife Lake Designation of Eagle Lake, McLeod County

Date: September 15, 2014
Statutory authority: *Minnesota Statutes*, section 97A.101, subd. 1 and 2

BACKGROUND

The Department met the statutory requirements to designate Eagle Lake as a Wildlife Management Lake under authority in *Minnesota Statutes*, section 97A.101, as follows:

1. A public hearing was held in McLeod County at the Brownton Rod and Gun Club, 108th Street, Brownton, Minnesota, on April 23, 2014; and
2. A legal notice announcing the hearing was published in a local legal newspaper, *The Hutchinson Leader*, on April 9, 2014.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97A.101, subdivisions 1 and 2, that Eagle Lake (DOW# 43009800), Township 115N, Range 30W, Section 4, in McLeod County is designated for the purposes of wildlife management.

Date: 5 September 2014

Tom Landwehr, Commissioner
Department of Natural Resources

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.

Minnesota Department of Human Services (DHS) Notice of Comment Period for Renewal of Minnesota's TANF State Plan

Section 103(a) of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, amending Section 402(a) of Title IV of the Social Security Act, requires states to submit to the Secretary of the Department of Health and Human Services, a state plan that describes its TANF program.

In accordance with Sections 402(a) and (b), this notice serves as notification of the required 45-day period for public review and comment. The comment period begins on Tuesday, September 15, 2014 and ends at 4:30 p.m. on October 29, 2014. A draft copy of the Minnesota TANF State plan is available at the following web address:

http://www.dhs.state.mn.us/main/groups/county_access/documents/pub/dhs16_189455.pdf

Individuals may review and submit written comments by October 29, 2014 to:

Leila Farah
Minnesota Department of Human Services
Economic Assistance and Employment Supports Division
P.O. Box 64951
St. Paul, MN 55164-0951

Comments may also be sent via **e-mail** to: leila.farah@state.mn.us or by **fax** at: (651) 431-7526. A printed copy is available upon request.

For each written comment, please include the page number in the proposed TANF State Plan that your comment is about, and any suggestion to change the draft Plan. If applicable, you may also include:

Your agency/organization: _____
Your position title: _____
Your contact information (phone, e-mail and address): _____

Metropolitan Council Notice of Public Comment Period and Public Hearing for the Draft *2040 Regional Parks Policy Plan*

The Metropolitan Council has released the draft *2040 Regional Parks Policy Plan*, the regional parks and open space chapter of the comprehensive development guide for the Twin Cities metropolitan area, for public comment.

The public is encouraged to view the plan and provide public comment through Thursday, October 30, as follows (comments must be received by 5 p.m.):

Written comments: Metropolitan Council
390 N. Robert St.
Saint Paul, MN 55101

Official Notices

Send **TTY** comments to: (651) 291-0904

Email: public.info@metc.state.mn.us

Record comments on the Council's Public Comment Line at (651) 602-1500

Submit comments through the Council's online Your Ideas site at: <http://yourideas.metrocouncil.org>

The Metropolitan Council will hold one public hearing on the draft *2040 Regional Parks Policy Plan*:

Monday, October 20, 5 p.m.

Metropolitan Council Chambers

390 N. Robert Street

Saint Paul, MN 55101

Served by many transit routes

All interested persons are encouraged to attend the public hearing and offer comments. Those attending may register in advance to speak by calling the Council at (651) 602-1500. Upon request, the Metropolitan Council will provide reasonable accommodations to persons with disabilities. Advance notice, indicating the specific accommodation needed is appreciated.

Staff will review public comments and evaluate changes to the proposed policies to address the comments submitted by the public. A recommendation for final adoption of the *2040 Regional Parks Policy Plan* will be considered by the Metropolitan Council in January 2015.

Minnesota Department of Public Safety (DPS)

Office of Pipeline Safety

Notice of Intent to Grant a Waiver to CenterPoint Energy Resources Corporation

Subject: Gas Transmission Pipeline Integrity Management Reassessment Intervals

NOTICE IS HEREBY GIVEN that the Minnesota Office of Pipeline Safety (MNOPS), pursuant to *Minnesota Statute 299F.57*, Subdivision 5, intends to grant a waiver concerning the frequency of pipeline integrity reassessments conducted by CenterPoint Energy Resources Corporation (CPE) on certain natural gas transmission pipeline facilities jurisdictional to 49 CFR Part 192. [74 mile Metro Belt Line System; segments MBLN, MBLNW, MBLSW, LYNDAL and MBLC; located in Hennepin County, Minnesota]

SUMMARY:

CenterPoint has filed a request with the MNOPS for a special permit to accelerate replacement of portions of the pipeline [21.4 miles of the Metro Belt Line High Consequence Area (HCA) segments] instead of performing pipeline reassessments as required by the federal regulations of the Pipeline and Hazardous Materials Safety Administration (PHMSA), 49 C.F.R. §192.939.

This waiver would allow for an accelerated replacement of the pipeline segments in or near High Consequence Areas to be completed by 2020. Without the waiver, replacement would be completed in 2030. Based on previous activities under the CPE Transmission Integrity Management Plan and Distribution Integrity Management Plan, these facilities have been identified for replacement. Rather than reassessing these pipeline segments as required by regulation, accelerated replacement will better safeguard and improve public safety.

Details and documentation regarding the special permit application are available online at <https://dps.mn.gov/divisions/ops/>

DATES:

Written comments will be accepted at the address below until 4:30 P.M. on Monday, September 29, 2014.

Minnesota Office of Pipeline Safety

445 Minnesota Street, Suite 147

St. Paul, MN 55101-5147

Official Notices

Phone: (651) 201-7230
E-mail: dps.mnops.response@state.mn.us

A public meeting/ hearing is scheduled at the address below from 3 to 4:30 P.M. on Friday, September 26, 2014.

State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Room: 300 South
St. Paul, MN 55155

SUPPLEMENTARY INFORMATION:

The scope of the special permit involves a portion of the CPE Metro Beltline system. The entire system is constructed of 74 miles of 20" and 24" steel pipeline. 61 miles of legacy pipeline segments are scheduled for replacement. The legacy segments are generally constructed with mechanical compression style joints. The waiver applies to 21.4 miles of pipeline located in High Consequence Areas (HCA). The entire beltline system is located in Minneapolis, Minnesota and its surrounding suburbs.

Integrity Management (IM) regulations require reassessment of natural gas transmission pipelines under 49 CFR Part 192.939. IM requires natural gas transmission pipelines operating below 30 percent specified minimum yield strength to establish reassessment intervals by an allowable reassessment method not to exceed 7 years.

Mechanical couplings are prone to having issues which can result in leakage. PHMSA has advised that events concerning failures of mechanical couplings raise concerns about safety in pipeline systems. These couplings can fail when there is inadequate restraint for the potential stresses on the joined pipes, when the couplings are incorrectly installed or supported, or when the coupling components degrade over time.

A waiver from the requirements of § 192.939 would allow CPE to initiate an accelerated replacement program for pipeline segments. Accelerated replacement will reduce risk and improve public safety. The Metro Beltline system configuration and the construction season make it infeasible to complete reassessments and accelerate replacement line. The proposed accelerated plan would shorten the replacement by 10 years with completion in 2020 as opposed to 2030.

A condition of the waiver will require CPE to perform additional preventative and mitigative activities to maintain an equivalent or enhanced level of safety. This will be comprised of additional surveys, periodic reporting and other operations and maintenance activities. MNOPS plans to conduct additional inspections throughout the duration of the special permit.

The proposed effective date of the waiver is December 1, 2014. The waiver is proposed to remain in effect for seven (7) years, or until such time that circumstances indicate alternate safety measures are warranted. The waiver status will be reviewed with the operator on an annual basis, as part of routine MNOPS inspections.

Dated this 15th day of September, 2014

Ramona L. Dohman, Commissioner
Minnesota Department of Public Safety

Minnesota Department of Transportation (Mn/DOT) **Notice to Bidders: Suspensions/Debarments as of July 28, 2014**

NOTICE OF SUSPENION

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended effective July 8, 2014:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended effective July 16, 2014:

- Jeffrey Plzak, Loretto, MN

- Laurie Plzak, Loretto, MN
- Honda Electric Incorporated, Loretto, MN
- Honda Electric Logistics, Loretto, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.

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.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Health (MDH) Medical Education and Research Costs (MERC) Grant Announcement

The Minnesota Department of Health is accepting MERC grant applications for clinical training provided in **fiscal year 2013** through Minnesota teaching institution's with accredited teaching programs providing clinical training for advanced practice nursing, clinical social workers, community health workers, community paramedics, dental students/residents, dental therapists/advanced dental therapists, chiropractic students, medical students/residents, pharmacy students/residents, physician assistants, and psychologists.

MERC grant applications will be accepted until **4 p.m. on October 31, 2014**.

State Grants & Loans

Programs wishing to apply for a grant must submit their application through their sponsoring institution. A sponsoring institution may be a hospital, school or consortium that supports accredited teaching programs. These sponsoring institutions typically provide funding and accounting for the programs. Applications submitted by any entity other than a sponsoring institution will not be accepted.

Grant application materials can be found on the Minnesota Department of Health website:

<http://www.health.state.mn.us/divs/hpsc/hep/merc/mcapinfo.html>.

Contact: Diane Regeer at **phone:** (651) 201-3566 or **e-mail:** diane.regeer@state.mn.us.

Minnesota Department of Health (MDH) Office of Rural Health and Primary Care Request for Proposals for Dental Safety Net Grant Program

The Office of Rural Health and Primary Care, the Minnesota Department of Health, is soliciting proposals for grants to dental clinics who serve the uninsured. Approximately \$100,000 may be available. Eligible applicants include nonprofit critical access dental providers not affiliated with a hospital or medical group, who provide free or reduced-cost oral health to low-income patients under the age of 21, and who can demonstrate that at least 80 percent of patient encounters were with patients who were uninsured or covered by Minnesota health care programs. Funding will be distributed based on the number of uninsured patients under the age of 21 served by the provider in the previous 12 months.

To be considered for funding, proposals must be received by **4:00 p.m., Friday, October 31, 2014** at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101, attention: Will Wilson. **Late proposals will NOT be considered.** A copy of the full Request for Proposal may be obtained at <http://www.health.state.mn.us/divs/orhpc/funding/index.html#dentalsn>.

For more information contact Will Wilson at **phone:** (651) 201-3842, **e-mail:** will.wilson@state.mn.us

Minnesota Department of Health (MDH) Office of Rural Health and Primary Care Request for Proposals for Mental Health Safety Net Grant Program

The Office of Rural Health and Primary Care, the Minnesota Department of Health, is soliciting proposals for grants to mental health providers who serve the uninsured. Approximately \$300,000 may be available. Eligible applicants include community mental health centers and nonprofit community mental health clinics which provide free or reduced-cost mental health care to low-income patients under the age of 21. Funding will be distributed based on the number of uninsured patients under the age of 21 served by the provider in the previous 12 months.

To be considered for funding, proposals must be received by **4:00 p.m., Friday, October 31, 2014** at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101, attention: Will Wilson. **Late proposals will not be considered.** A copy of the full Request for Proposal may be obtained at <http://www.health.state.mn.us/divs/orhpc/funding/index.html#mentalhealthsn>.

For more information contact Will Wilson at **phone:** (651) 201-3842, **e-mail:** will.wilson@state.mn.us

State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWFT system.

Minnesota State Department of Administration (Admin) State Designer Selection Board Project No. 14-10) (RECS#44DA0018 Notice of Availability of Request for Proposal (RFP) for Designer Selection for: New Frechette Hall Minnesota State Academy for the Deaf in Faribault Minnesota

The State of Minnesota, Department of Administration 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 Department of Administration's website at <http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 14-10).

A MANDATORY informational meeting is scheduled for **Thursday, September 18, 2014 at 10:00 AM CT at the existing Frechette Hall building on Minnesota State Academy for the Deaf campus located at 615 Olof Hanson Drive, Faribault MN 55021-5336.**

Any questions should be directed to Bee Yang at: bee.yang@state.mn.us. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Monday, September 22, 2014** no later than **4:00 PM** Central Time.

Proposals must be delivered to Talia Landucci Owen, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651) 201-2372 not later than **12:00 noon on Monday, September 29, 2014**. Late responses will not be considered.

The Minnesota Department of Administration 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) Board of Trustees Notice of Request for Qualifications (RFQ) for Job Order Contracting Construction Master List of Contractors

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities ("MnSCU"), requests qualifications of Minnesota registered contractors providing commercial general contracting, plumbing, HVAC, fire suppression, electrical work or low voltage services to assist MnSCU in construction projects as needed for up to a five-year period. Projects will vary in scope and may involve new construction or renovations, which includes, but is not limited to buildings, infrastructure, utilities and site work. One informational webinar will be held for contractors: Wednesday, September 17, 2014 at 1:00 pm, local time. Information on attending the online webinar, the Request for Qualifications (RFQ) and associated documents can be found on line at:

<http://www.finance.mnscu.edu/facilities/design-construction/index.html>, click on "Announcements."

Questions should be addressed in the manner as noted in the RFQ to:

State Contracts

Barry Schaub
Minnesota State Colleges and Universities
Phone: (651) 201- 1787, or
E-mail: barry.schaub@so.mnscu.edu

Proposals must be delivered to:

Minnesota State Colleges and Universities
Attn: Facilities Design and Construction
Wells Fargo Place
30 Seventh Street East, Suite 350
St. Paul, Minnesota 55101-7804

Qualifications must be received NOT later than October 1, 2014, by 12:00 Noon, local time; late responses will not be considered.

MnSCU reserves the right to cancel this solicitation if it is considered to be in MnSCU's best interest. The RFQ is not a guarantee of work and does not obligate MnSCU to award any contracts. MnSCU reserves the right to discontinue the use or cancel all or any part of this Job Order Contracting Construction Services 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 (MnSCU) Pine Technical and Community College Notice of Request for Bids for Cisco Networking Supplies and Equipment

NOTICES IS HEREBY GIVEN that Pine Technical and Community College, in support of the U.S. Department of Labor Employment and Training Administration funded Rural Information Technology Alliance (RITA) Consortium, is seeking bids for CISCO Networking supplies and equipment. This equipment and supplies are to be used in conjunction with CISCO networking curriculum. The equipment and supplies must be certified CISCO equipment. The vendor must be a certified CISCO retailer in order to respond to this bid request. You may request an official bid form by email or submit a written bid. Shipping and freight must be a separate line item. The funding for this project is provided through the Trade Adjustment Assistance Community College and Career Training (TAACCCT) Grant Program Round #3 grantees. The needed supplies and equipment are as follows:

Description of Article or Service	Part number	Quantity
4-port 3rd Gen Multiflex trunk voice/WAN Int. card-Ti/E1	VWIC3-4MFT-T1/E1	3
IP communications high-density digital voice NM with 2 T1/E1	NM-HDV2-T1/E1	1
Network Module Adapter for SM Slot on Cisco 2900 3900 ISR	SM-NM-ADPTR	1
16-channel high density voice and video DSP module	PVDM3-16	3
Cisco IP communicator 8.6.2.0	cipc-admin-fmr.8-6-2-0	3
2-port 3rd gen multiflex trunkvoice/WAN int.card-T1/E1	VWIC3-2MFT-T1/E1	3
Cisco catalyst 3560-24ps EMI-24 ports-10/100base-tx,2SFP	WS-C3560V2-24PS-E	3
PSTN 2-port HWIC module for analog phones and fax devices	VIC2-2FXO=	3
PSTN inward dial 2 port HWIC module for connection to POTS	VIC3-2FXS/DID	3
Catalyst 2960 24 10/100 +2 LAN Base Image	WS-C2960+24TC-L	13
SMARTNET 8X5XNBD Catalyst 2960 10/100 +2 1000BT LAN	con-snt-c29602tc	13
Linksys EA4500 Wireless Router-IEEE 802.11n Wireless device	EA4500	6
Console cable67ft with USB Type A and Mini b cables	CAB-CONSOLE-USB	26
Console cable 6ft with RJ45 and DB9F cables	ACB-Console-RJ45	26
Cisco 2911w/3 GE4 EHWIC 2 DSP 1 SM 256MB CF 512MB DRAM	CISCO2911/K9	7
Cisco 2911 w/3GE4 EHWIC 2 DSP 1 SM 256MB CF 512 MB DRAM	CISCO2911-SEC/K9	6
SMARTNET 8x5xNBD Cisco 2911 w/3 GE4	CON-SNT-2911SEC	13
2-port Serial WAN Interface Card	HWIC-2T	16

State Contracts

ASA 5510 Appliance with SW 5FE 3DES/AES	ASA-5505-BUN-K9	3
SMARTNET 8x5xNBD ASA5510w/50 VPN Peers3	CON-SNT-AS5-BUNK9	3
SW CM 8.6 Appliance Not for resale	CM8.6-K9-NFR	1
Cisco Unified Presence 8.6 Appliance Software	SW-CUP 8.6-K9	1
Cisco UC Phone 7962 Spare	CP-7962G	8
128-channel high density voice and video DSP module	PVDM3-128=	2
Cisco/Linsys Wireless N USB Adapters	AE2500-NP	6
SMARTNET 8x5xNBD Catalyst 3560V2	CON-SNT-V224PSE	3
Cisco Unified Presence User License	CUP.6 User License	50
ESSENTIAL SW CISCO unified presence user license	CON-ESW-CUP86USR	50
UCSS for Cisco Unified Presence for 1 user for one year subscription	UCSS -U-CUP. 1-1	50

Questions can be addressed to Sally Welsh, RITA Grant Manager, at **e-mail:** welshs@pine.edu

Sealed bids must be submitted to: Sally Welsh, RITA Grant Manager, Pine Technical and Community College, 900 4th Street SE, Room 85, Pine City, MN 55063 by 3:00 pm CST September 29, 2014.

Pine Technical and Community College reserves the right to reject any or all bids or portion thereof, to waive technicalities in bids, and to delay final award for a period of 15 days. This request for bids does not obligate the State to complete the work or license 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.

Minnesota State Colleges and Universities (MnSCU) Saint Paul College – A Community and Technical College Request for Sealed Bids for Machine Tool Technology Department

Machine Tool Technology Department is requesting **sealed bids** for:

- **54 Lockers, Size 12" X 12" X 24"**, Managed by software, programmable onsite, Accessible with student ID cards.
- **1 Vending machine style storage system**, flexible bin sizes dispensing up to 500 items, programmable onsite for inventory control, accessible with student ID cards.
- **Local Support**, Software and Hardware support, Initial Training, Onsite installation

Sealed bids will be accepted until 2:00 PM on Monday September 29th. All bids must be submitted in writing to the Business Office of Saint Paul College located at 235 Marshall Ave, St Paul, MN 55102. Bids received after 2:00 PM on 09/29/14 will not be accepted.

To receive a copy of the RFB, send an **e-mail** to Nataliya.kabakova@saintpaul.edu

To obtain a detailed specification please contact Terry Murray at **e-mail:** Terry.Murray@saintpaul.edu

This request for bids does not obligate the Minnesota State College and University System (MNSCU) to make the purchase and MNSCU reserves the right to cancel this solicitation. All expenses incurred in response to this notice are the responsibility of the responder.

State Contracts

Minnesota Board of Dentistry

Notice of Availability of Contract for Computer-Based Professional License Examinations Vendor

The State intends to contract with a vendor (hereafter referred to as the Contractor) to develop and administer proctored, computer-based examinations to qualified candidates. The State will expect the Contractor to administer examinations at assessment centers operated by the Contractor, or at equally secure centers available for the Contractor's use. The State estimates that the Contractor will administer approximately 860 jurisprudence examinations and 400 licensure examinations per year. If the Contractor intends to partner with another firm to separate the examination development from the administration of the exam, details of that partnership must be clearly outlined in the proposal(s).

The Contractor will charge fees directly to examination candidates. Revenue from the fees will fund all aspects of the Contractor's work, including examination development, examination administration, reporting, operations, and examination maintenance. The Contractor's examination fees will be set by the contract. With respect to additional tasks and services proposed by the Contractor, the State may choose to pay the Contractor directly, or authorize the Contractor to recover costs through fees.

The contract is expected to run from October 15, 2014 through June 30, 2016, with an option to extend up to one additional year in increments determined by the State. The October 15, 2014 effective date assumes that the Contractor will have the existing computer-based examinations available for candidates by January 1, 2015. The contract will require that by July 1, 2015 the Contractor will have developed sufficient numbers of test items such that pools of questions of satisfaction to the State for the examinations will be integrated into the exam for randomized selection.

A Request for Proposals will be available by e-mail from this office through September 10, 2014. The Request for Proposals can be obtained from:

Minnesota Board of Dentistry
Attn: Sheryl Herrick
2829 University Ave SE, Suite 450
Minneapolis, MN 55414
Phone: (612) 548-2123
Fax: (612) 617-2260
E-mail: *Sheryl.Herrick@state.mn.us*

The RFP will also be posted on the Board's website (www.dentalboard.state.mn.us) throughout the submission period.

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the postal or e-mail address above no later than 3:30 p.m., Central Time, Monday, September 15, 2014. **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.

Minnesota 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 Kelly Arneson at (651) 366-4774; 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 expenses are 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:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. - Mail Stop 680
St. Paul, MN 55155

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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

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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Minnesota Department of Transportation (MnDOT) Office of Civil Rights Informal Solicitation for Mn/DOT Disadvantaged Business Enterprise (DBE) and Workforce Collaborative Facilitator

Mn/DOT requests responses for a third party facilitator to work with Mn/DOT and the participants in the DBE and Workforce Collaborative ("Collaborative"). Sustainable change in Minnesota's Transportation Civil Rights requires partnerships that engage in a trusting decision making process. The collaboration process has been facilitated by independent contractors for the past four years. The next phase of the transformation process will involve a continuation of this initiative, continuation of on-going assessments of the relationships developed in this collaborative group, to ensure that partnerships reflect a productive environment for sustainable change.

The goal of this project is to organize, facilitate, mediate and report on various meetings of the full Collaborative, the Collaborative Leadership team and external partners, to continue to work the review, evaluation and recommendation the DBE and Workforce programs.

State Contracts

The successful responder will document all meetings and report on key relationships and explore process recommendations for moving program strategies forward, in a productive manner and within the limitations of the law. In addition, the successful responder will work the Collaborative Leadership Team to insure process recommendations reflect stakeholder's perspectives and accommodate stakeholder involvement. The successful responders' scope of work includes facilitating between 10-20 meetings of the Collaborative, the Collaborative Leadership Team or various project teams. The successful responder will document all meetings, report on the key relationships and process recommendations for moving forward.

The full RFP can be viewed on the Consultant Services Web Page at: <http://www.dot.state.mn.us/consult/files/notices/notices.html>.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Ashley Duran, Contract Administrator
E-mail: ashley.duran@state.mn.us
Telephone: (651) 366-4627

Note: RESPONSES WILL BE DUE ON **MONDAY, SEPTEMBER 29, 2014 AT 2:00 PM CENTRAL DAYLIGHT TIME**

Minnesota Department of Transportation (Mn/DOT) Office of Traffic, Safety and Technology Request for Information (RFI) on Conflict Warning Controller

NOTICE OF REQUEST FOR INFORMATION regarding conflict warning controller devices to be used as part of future Rural Conflict Intersection Warning System (RICWS) deployments at the Minnesota Department of Transportation. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this request for information. All expenses incurred in responding to this notice shall be borne by the responder.

The Minnesota Department of Transportation is currently considering developing and releasing a Rural Intersection Conflict Warning Systems Phase II (RICWS II) Design-Bid-Build project. The intent of this Request for Information (RFI) is to solicit information from the industry to assist in finalizing a Conflict Warning Controller that can be used for this RICWS project as well as other ITS warning projects.

RFI's are available online at Mn/DOT's Consultant Services Website located at:

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

All responses must be submitted electronically to:

Ron Bisek, Contracts Administrator
Minnesota Department of Transportation
Office of Traffic, Safety and Technology
E-mail: Ron.bisek@state.mn.us

Fax responses will NOT be considered.

Note: RESPONSES WILL BE DUE ON **October 10, 2014** no later than 2:00 pm CENTRAL DAYLIGHT TIME.

Non-State Public 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.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

Minnesota Valley Transit Authority (MVTA) Request for Proposals for Independent Testing Lab Services and Construction Inspection Services for Apple Valley Layover Facility

NOTICE IS GIVEN that on Friday, September 26, 2014, at 2 PM, the Minnesota Valley Transit Authority (MVTA) will accept proposals for "INDEPENDENT TESTING LAB SERVICES AND CONSTRUCTION INSPECTION SERVICES" for the Apple Valley Layover Facility construction at the Customer Service Desk at the Burnsville Transit Station located at 100 Highway 13 East, Burnsville, MN 55337. The RFP will be available at www.mvta.com/procurement.html.

MVTA is constructing a bus layover facility in Apple Valley directly to the east of the Apple Valley Transit Station (AVTS) on land already owned by MVTA. The site will accommodate up to 14 buses for BRT, express and local service and include a small driver facility with restrooms.

Maertens-Brenny Construction Company (CONTRACTOR) has been awarded the construction contract and anticipates beginning site work in late September, 2014. The project is scheduled to be substantially complete by December 31, 2014. TKDA is the lead consultant and will be in charge of coordinating inspection and testing activities during construction. The selected CONSULTANT will coordinate their inspections with TKDA or as directed by TKDA. This contract will provide the independent testing and construction inspection services needed for the project.

Direct inquires to Jane Kansier, RFP Administrator at **e-mail:** jkansier@mvta.com.

Robin Selvig
Manager – Customer Relations
Minnesota Valley Transit Authority
100 E. Highway 13
Burnsville, MN 55337
Website: www.mvta.com
Phone: (952) 882-7504

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