

1 Department of Health

2

3 Adopted Permanent Rules Relating to Procedures for Exceptions to

4 Nursing Home Bed Moratorium

5

6 Rules as Adopted

7

PROCEDURES FOR EXCEPTIONS TO

8

NURSING HOME BED MORATORIUM

9 4655.1070 DEFINITIONS.

10 Subpart 1. **Scope.** For the purposes of parts 4655.1070 to
11 4655.1098, the following terms have the meanings given them in
12 this part.

13 Subp. 2. **Advisory review panel.** "Advisory review panel"
14 means the group of individuals that must form recommendations
15 according to part 4655.1086 and that is appointed by the
16 Interagency Long-Term Care Planning Committee under part
17 4655.1074 and Minnesota Statutes, section 144A.073, subdivision
18 3.

19 Subp. 3. **Allowable costs.** "Allowable costs" means costs
20 allowable according to part 9549.0035, subpart 1.

21 Subp. 4. **Alternative care grant.** "Alternative care grant"
22 has the meaning given in part 9505.2395, subpart 4.

23 Subp. 5. **Annual statistical report.** "Annual statistical
24 report" means the report incorporated by reference under part
25 4655.1072.

26 Subp. 6. **Appraised value.** "Appraised value" means the
27 value of the nursing home buildings, attached fixtures, and land
28 improvements used for resident care as determined under part
29 9549.0060.

30 Subp. 7. **Attached fixtures.** "Attached fixtures" has the
31 meaning given in part 9549.0020, subpart 6.

32 Subp. 8. **Attached hospital.** "Attached hospital" means a
33 hospital that is under common ownership and operation with a
34 nursing home and shares with that nursing home the cost of
35 common service areas such as nursing, dietary, housekeeping,

1 laundry, plant operations, or administrative services.

2 Subp. 9. **Buildings.** "Buildings" has the meaning given in
3 part 9549.0020, subpart 7.

4 Subp. 10. **Certified boarding care home.** "Certified
5 boarding care home" means a facility licensed under parts
6 4655.0090 to 4655.1060 and 4655.1200 to 4655.9900, and certified
7 to participate in medical assistance under United States Code,
8 title 42, sections 1396 to 1396p as amended.

9 Subp. 11. **Commenced construction.** "Commenced
10 construction" has the meaning given it under Minnesota Statutes,
11 section 144A.071, subdivision 3, paragraph (b).

12 Subp. 12. **Commissioner.** "Commissioner" means the
13 commissioner of the Department of Health or the commissioner's
14 representative.

15 Subp. 13. **Conversion.** "Conversion" has the meaning given
16 in Minnesota Statutes, section 144A.073, subdivision 1,
17 paragraph (a).

18 Subp. 14. **Cost report.** "Cost report" means the document
19 and supporting material specified by the commissioner of the
20 Department of Human Services and prepared by the nursing home.
21 The cost report includes the statistical, financial, and other
22 relevant information required in part 9549.0041 for rate
23 determination.

24 Subp. 15. **Department.** "Department" means the Minnesota
25 Department of Human Services.

26 Subp. 16. **Estimated operating costs.** "Estimated operating
27 costs" means a facility's estimated operating costs during the
28 first 24 months after completion of the project.

29 Subp. 17. **Facility.** "Facility" means the attached
30 hospital, nursing home, or certified boarding care home named on
31 a proposal.

32 Subp. 18. **Hospital.** "Hospital" means an acute care
33 institution licensed under Minnesota Statutes, sections 144.50
34 to 144.58.

35 Subp. 19. **Interagency long-term care planning committee or**
36 **INTERCOM.** "Interagency long-term care planning committee" or

1 "INTERCOM" means the committee established under Minnesota
2 Statutes, section 144A.31, subdivision 1.

3 Subp. 20. Land improvement. "Land improvement" has the
4 meaning given in part 9549.0020, subpart 28.

5 Subp. 21. Medical assistance. "Medical assistance" means
6 the program established under title XIX of the Social Security
7 Act and Minnesota Statutes, chapter 256B.

8 Subp. 22. Medical assistance cost. "Medical assistance
9 cost" means the annual amount by which medical assistance
10 payments will change if a proposal is implemented. Medical
11 assistance costs are determined according to part 4655.1084,
12 subpart 2, and as provided under Minnesota Statutes, section
13 144A.073.

14 Subp. 23. Nursing home. "Nursing home" means a facility
15 licensed according to Minnesota Statutes, chapter 144A.

16 Subp. 24. Operating costs. "Operating costs" has the
17 meaning given in part 9549.0020, subpart 32.

18 Subp. 25. Proposal. "Proposal" means a detailed written
19 plan for a conversion, renovation, replacement, or upgrading.

20 Subp. 26. Proposer. "Proposer" means the organization or
21 individual authorized by a facility's governing board or
22 management to prepare and submit a proposal to the INTERCOM.

23 Subp. 27. Relocation. "Relocation" means the movement of
24 licensed nursing home beds or certified boarding care home beds
25 from the existing site as permitted under Minnesota Statutes,
26 section 144A.073, subdivision 5.

27 Subp. 28. Renovation. "Renovation" has the meaning given
28 in Minnesota Statutes, section 144A.073, subdivision 1,
29 paragraph (b).

30 Subp. 29. Replacement. "Replacement" means the demolition
31 or delicensure and reconstruction or construction of an addition
32 to all or a substantial part of an existing facility.

33 Subp. 30. Soft costs. "Soft costs" means costs
34 capitalized as part of the project relating to implementation of
35 the proposal, including:

36 A. sales taxes on materials;

- 1 B. contractor's overhead and profit;
- 2 C. architect and engineering fees;
- 3 D. construction period interest;
- 4 E. permits, zoning, and construction financing;
- 5 F. feasibility, economic, and demographic studies;
- 6 G. legal, accounting, and consulting fees relating to
- 7 creation of the development; and
- 8 H. cost of designing the improvements.

9 Subp. 31. **Statutory restriction.** "Statutory restriction"
10 means a replacement restriction, conversion restriction, or
11 upgrading restriction as described under Minnesota Statutes,
12 section 144A.073, subdivisions 5 to 7.

13 Subp. 32. **Submission deadline.** "Submission deadline"
14 means the date by which a proposal must be received by the
15 INTERCOM, which, according to part 4655.1080, subpart 3, is no
16 later than 90 days after the date a request for proposals is
17 published in the State Register.

18 Subp. 33. **Upgrading.** "Upgrading" has the meaning given in
19 Minnesota Statutes, section 144A.073, subdivision 1, paragraph
20 (d).

21 Subp. 34. **Working day.** "Working day" means Monday,
22 Tuesday, Wednesday, Thursday, or Friday, excluding legal
23 holidays recognized by the state of Minnesota.

24 4655.1072 INCORPORATION BY REFERENCE OF ANNUAL STATISTICAL
25 REPORT.

26 The 1994 Annual Statistical Report to the Commissioner of
27 Health, Nursing Homes and Boarding Care Homes, and future
28 amendments are incorporated by reference and are available
29 through the Minitex interlibrary loan system. The report is
30 subject to frequent change.

31 4655.1074 APPOINTMENT OF ADVISORY REVIEW PANEL.

32 Subpart 1. **Procedures.** The INTERCOM shall appoint an
33 advisory review panel according to subparts 2 to 5.

34 Subp. 2. **Membership.** The advisory review panel must
35 consist of five members:

- 1 A. two representatives from organizations that
2 represent consumers of nursing home services;
- 3 B. two representatives from organizations
4 representing providers of nursing home services; and
- 5 C. one who has a background in long-term care and
6 either accounting, engineering, building construction, or design.

7 Subp. 3. **Advisory review panel chairperson.** The executive
8 director of the INTERCOM shall chair and convene the advisory
9 review panel.

10 Subp. 4. **Nominations.** A member of the advisory review
11 panel must be nominated. Anyone can nominate an advisory review
12 panel member.

13 The INTERCOM shall publish in the State Register a request
14 for nominations to the advisory review panel no later than 30
15 days after the effective date of parts 4655.1070 to 4655.1098
16 and at least 30 days before the expiration date of the term of
17 an advisory review panel member. A nomination must be written,
18 must state the name and address of the nominee, must include a
19 description of the nominee's professional experience and
20 training, and must state the positions indicated under subpart 2
21 for which the person is being nominated.

22 Subp. 5. **Appointments.** A nominee shall be appointed by a
23 majority vote of the INTERCOM.

24 Subp. 6. **Length of term.** A term on the advisory review
25 panel begins the first working day after the vote of the
26 INTERCOM appointing a person to the panel. An advisory review
27 panel member representing consumers and one representing
28 providers shall serve two years on the panel. The remaining
29 consumer and provider members shall serve three-year terms. The
30 member with the background in long-term care and either
31 accounting, engineering, building construction, or design shall
32 serve a three-year term. An advisory review panel member may
33 serve two consecutive terms.

34 4655.1076 INTERCOM PUBLICATION OF REQUEST FOR PROPOSALS.

35 Subpart 1. **Date of publication of request for proposals.**

1 The INTERCOM shall publish in the State Register a request for
2 proposals within 30 days of the first day of each state fiscal
3 biennium, and as frequently thereafter as determined by the
4 commissioner.

5 Subp. 2. Contents of request for proposals. The request
6 for proposals must state:

7 A. a proposal submission deadline date consistent
8 with part 4655.1080, subpart 3;

9 B. the amount of the legislative appropriation
10 available for medical assistance costs or state that proposals
11 will not be requested because no appropriations were made;

12 C. other relevant information regarding current state
13 long-term care policy goals;

14 D. how the approval criteria will be prioritized by
15 the advisory review panel, the interagency long-term care
16 planning committee, and the commissioner; and

17 E. that the information under part 4655.1078 must be
18 included in a proposal.

19 4655.1078 FORMAT AND CONTENTS OF PROPOSAL.

20 A proposal must be on a form approved by the commissioner
21 and must:

22 A. include the name, telephone number, and address of
23 the proposer or other authorized person who can be contacted by
24 the commissioner or the INTERCOM with questions regarding the
25 proposal;

26 B. include the name and address of the nursing home
27 or boarding care home for which the project is being proposed;

28 C. be signed by an authorized representative of the
29 entity submitting the proposal;

30 D. state whether the proposal is for renovation,
31 replacement, conversion, or upgrading;

32 E. describe the problem the proposal will address;

33 F. include schematic drawings and an outline of
34 specifications, prepared by a registered architect, for all
35 construction projects including replacement and renovation;

1 G. include a cost estimate, prepared by a contractor
2 or architect and other participants in the development of the
3 proposal, for the project described by the drawings and outline
4 of specifications required by item F, including costs of
5 buildings, attached fixtures, land improvements, construction
6 site preparation, and related soft costs;

7 H. provide current estimated long-term financing
8 costs of the proposal, including amount and sources of money,
9 bond fund reserve, or other similar reserves as required under
10 the proposed financing mechanisms, annual payments scheduled,
11 interest rates, length of term, closing costs and fees, and
12 insurance costs that are directly related to the building,
13 attached fixtures, land, land improvements, and building site
14 preparation;

15 I. state the current cost of real estate taxes and
16 special assessments for the facility and also an estimate of
17 those that would be assessed if the proposal were implemented;

18 J. state the current annual care-related and other
19 operating costs and also an estimation of these costs for the
20 first 24 months after completion of the project if the proposal
21 were implemented;

22 K. describe the environmental conditions in the
23 facility that are reviewed under part 4655.1084, subpart 10, and
24 any proposed changes in those conditions;

25 L. for proposals involving replacement of all or part
26 of a facility, provide the property identification number and a
27 general description of the proposed location of a replacement
28 facility;

29 M. provide an estimate of the costs of renovation as
30 an alternative to replacement or of replacement as an
31 alternative to renovation;

32 N. include the estimated beginning date of
33 construction for renovation and replacements and the proposed
34 timetable for completion of construction;

35 O. briefly explain why the proposer chose replacement
36 rather than renovation or renovation rather than replacement;

1 and

2 P. a statement concerning any licensure or
3 certification orders, deficiencies, or substantiated complaints
4 or sanctions during the 24 months prior to submission of the
5 proposal.

6 4655.1080 SUBMISSION OF PROPOSAL.

7 Subpart 1. Who may submit proposal. A proposal must be
8 submitted by a proposer.

9 Subp. 2. Where to submit proposal. A proposal must be
10 submitted to the INTERCOM.

11 Subp. 3. Submission deadline. A proposal must be received
12 by the INTERCOM no later than 90 days after the date a request
13 for proposals is published in the State Register.

14 4655.1082 INITIAL SCREENING OF PROPOSALS BY INTERCOM.

15 The INTERCOM shall process a proposal according to items A
16 to K.

17 A. The INTERCOM shall determine whether a proposal
18 was submitted according to the submission deadline under part
19 4655.1080, subpart 3.

20 B. If a proposal was not submitted according to the
21 deadline indicated under part 4655.1080, subpart 3, the INTERCOM
22 shall return the proposal to the proposer with a written notice
23 that the proposal will not receive further consideration because
24 the proposal was received after the submission deadline.

25 C. If a proposal is received according to the
26 deadline, the INTERCOM shall determine whether the proposal
27 meets the definition of conversion, renovation, replacement, or
28 upgrading as those terms are defined under part 4655.1070. If a
29 proposal does not meet any of those definitions, the INTERCOM
30 shall return that proposal to the proposer with a written notice
31 that the proposal will not receive further consideration because
32 it does not meet the definition of conversion, renovation,
33 replacement, or upgrading.

34 D. If the proposal is for an exception that meets the
35 definition of upgrading, renovation, replacement, or conversion

1 as those terms are defined under part 4655.1070, the INTERCOM
2 shall determine whether the proposal is substantially complete
3 and consistent with part 4655.1078. A proposal is substantially
4 complete and consistent if it contains the information specified
5 in part 4655.1078, items B, D to K, and M.

6 E. If an item required for a substantially complete
7 proposal under item D is missing from a proposal that is
8 submitted to the INTERCOM, the proposal shall be returned to the
9 proposer with a written notice that the proposal will not
10 receive further consideration because of the missing item.

11 F. If a proposal is substantially complete and
12 consistent according to item D, staff shall, if needed, ask for
13 additional information in writing within ten days after the
14 submission deadline. Additional information shall be requested
15 only if, in the judgment of the INTERCOM, the additional
16 information is needed to clarify or support previously submitted
17 information.

18 G. If requested additional information is not
19 received within 17 days after the submission deadline, the
20 proposal shall be returned to the proposer with a notice that
21 the proposal is not approved because the additional information
22 was not received within 17 days following the submission
23 deadline.

24 H. A proposal that is not completed by the submission
25 of additional information requested under item F shall be
26 returned to the proposer with a notice that the proposal will
27 not receive further consideration because the requested
28 additional information submitted was insufficient.

29 I. If the format and contents of a proposal submitted
30 to the commissioner are substantially complete and consistent
31 with part 4655.1078, the INTERCOM shall determine whether the
32 proposal satisfies the statutory restrictions.

33 J. If a proposal fails to satisfy a statutory
34 restriction, the INTERCOM shall return the proposal to the
35 proposer with a written notice stating that the proposal will
36 not receive further consideration because it does not satisfy a

1 statutory restriction.

2 K. If a proposal satisfies all statutory
3 restrictions, data regarding the proposal shall be collected
4 according to part 4655.1084. The INTERCOM shall submit the
5 findings and other information from the review conducted under
6 part 4655.1084 to the advisory review panel to review and form
7 recommendations on the proposal according to part 4655.1086.

8 4655.1084 DATA COLLECTION.

9 Subpart 1. Staff. The INTERCOM and the commissioners of
10 agencies represented on the INTERCOM shall assign staff to
11 collect the data under subparts 2 to 14. The INTERCOM shall use
12 the data collected under this part to develop recommendations to
13 the commissioner under part 4655.1094 on a proposal screened
14 under part 4655.1082.

15 Subp. 2. Medical assistance cost of a proposal. The
16 medical assistance costs of a proposal shall be estimated by:

17 A. reviewing the accuracy of operating costs provided
18 according to part 4655.1078, item J;

19 B. determining the accuracy of the real estate taxes
20 and special assessments provided under part 4655.1078, item I;

21 C. determining the increase in allowable appraised
22 value according to part 9549.0060, subpart 4; staff shall assume
23 that the costs provided under part 4655.1078, item G, are equal
24 to the total increase in appraised value;

25 D. determining the increase in the allowable annual
26 costs of the elements identified in part 4655.1078, item H,
27 according to part 9549.0060, subparts 5, 6, and 7;

28 E. determining an estimate of the total allowable
29 annual costs for the cost categories reviewed in items B to D;

30 F. determining an estimate of the number of medical
31 assistance resident days and of the proportion of medical
32 assistance resident days to total resident days using
33 information from the most recent cost report of the facility;

34 G. multiplying the proportion of resident days
35 developed in item F by the estimated annual costs developed in

1 item E;

2 H. determining the annual medical assistance costs of
3 the proposal by multiplying the amount found in item G by the
4 most recent proportion of medical assistance paid by the state
5 of Minnesota; and

6 I. multiplying the amount found in item H by two to
7 yield the biennial medical assistance cost of the proposal.

8 Subp. 3. **Cost information.** In addition to the cost
9 estimates in subpart 2, the current and projected costs of the
10 proposal shall be calculated according to cost per licensed bed,
11 percent change in cost per licensed bed, and total biennial
12 state and medical assistance costs.

13 Subp. 4. **Age-related data.** The percentage of individuals
14 in the county of the facility and of counties contiguous to that
15 county who are 65 to 74 years of age, 75 to 84 years of age, and
16 who are 85 or more years of age shall be calculated using either
17 census data or projections of the state demographer based on
18 census data, whichever provides the more recent estimate.

19 Subp. 5. **Facility occupancy.** The average occupancy rate
20 of the facility's existing beds shall be obtained from the most
21 recent Annual Statistical Report.

22 Subp. 6. **County-region occupancy.** The average percentage
23 occupancy of the existing licensed beds of all the facilities in
24 the county of the facility and of all facilities in counties
25 contiguous to that county according to the most recent Annual
26 Statistical Report, shall be calculated.

27 Subp. 7. **Number of licensed beds.** The number of nursing
28 home and licensed boarding care home beds per 1,000 individuals
29 aged 65 or more, aged 75 or more, and aged 85 or more, for the
30 county of each facility, for the region composed of the counties
31 contiguous to the county of the facility, and for the state
32 shall be calculated.

33 Subp. 8. **Number of occupied licensed beds.** The number of
34 occupied nursing home and licensed boarding care home beds per
35 1,000 individuals aged 65 or more, aged 75 or more, and aged 85
36 or more, for the county of each facility, for the region

1 composed of the counties contiguous to the county of the
2 facility, and for the state shall be calculated.

3 Subp. 9. **Alternative care grant use.** Alternative care
4 grant use means the dollar amount and percentage of alternative
5 care grant allocations used by the county in which the facility
6 is located in the most recent year for which data is available,
7 and shall be obtained for each proposal that is acceptable
8 according to part 4655.1082. The amount of alternative care
9 grant per person 65 years of age or older spent in the county in
10 which the facility is located, in counties contiguous to the
11 county of the facility, and in the state shall be calculated.

12 Subp. 10. **Environmental conditions for evaluation.**
13 Information shall be developed that describes the differences
14 between selected existing environmental conditions described
15 under this subpart and the corresponding state licensing
16 standards for new construction and between the proposed
17 correction changes in these environmental conditions and the
18 state licensing standards for new construction. This subpart
19 refers only to those parts of the facility affected by the
20 proposal.

21 The development of selected information for the purpose of
22 evaluation, comparison, and ranking does not supersede or limit
23 licensing and certification requirements established in chapters
24 4660 and 9505. The environmental conditions and standards for
25 physical plant evaluation are listed in items A to L.

26 A. The width of corridors shall be compared with the
27 standards in part 4660.1500, subpart 2.

28 B. The width of door frames shall be compared with
29 the standards in part 4660.1460, subpart 2.

30 C. Fire exit enclosures shall be compared with the
31 standards in part 4660.0300.

32 D. The method and materials of construction of the
33 building shall be compared with the standards for Group D
34 occupancy in the State Building Code. State Building Code has
35 the meaning given in Minnesota Statutes, section 16B.60,
36 subdivision 4.

1 E. The number of beds per resident room and the floor
2 area per bed shall be compared to standards in parts 4660.1400
3 and 4660.1430, subpart 3.

4 F. The amount of artificial light in resident rooms
5 and major activity areas shall be compared to standards in parts
6 4660.9900 and 4660.9910.

7 G. The amount of natural light in resident rooms
8 shall be compared with the standard in part 4660.1450.

9 H. The number and type of bathing facilities or
10 toilet facilities adjacent to bedrooms shall be compared to the
11 standards in parts 4660.2400, subpart 2, and 4660.2500.

12 I. Ventilation arrangements shall be compared to the
13 standards in part 4660.8300.

14 J. Dining room space shall be compared to the
15 standards in parts 4660.4830 to 4660.8380.

16 K. Day room space shall be compared to the standard
17 in part 4660.4820.

18 L. Heating and cooling arrangements shall be compared
19 to the standards in part 4660.8200.

20 Subp. 11. History of state licensing correction orders and
21 federal certification deficiencies. For each proposal that is
22 acceptable according to part 4655.1082, the accumulated number
23 and content of licensing correction orders and federal
24 certification deficiencies incurred during the 24 months before
25 the submission deadline for the proposal shall be collected.

26 Subp. 12. History of licensing and certification waivers.
27 The number and purpose of licensing and federal certification
28 waivers incurred during the 24 months before the submission
29 deadline for a proposal shall be collected.

30 Subp. 13. History of complaints. The number and content
31 of substantiated licensing and federal certification complaints
32 about a facility received during the 24 months before the
33 deadline for submission of a proposal shall be collected. If
34 ownership of a facility has changed in the 24 months before the
35 submission deadline, a history of complaints shall be collected
36 only for the tenure of the current owner.

1 Subp. 14. **History of sanctions.** The number and content of
2 sanctions relating to licensure and certification that have been
3 levied against a facility and incurred during the 24 months
4 before the submission deadline for the proposal shall be
5 collected.

6 4655.1086 **FORMATION OF ADVISORY REVIEW PANEL RECOMMENDATIONS TO**
7 **INTERCOM.**

8 Subpart 1. **Review of proposals.** A proposal that satisfies
9 the requirements of part 4655.1082 shall be reviewed, evaluated,
10 and ranked by the advisory review panel.

11 Subp. 2. **Method of evaluation.** The advisory review panel
12 shall evaluate proposals using the information submitted
13 according to parts 4655.1078 and 4655.1080 and the data
14 collected by staff under part 4655.1084.

15 Subp. 3. **Ranking of proposals.** The advisory review panel
16 shall rank proposals to indicate which proposals should be
17 approved in order of priority based only on the criteria in
18 Minnesota Statutes, section 144A.073.

19 Subp. 4. **Formation of recommendations to INTERCOM.** Based
20 on the ranking of proposals, the advisory review panel shall
21 recommend that the INTERCOM recommend approval or disapproval of
22 a proposal. The advisory review panel shall provide written
23 justifications for its recommendations to the INTERCOM.

24 Subp. 5. **Deadline for submission of recommendations.** The
25 advisory review panel must submit its recommendations to the
26 INTERCOM no later than ten days after receipt of the staff
27 review information.

28 4655.1088 **PUBLIC HEARING.**

29 The INTERCOM shall hold one public hearing on all proposals
30 submitted in response to a request for proposals. The public
31 hearing shall be held after the submission deadline under part
32 4655.1080, subpart 3, but before the INTERCOM submits
33 recommendations to the commissioner. The INTERCOM shall publish
34 a notice of the public hearing in the State Register that states
35 the time, date, place, and subject of the hearing.

1 4655.1090 EVALUATION, COMPARISON, AND RANKING OF PROPOSALS.

2 The INTERCOM shall use the findings of the staff data
3 collection process, the advisory review panel, and the public
4 hearing to evaluate, compare, and rank the proposals according
5 to the long-term care needs they address. An evaluation,
6 comparison, or ranking must be based on the application in a
7 consistent manner of the criteria provided in Minnesota
8 Statutes, section 144A.073.

9 4655.1092 REIMBURSEMENT LIMITS.

10 Subpart 1. Cost reimbursement. The acceptance or
11 determination of costs under parts 4655.1070 to 4655.1098 is not
12 binding for reimbursement. Actual reimbursement of costs is
13 determined according to parts 9549.0010 to 9549.0080.

14 Subp. 2. Medical assistance costs. The sum of the
15 estimated medical assistance costs of all recommended proposals
16 during the first 24 months of operation must not exceed the
17 amount provided by the legislature as noted in the request for
18 proposals according to part 4655.1076, subpart 2, item B.

19 4655.1094 INTERCOM RECOMMENDATIONS TO COMMISSIONER.

20 The INTERCOM shall recommend that the commissioner approve
21 or disapprove a proposal. A recommendation under this part must
22 be based on the evaluation, comparison, and ranking completed
23 under part 4655.1090. A written report of the evaluation,
24 comparison, and ranking completed under part 4655.1090, and the
25 recommendations formed under this part must be submitted to the
26 commissioner not more than 21 days after receipt of the
27 recommendations of the advisory review panel.

28 4655.1096 COMMISSIONER'S APPROVAL OR DISAPPROVAL OF PROPOSAL.

29 Subpart 1. Approval or disapproval of proposal. The
30 commissioner shall approve or disapprove a proposal within 30
31 days after receiving the INTERCOM recommendations.

32 Subp. 2. Notice of approval or disapproval. No later than
33 ten days after the commissioner's approval or disapproval of a
34 proposal the commissioner shall send a written notice of

1 approval or disapproval to the proposer. The notice must state
2 the reasons for the approval or disapproval.

3 Subp. 3. Expiration of commissioner's approval. The
4 commissioner's approval of a proposal expires 18 months after
5 the date of the commissioner's signature on the notice of
6 approval unless the facility has commenced construction.

7 4655.1098 DOCUMENTATION.

8 Subpart 1. Preliminary plans. The proposer of a
9 renovation, replacement, or upgrading that is approved by the
10 commissioner shall submit preliminary plans as defined in part
11 4660.0600 before drawing final plans.

12 Subp. 2. Final working drawings. The proposer of a
13 renovation or replacement that is approved by the commissioner
14 shall submit final architectural, mechanical, and electrical
15 drawings as defined in parts 4660.0700 and 4660.0800 to the
16 Minnesota Department of Health for review and approval before
17 implementation of the project.

18 Subp. 3. Changes in approved projects. Changes in
19 approved projects for renovation, replacement, or upgrading
20 which alter the methods or materials described in the final
21 working drawings must be submitted to the commissioner for
22 review and approval before the changes are made, according to
23 part 4660.0900.

24 Subp. 4. Change orders. If the commissioner approves the
25 reported changes in a project, a change order permitting the
26 changes shall be issued. The issuance of a change order does
27 not alter the allowable costs as estimated in part 4655.1084,
28 subpart 2.

29 Subp. 5. Cost overruns. The proposer shall immediately
30 report to the commissioner any cost overruns including a
31 description of the reasons for the overrun as required by
32 Minnesota Statutes, section 144A.073, subdivision 3b.

33 Subp. 6. Final statement of costs. On completion of the
34 proposed project, the proposer shall submit to the Department of
35 Human Services, a final statement of costs that includes a sworn

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- 1 statement of actual costs of items for which costs were
- 2 estimated according to part 4655.1078, item G, and that compares
- 3 the actual costs to the estimates.