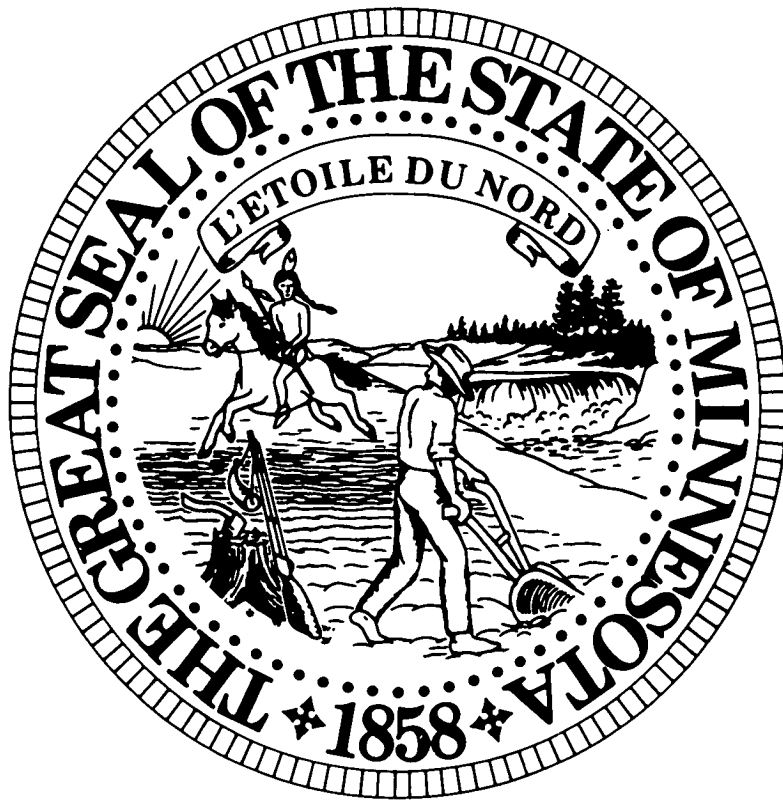


The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



Rules edition  
Published every Monday

**20 August 1990**

**Volume 15, Number 8**

**Pages 409-468**

# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

### Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
8	Monday 6 August	Monday 13 August	Monday 20 August
9	Monday 13 August	Monday 20 August	Monday 27 August
10	Monday 20 August	Monday 27 August	Tuesday 4 September
11	Monday 27 August	Friday 31 August	Monday 10 September

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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**Perspectives**—Publication about the Senate.

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Room 231 State Capitol, St. Paul, MN 55155  
(612) 296-0504

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Room 175 State Office Building, St. Paul, MN 55155  
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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 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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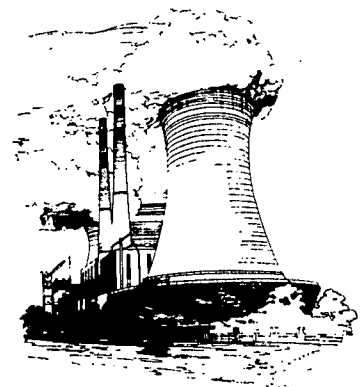
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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Human Services

### Proposed Permanent Rules Relating to Community Alternative Care Program

#### Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 256B.49.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. **PLEASE NOTE that if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on Monday, October 1, 1990, unless a sufficient number withdraw their request, in accordance with the notice of public hearing on these same rules published in this *State Register* and mailed to persons registered with the Department of Human Services.** To verify whether a hearing will be held, please call the Department of Human Services between September 20, 1990 and September 28, 1990 at (612) 297-4301.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Eleanor Weber  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on Wednesday, September 19, 1990.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of this rule is available upon request for your review from:

Nancy Bishop  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816  
(612) 296-7454

A copy of the proposed rule may be viewed at any of the county welfare or human service agencies in the State of Minnesota.

Parts 9505.3500 to 9505.3700 establish the standards and procedures applicable to community alternative care (CAC) services available under a waiver from the Health Care Financing Administration to chronically ill individuals who are hospitalized or who require frequent hospitalization, who are eligible to receive medical assistance, and who meet the eligibility requirements specified in the rules. The proposed rules will specify: 1. the home and community-based services available under CAC; 2. conditions of eligibility for CAC; 3. the procedures for requesting CAC and determining eligibility for CAC; 4. the duties of the case manager and interdisciplinary team in assessing the CAC applicant's or recipient's health and needed health services and in recommending the health services needed; 5. the development and contents of a care plan for the CAC applicant or recipient; 6. conditions for termination from eligibility for CAC services; 7. standards for the following CAC services authorized under the waiver from the Health Care Financing Administration: home health, homemaker, respite care, counseling and training, environmental modifications in the home, medical equipment, medical transportation, therapy, foster care; 8. local agency responsibilities, including the designation of a lead agency to administer the county's CAC program; 9. the method of calculating a paternal or spousal financial contribution toward the cost of CAC services; 10. criteria for and method of selecting a CAC service provider and the duties of the providers; 11. the maximum CAC services rates and their annual adjustment to be made by the commissioner; 12. the commissioner's responsibility to determine an applicant's eligibility for CAC; 13. the annual dollar limits that may be expended from medical assistance and CAC funds for health services to a recipient and to all Minnesota CAC recipients; and 14. actions related to CAC applications and services that are appealable and the appeal process.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from:

Nancy Bishop  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816  
(612) 296-7454

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

Eleanor Weber  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

State of Minnesota  
Ann Wynia  
Commissioner

### **Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing**

**NOTICE IS HEREBY GIVEN** that a public hearing on the above-entitled matter will be held in the Department of Human Services, in Room 1B, 444 Lafayette Road, St. Paul, MN 55155 on Monday, October 1, 1990 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

**PLEASE NOTE, however, that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published in this *State Register* and mailed to persons registered with the Department of Human Services.** To verify whether a hearing will be held, please call the Department of Human Services between September 20, 1990 and September 28, 1990 at (612) 297-4301.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Administrative Law Judge Peter C. Erickson, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Parts 9505.3500 to 9505.3700 establish the standards and procedures applicable to community alternative care (CAC) services available under a waiver from the Health Care Financing Administration to chronically ill individuals who are hospitalized or who require frequent hospitalization, who are eligible to receive medical assistance, and who meet the eligibility requirements specified in the rules. The proposed rules will specify: 1. the home and community-based services available under CAC; 2. conditions of eligibility for CAC; 3. the procedures for requesting CAC and determining eligibility for CAC; 4. the duties of the case manager and interdisciplinary team in assessing the CAC applicant's or recipient's health and needed health services; 5. the development and contents of a care plan for the CAC applicant or recipient; 6. conditions for termination from eligibility for CAC services; 7. standards for the following CAC services authorized under the waiver from the Health Care Financing Administration: home health, homemaker, respite care, counseling and training, environmental modifications in the home, medical equipment, medical transportation, therapy, foster care; 8. local agency responsibilities, including the designation of a lead agency to administer the county's CAC program; 9. the method of calculating a parental or spousal financial contribution toward the cost of CAC services; 10. criteria for and method of selecting CAC service providers and the duties of the providers; 11. the maximum CAC service rates and their annual adjustment to be made by the commissioner; 12. the commissioner's responsibility to determine an applicant's eligibility for CAC; 13. the annual dollar limits that may be expended from medical assistance and CAC funds for health services to a recipient and to all Minnesota CAC recipients; and 14. actions related to CAC application and services that are appealable and the appeal process.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256B.49.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to:

Nancy Bishop  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

This rule is also available for viewing at each of the county welfare or human service agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Eleanor Weber at (612) 297-4301.

**NOTICE:** Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

**NOTICE IS HEREBY GIVEN** that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

*Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as any individual:



(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Ann Wynia  
Commissioner

### Rules as Proposed (all new material)

#### COMMUNITY ALTERNATIVE CARE PROGRAM

##### 9505.3500 APPLICABILITY AND EFFECT.

Subpart 1. **Applicability.** Parts 9505.3500 to 9505.3700 establish standards and procedures applicable to the community alternative care (CAC) program. Individuals who are eligible for and receiving medical assistance services may also be eligible for and receive services under the community alternative care program. CAC pays for approved home and community-based services in lieu of hospital admission or continued hospitalization for individuals who meet the requirements of parts 9505.3500 to 9505.3700, *Minnesota Statutes*, section 256B.49, and the Code of Federal Regulations, title 42, section 441.302(e)(2). Parts 9505.3500 to 9505.3700 must be read in conjunction with *Minnesota Statutes*, chapter 256B; parts 9500.1070, subparts 1 and 12 to 15; 9500.1090 to 9500.1155; chapter 9505; Title XIX of the Social Security Act; and title 42 of the Code of Federal Regulations; and the requirements of the waiver obtained by the state from the United States Department of Health and Human Services.

Parts 9505.3500 to 9505.3700 apply to local agencies administering medical assistance funds and providing case management services; entities and organizations contracting to perform functions under *Minnesota Statutes*, 256B.49; providers of home and community-based services who are paid or who request payment under parts 9505.3500 to 9505.3700; and CAC applicants and recipients.

Subp. 2. **Effect.** References to the waiver and waiver provisions that occur in parts 9505.3500 to 9505.3700 shall continue in effect only as long as the waiver from the United States Department of Health and Human Services is in effect in Minnesota.

##### 9505.3510 DEFINITIONS.

Subpart 1. **Applicability.** The definitions in this part apply to parts 9505.3500 to 9505.3700.

Subp. 2. **Acting case manager.** "Acting case manager" means a person who is a public health nurse, medical social worker, county social worker, or registered nurse who is appointed by the department and performs case management services specified in subpart 6 for an applicant until the applicant's eligibility for CAC services is determined and a case manager is assigned.

Subp. 3. **Applicant.** "Applicant" means an individual who has submitted an application to participate in the CAC program rather than reside in a hospital or remain at risk of frequent hospitalization.

Subp. 4. **Application.** "Application" means an application to participate in CAC that is completed according to part 9505.3540.

Subp. 5. **Assessment.** "Assessment" means the process an interdisciplinary team uses to identify an applicant's health service needs according to part 9505.3540 so that the team can determine the appropriateness of home and community-based services in meeting the applicant's needs.

Subp. 6. **Case management services.** "Case management services" means services in which a case manager identifies, arranges, authorizes, and coordinates health services including home and community-based services under parts 9505.3500 to 9505.3700 for a recipient; monitors the delivery of services; adjusts services to the needs of the recipient; and advocates for the rights of the recipient.

Subp. 7. **Case manager.** "Case manager" means a social worker, registered nurse, or public health nurse who is employed by or under contract with the lead agency and who performs case management services.

Subp. 8. **Chronically ill individual or individual.** "Chronically ill individual" or "individual" means an individual who needs an extensive array of health services for an undetermined period of time, whose health condition requires frequent monitoring and

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treatment by a health care professional or by a person supervised by a health care professional, and who would reside in a hospital or require frequent hospitalization if these services were not provided.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative.

Subp. 10. **Community alternative care program or CAC.** "Community alternative care program" or "CAC" means the program specified in the Minnesota Medicaid model waiver approved by the United States Department of Health and Human Services to provide home and community-based services to chronically ill individuals under age 65.

Subp. 10a. **Counseling and training services.** "Counseling and training services" means counseling and training approved by the case manager for primary caregivers in issues pertaining to the maintenance of the recipient in the home. Examples of counseling are crisis counseling and family or individual counseling as required for family functioning. An example of training is teaching a family member or other primary caregiver a treatment regimen or how to use medical equipment.

Subp. 11. **County of financial responsibility.** "County of financial responsibility" has the meaning given it in *Minnesota Statutes*, section 256G.02, subdivision 4.

Subp. 12. **County of service.** "County of service" means the county that performs or arranges services for recipients under parts 9505.3500 to 9505.3700. County of service may be either the county of financial responsibility or the county in which the recipient resides.

Subp. 13. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 14. **Durable medical equipment.** "Durable medical equipment" means a device that can withstand repeated use, is provided to correct or accommodate a physiological disorder or physical condition, and is suitable for use in the recipient's residence.

Subp. 15. **Environmental modifications in the home.** "Environmental modifications to the home" means structural changes to a recipient's residence that are prescribed in the recipient's care plan and that are necessary to maintain the recipient in the recipient's home. Examples of environmental modifications are changes in electrical wiring to accommodate equipment, construction of wheelchair ramps, and widening of doors.

Subp. 16. **Foster care services.** "Foster care services" means ongoing residential care and supportive services provided to a recipient living in a foster home licensed under parts 9545.0010 to 9545.0260; or 9555.5105 to 9555.6265.

Subp. 17. **Health care professional.** "Health care professional" means a physician, registered nurse, licensed practical nurse, occupational therapist, physical therapist, respiratory therapist, or a speech-language pathologist.

Subp. 18. **Health service.** "Health service" means a medically necessary service that is ordered by a physician, documented in an approved care plan, and provided to a recipient as ordered in the care plan. The term includes home and community-based services and services provided under parts 9505.0170 to 9505.0475.

Subp. 19. **Home.** "Home" means the recipient's residence as defined in part 9505.0175, subpart 43. "Home" does not include a hospital or long-term care facility.

Subp. 20. **Home and community-based services.** "Home and community-based services" means the services listed in items A to L that are available under the waiver to recipients:

- A. case management services under part 9505.3560;
- B. home health services under part 9505.3570;
- C. homemaker services under part 9505.3575;
- D. respite care services under part 9505.3580;
- E. physician services under part 9505.3585;
- F. family counseling and training under part 9505.3600;
- G. environmental modifications in the home under part 9505.3610;
- H. medical equipment under part 9505.3620;
- I. medical transportation under part 9505.3622;
- J. prescribed drugs under part 9505.3624;
- K. other professional services under part 9505.3626; and
- L. foster care services under part 9505.3630.

Subp. 21. **Home care plan or care plan.** "Home care plan" or "care plan" means the written plan of health services provided to a recipient that are necessary to maintain a recipient in the recipient's home.

Subp. 22. **Home health aide.** "Home health aide" means a person who meets the standards for a home health aide in part 9505.0290, subpart 3.

Subp. 23. **Homemaker.** "Homemaker" means a person who provides homemaker services and is qualified according to part 9565.1200, subpart 2.

Subp. 24. **Homemaker services.** "Homemaker services" means the activities specified in parts 9565.1100 and 9565.1200 that are prescribed in the recipient's care plan and provided by a homemaker.

Subp. 25. **Hospital.** "Hospital" has the meaning given in *Minnesota Statutes*, section 144.696, subdivision 3.

Subp. 26. **Interdisciplinary team or team.** "Interdisciplinary team" or "team" means a team specified in part 9505.3535 that is responsible for developing a home care plan for an applicant or for a recipient.

Subp. 27. **Lead agency.** "Lead agency" means the county welfare department or public health agency designated by the local agency to administer CAC.

Subp. 28. **Licensed practical nurse.** "Licensed practical nurse" means a person licensed under and providing health services within the scope of *Minnesota Statutes*, section 148.29.

Subp. 29. **Local agency.** "Local agency" means the county or multicounty agency that is authorized under *Minnesota Statutes*, section 256B.05 to administer the medical assistance program, including the community alternative care program.

Subp. 30. **Medical assistance.** "Medical assistance" means the program established under title XIX of the Social Security Act and *Minnesota Statutes*, chapter 256B.

Subp. 31. **Medical social worker.** "Medical social worker" means a graduate of a school of social work accredited by the Council on Social Work Education who has had social work experience in a hospital, outpatient clinic, medical rehabilitation, or medical care program.

Subp. 32. **Medically necessary.** "Medically necessary" has the meaning given in part 9505.0175, subpart 25.

Subp. 33. **Nondurable medical equipment.** "Nondurable medical equipment" means a supply or piece of equipment that is used to treat a health condition and that cannot be reused.

Subp. 34. **Nursing services.** "Nursing services" means services ordered by a physician, specified in the recipient's care plan, and provided by a licensed practical nurse or provided by a registered nurse or provided under the supervision of a registered nurse.

Subp. 35. **Nutritionist.** "Nutritionist" means a person who at a minimum has a bachelor's degree in nutrition and foods or a closely related field and is registered as a dietitian with the Commission of Dietetic Registration.

Subp. 36. **Occupational therapist.** "Occupational therapist" means a person who is currently registered as an occupational therapist with the American Occupational Therapy Association or who is a graduate of a program in occupational therapy approved by the Council of Medical Education of the American Medical Association in collaboration with the American Occupational Therapy Association and who is acquiring the supervised clinical experience prerequisite to registration by the American Occupational Therapy Association.

Subp. 37. **Physical therapist.** "Physical therapist" means a person holding a current Minnesota certificate of registration as a physical therapist.

Subp. 38. **Physician.** "Physician" means a person who is licensed to provide health services within the scope of the physician's profession under *Minnesota Statutes*, chapter 147.

Subp. 39. **Prescribed drug.** "Prescribed drug" means a drug as defined in *Minnesota Statutes*, section 151.01, subdivision 5, ordered by the recipient's physician, and specified in the recipient's care plan.

Subp. 40. **Primary caregiver.** "Primary caregiver" means the person designated by the individual as having the main role in providing informal care to the individual. Primary caregiver includes a family member, relative, friend, neighbor, and other person, who agrees to provide routine care and assistance to the recipient without reimbursement for the services and who cooperates with the case manager and other providers in assuring that services specified in the recipient's care plan are provided.

Subp. 41. **Provider.** "Provider" means a vendor who has an agreement or contract with the lead agency to provide a home and community-based service as specified in subpart 20.

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Subp. 42. **Public health nurse.** "Public health nurse" means a registered nurse certified by the Minnesota Department of Health as a public health nurse under *Minnesota Statutes*, section 145A.02, subdivision 18.

Subp. 43. **Reassessment.** "Reassessment" means the interdisciplinary team's formal redetermination of a recipient's home and community-based service needs under part 9505.3545.

Subp. 44. **Recipient.** "Recipient" means an individual determined to be eligible to receive home and community-based services under a care plan that meets the requirements of part 9505.3520 and that is approved by the commissioner under part 9505.3680.

Subp. 45. **Registered nurse.** "Registered nurse" means a person licensed under and providing services within the scope of *Minnesota Statutes*, section 148.211.

Subp. 46. **Representative.** "Representative" means a person appointed by a court as a guardian or conservator under *Minnesota Statutes*, sections 252A.01 to 252A.21, or 525.539 to 525.6198; a parent of a child under age 21 unless the parent's parental rights have been terminated; or a spouse or other person authorized by the applicant or recipient as defined in part 9505.0015, subpart 8.

Subp. 47. **Respiratory therapist.** "Respiratory therapist" means a person who is a graduate of a program in respiratory therapy approved by the Council of Medical Education of the American Medical Association in collaboration with the American Respiratory Therapy Association. If the legislature acts to require certification, registration, or licensure of respiratory therapists, "respiratory therapist" means a person certified, registered, or licensed as a respiratory therapist by the state of Minnesota.

Subp. 48. **Respite care services.** "Respite care services" means temporary supervision, assistance, and care provided to a recipient as specified in part 9505.3580 to relieve the recipient's primary caregiver, or other informal caregiver.

Subp. 49. **Social worker.** "Social worker" means an individual who meets the minimum qualifications of a social worker under the Minnesota Merit System or a county civil service system in Minnesota and who is employed as a social worker by a county.

Subp. 50. **Speech therapist or speech-language pathologist.** "Speech therapist" or "speech-language pathologist" means a person holding a current certificate from the American Speech-Language-Hearing Association in evaluation and treatment of speech-language pathologies or who has completed the academic requirements and is acquiring the supervised work experience required for certification.

Subp. 51. **Transportation.** "Transportation" means transportation that is necessary because of the recipient's health service needs, that is indicated in the recipient's care plan or is approved by the recipient's case manager, and that is not eligible for medical assistance payment under parts 9505.0010 to 9505.0475.

Subp. 52. **Waiver.** "Waiver" means the document approved by the United States Department of Health and Human Services that allows the state to exclude parental or spousal income when determining an applicant's eligibility for medical assistance and to extend services under medical assistance as specified in parts 9505.3500 to 9505.3700. The term includes all amendments to the waiver, including any amendments after the effective date of parts 9505.3500 to 9505.3700, as approved by the United States Department of Health and Human Services.

Subp. 53. **Waiver year.** "Waiver year" means April 1 to March 31.

Subp. 54. **Working day.** "Working day" means the hours of a day, excluding Saturdays, Sundays, and holidays, when a lead agency is open for business.

### 9505.3520 ELIGIBILITY FOR COMMUNITY ALTERNATIVE CARE SERVICES.

An individual is eligible for home and community-based services through CAC if the conditions in items A to I are met.

A. The individual is eligible for medical assistance as specified in part 9505.3640, subpart 1.

B. The individual is under 65 years of age.

C. The individual needs a home and community-based service which cannot be funded by sources other than CAC.

D. The individual has designated a primary caregiver who has been determined by a health care professional to be capable of providing specific health services to the individual in the individual's residence and has expressed a willingness to provide the specific health services according to the individual's care plan.

E. The primary physician has certified that the individual would reside in a hospital or would require frequent hospitalization without home and community-based services.

F. The anticipated average monthly cost to the medical assistance program to implement the individual's care plan, determined on a twelve-month basis, must not exceed the cost to medical assistance of providing inpatient hospital services and physician services for the individual.

G. An individual who is eligible for inpatient hospital service financial coverage by a third party payer and medical assistance is eligible for CAC services if the anticipated medical assistance payment for the CAC services is within the limit specified in item F. For purposes of this item, "third party payer" refers to Medicare and a person, entity, agency, or government program as defined in part 9505.0015, subpart 46.

H. The cost to medical assistance of CAC services specified in the individual's care plan falls within the limit specified in the waiver for the aggregate annual cost of CAC services provided under the waiver for the waiver year in which the individual is a recipient.

I. The total number of recipients to be served, including the applicant if approved, falls within the limit specified in the waiver.

#### **9505.3530 REQUEST FOR CAC SERVICES.**

Subpart 1. **Who may request service.** An individual or the representative of an individual who believes that the individual meets the criteria of part 9505.3520, items A to I may request participation in CAC according to parts 9505.3500 to 9505.3700. The request must be made to the department.

Subp. 2. **Response of department to request for CAC.** When the department receives a request for a determination of eligibility for CAC, the department shall determine which county will be the individual's county of financial responsibility and the estimated date or dates for the start of the individual's home and community-based services. The department shall designate an acting case manager and send the acting case manager the forms necessary to obtain the information required under part 9505.3540. The forms must be sent no later than five working days after receiving the request. If the acting case manager is not employed by the local agency of the applicant's county of service, the department shall notify the local agency about the request to participate in CAC and the designation of an acting case manager.

Subp. 3. **Local agency designation of team members.** No later than five working days after receiving the department's notice, the local agency of the applicant's county of service must designate a social worker and public health nurse to serve on the interdisciplinary team required under part 9505.3535.

#### **9505.3535 INTERDISCIPLINARY TEAMS; ESTABLISHMENT AND MEMBERSHIP.**

Subpart 1. **Applicant's interdisciplinary team.** No later than ten working days after being designated as an applicant's acting case manager, the acting case manager must form an interdisciplinary team. The acting case manager shall consult the applicant or, when it is appropriate, the applicant's representative in forming the team. The team must consist of at least the persons specified in items A to K.

A. the applicant or, when it is appropriate, the applicant's representative;

B. the acting case manager;

C. the applicant's physician;

D. the applicant's primary nurse;

E. in the case of an applicant who is an inpatient, a medical social worker designated by the hospital to assist in discharge planning for the applicant;

F. the county social worker designated under part 9505.3530, subpart 3;

G. the county public health nurse designated under part 9505.3530, subpart 3;

H. a representative of Services for Children with Handicaps if the applicant is under 21 years of age;

I. when it is appropriate, other persons who are expected to be the applicant's informal caregivers;

J. a representative of the local school district if the applicant is under 22 years of age; and

K. other health care professionals providing services required by the applicant's medical condition, consistent with part 9505.0190 and Code of Federal Regulations, title 42, section 431.51.

Subp. 2. **Interdisciplinary team; reconvened.** The case manager must reconvene the interdisciplinary team established under subpart 1 when a reassessment is required to determine a recipient's continued eligibility for CAC. If possible, the case manager shall assure continuity of service of team members. At a minimum, the reconvened team must include the persons specified in items A to I.

A. the recipient or, when it is appropriate, the recipient's representative;

B. the case manager;

C. the recipient's primary caregiver;

D. the recipient's physician;

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- E. the county social worker designated under part 9505.3530, subpart 3;
- F. the county public health nurse designated under part 9505.3530, subpart 3;
- G. a representative of Services for Children with Handicaps if the recipient is under 21 years of age;
- H. a representative of the local school district if the recipient is under 22 years of age; and
- I. other health care professionals providing services required by the recipient's medical condition, consistent with part 9505.0190 and Code of Federal Regulations, title 42, section 431.51.

### 9505.3540 INTERDISCIPLINARY TEAM RESPONSIBILITIES; ASSESSMENT.

Subpart 1. **Assessment of applicant's service needs.** The team must assess the home and community-based services that an applicant will need to live in the community. The assessment must be completed on forms provided by the commissioner.

Subp. 2. **Assessment of financial resources.** The team must assess an applicant's financial resources to identify third party payers and other financial resources as defined in part 9505.0015, subpart 46, using forms provided by the commissioner.

Subp. 3. **Assessment of the applicant's home.** The team must assess the home in which the applicant lives or will live to determine if the applicant's health and safety can be assured in the residence. This assessment must be completed on forms provided by the commissioner. The assessment shall include a determination of the need for environmental modifications in the home as specified in part 9505.3610.

Subp. 4. **Assessment of person to be primary caregiver.** The team must assess the willingness and ability of the person who is expected to be the CAC applicant's primary caregiver. The team must report its assessment under this subpart on the form provided by the commissioner.

Subp. 5. **Authorization to release information.** The team must ask the applicant or the applicant's representative to sign forms that authorize the release of the applicant's medical records to the team for the assessment. A separate form supplied by the commissioner must be completed and signed for each authorization of release of information. The period of the authorization must not exceed one year. The following information must be on the form before the applicant's signature or, when it is appropriate, the signature of the applicant's representative:

- A. the applicant's name;
  - B. the date of the authorization;
  - C. the information authorized;
  - D. the person authorized to give the information;
  - E. the person to whom the information is to be given;
  - F. a description of how the information will be used during the assessment to determine the appropriateness of CAC services;
- and
- G. the date the authorization expires.

Subp. 6. **Rights, appeals, and freedom to choose.** The team must give the applicant or the applicant's representative written information about the applicant's rights under CAC including:

- A. the right to appeal the assessment;
- B. the right to choose among qualified providers of home and community-based services, consistent with part 9505.0190 and Code of Federal Regulations, title 42, section 431.51;
- C. the right to confidentiality; and
- D. the right to accept or reject a recommendation of the team to use home and community-based services rather than reside in a hospital.

The acting case manager must document compliance with this subpart by signing and submitting to the department forms supplied by the commissioner that state the required information was given to the applicant or, when it is appropriate, the applicant's representative.

Subp. 7. **Development of a care plan.** The interdisciplinary team shall develop a care plan for the applicant that is based on the information obtained in subparts 1 to 5. The plan must meet the requirements of subpart 8. The acting case manager must notify the department and estimate the additional time needed if the time required to complete the care plan and assessments required under this subpart exceeds the time specified in part 9505.0090, subpart 2. The applicant's care plan must be signed by the applicant or, when it is appropriate, the applicant's representative, the applicant's physician, and the acting case manager.

Subp. 8. **Contents.** The care plan developed by the interdisciplinary team for an applicant or recipient must contain at least the

information specified in items A to D. The plan must be on forms provided by the commissioner. The care plan must include all health services approved by the individual's physician regardless of the funding source or sources available to pay the cost of the health services.

A. The recommendation of the team that the applicant be approved for services funded by CAC because the applicant meets the eligibility criteria under part 9505.3520 or, in the case of a recipient, continues to be approved for services funded by CAC because the applicant continues to meet the eligibility criteria under part 9505.3520.

B. A description of the health services necessary to maintain the individual in the community, including:

(1) home and community-based services needed by the individual;

(2) qualified providers of the home and community-based services selected by the applicant or, when it is appropriate, the applicant's representative or, in the case of a recipient, by the recipient or, when it is appropriate, the recipient's representative to meet the needs identified in subitem (1);

(3) the informal caregivers who are willing and able to provide services identified in subitem (1);

(4) the required frequency of the services;

(5) the anticipated date or dates on which the applicant's services must be started;

(6) the provisions for back-up services if there is an emergency;

(7) the cost of each service;

(8) the funding source for each service; and

(9) an estimate of the total cost of all health services in the care plan including home and community-based services.

C. Documentation that the team allowed the applicant or recipient or, when it is appropriate, the representative of the applicant or recipient to choose among the available qualified providers.

D. Documentation that the applicant or recipient or, when it is appropriate, the representative of the applicant or recipient, the acting case manager or case manager, and the physician of the applicant or recipient approve the home care plan.

Subp. 9. **Team recommendation.** After completing the assessments required in subparts 1 to 4 and the care plan required in subpart 8, the interdisciplinary team must recommend one of the following:

A. that the applicant remain a hospital inpatient;

B. that the applicant be admitted to a facility from the applicant's home. For purposes of this item, "facility" means a hospital as defined in part 9505.0175, subpart 16 or a long-term care facility as defined in part 9505.0175, subpart 23; or

C. that the applicant receive health services including home and community-based services in the community.

The team's recommendation must be supported by the assessments conducted under subparts 1 to 4 and the services specified in the applicant's care plan. The applicant's physician, the acting case manager or case manager and the applicant or, when it is appropriate, the applicant's representative must sign the application.

Subp. 10. **Transmittal of plan, assessments, and recommendations to the commissioner.** The team must submit the following documents to the commissioner for a determination of the applicant's eligibility for CAC services:

A. the completed assessments required under subparts 1 to 4;

B. the documentation required under subpart 6;

C. the request for CAC services, signed by the applicant or the applicant's representative;

D. the recommendation required under subpart 9; and

E. the care plan signed by the physician, case manager, and the applicant or the applicant's representative.

#### **9505.3545 REASSESSMENT BY INTERDISCIPLINARY TEAM.**

Subpart 1. **Reassessment required.** A recipient's need and eligibility for home and community-based services must be reassessed at least once every six months. The reassessment must be carried out by an interdisciplinary team convened by the recipient's case manager as specified in part 9505.3535, subpart 2. At a minimum, the reassessment shall include the items specified in part 9505.3540,

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## Proposed Rules

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subparts 1 and 3 to 9. The team must review and modify the recipient's care plan as necessary and appropriate to meet the recipient's needs.

Subp. 2. **Responsibility to assure reassessment.** A local agency is responsible to assure that a recipient's reassessment is completed as required under subpart 1. If the reassessment is not completed, the local agency shall be responsible for paying the costs of the services specified in the recipient's care plan and received by the recipient until the reassessment is completed and submitted to the department.

### 9505.3550 RECIPIENT'S TERMINATION FROM CAC.

A recipient shall be terminated from eligibility for CAC services when:

- A. the recipient chooses not to use CAC services;
- B. the recipient no longer needs CAC services as determined by a reassessment;
- C. the recipient's condition requires continued hospitalization for an indefinite period as certified by the recipient's physician;
- D. the recipient who has been hospitalized more than 30 consecutive days in a waiver year requires home and community-based services that are not available in the community;
- E. the recipient is no longer eligible for medical assistance;
- F. the recipient has third party payer coverage that pays the cost of inpatient hospital services to the extent CAC services are no longer cost-effective; or
- G. the recipient's condition requires health services having a cost to medical assistance that is greater than the medical assistance cost of inpatient hospital services to the recipient.

### 9505.3560 CASE MANAGEMENT SERVICES.

Subpart 1. **Required service.** Case management services must be provided to a recipient. The lead agency shall be responsible for implementing the case management services required under parts 9505.3500 to 9505.3700.

Subp. 2. **Designation of case manager.** No later than five working days after receiving the department's notice that an applicant's request for CAC services has been approved, the lead agency must consult with the applicant or the applicant's representative and designate a case manager. The case manager must not have a financial interest in the services provided to the applicant other than the case manager's employment by the lead agency.

Subp. 3. **Case manager responsibilities.** The case manager or, when it is appropriate, the acting case manager must:

- A. convene and coordinate the interdisciplinary team;
- B. gather information needed to determine an individual's eligibility for CAC under parts 9505.3500 to 9505.3700;
- C. inform applicants, recipients, and their representatives about the rights specified in part 9505.3540, subpart 6 and CAC services;
- D. complete and submit forms required by the commissioner under parts 9505.3500 to 9505.3700;
- E. locate resources that are available to provide the services specified in the recipient's care plan;
- F. coordinate and arrange services specified in the recipient's care plan;
- G. seek out other home and community-based services that may contribute to the recipient's quality of life while the recipient is residing in the community but that are not reimbursable under medical assistance or CAC. Examples of other services include legal, recreational, educational, vocational, and social services;
- H. meet with the recipient or the recipient's representative in the recipient's home as necessary to assure the recipient's safety and welfare and assure implementation of the recipient's services as specified in the recipient's care plan;
- I. revise the care plan if the recipient's needs change between scheduled reassessments and, when it is appropriate, obtain the approval of the recipient's physician;
- J. monitor costs of services to assure that the cost of the services specified in the care plan does not exceed the approved estimated cost of the care plan;
- K. investigate whether the costs of the services specified in the applicant's or recipient's care plan can be met by a third party payer other than medical assistance or CAC. The case manager must document the investigation on the applicant's or recipient's care plan;
- L. reconvene the interdisciplinary team at least every six months as required under part 9505.3545 or more often if necessary because of changes in the recipient's health or social needs;



- M. participate in the recipient's reassessment as required under part 9505.3545 and submit the reassessment form to the department no later than ten working days after the reassessment is completed;
- N. submit the care plan and revisions of the care plan to the commissioner for approval;
- O. send to the department the information needed to carry out responsibilities under 9505.3680, subparts 1 and 2;
- P. give notice of acceptance or rejection of an application or reduction, denial, or termination of benefits; and
- Q. request the applicant, recipient, or the representative of the applicant or recipient, and the individual's physician to approve and sign the individual's care plan.

An applicant or recipient is ineligible for CAC services if the applicant or recipient or, when it is appropriate, the applicant's or recipient's representative fails to sign the care plan. The acting case manager of an applicant or the case manager of a recipient must explain to the person whose signature is being requested the consequences of failing to sign.

**Subp. 4. Case manager reports about suspected abuse of a vulnerable adult.** A case manager who has reason to believe a recipient is or has been subject to abuse or neglect as defined in *Minnesota Statutes*, section 626.557, subdivision 2, that occurs at the recipient's residence or a place where the recipient receives CAC services shall immediately comply with the reporting and other actions required under *Minnesota Statutes*, section 626.557. The case manager shall cooperate with the responsible county authority to assure the recipient's health and safety during the investigation. The case manager must request a report from the responsible county authority in order to take the action required in subpart 6.

**Subp. 5. Case manager reports about suspected abuse of a child.** A case manager who has reason to believe a recipient who is a child is or has been subject to abuse or neglect as defined in *Minnesota Statutes*, section 626.556 shall immediately report the circumstances of alleged abuse or neglect to the county authority responsible for assuring the protection of children. The case manager shall cooperate with the responsible county authority to assure the recipient's health and safety during the investigation. The case manager must request a report from the responsible county authority in order to take the action required in subpart 6.

**Subp. 6. Other actions required of case manager.** When the case manager receives the findings of the investigation carried out under subpart 4 or 5, the case manager shall determine whether a reassessment of the recipient according to part 9505.3545 is needed to amend the recipient's care plan. The case manager shall take other actions as needed to assure the recipient's health and safety, such as (1) arranging for the services of another CAC provider, (2) working out another living arrangement for the recipient or, (3) withdrawing the CAC service or services. The case manager shall forward the amended care plan to the commissioner for approval.

#### **9505.3570 HOME HEALTH SERVICES.**

Home health services established under parts 9505.0170 to 9505.0475 are available to a recipient except that the limits placed on the amount, duration, and scope of the services eligible for medical assistance payment shall be as specified in the recipient's plan of care.

#### **9505.3575 HOMEMAKER SERVICES.**

**Subpart 1. Eligibility for service.** Homemaker services are available under CAC if necessary to enable a recipient to remain in the community.

**Subp. 2. Homemaker services provider; lead agency or contractor.** The lead agency may provide directly or may contract for homemaker services that are specified in the recipient's care plan. If the lead agency directly provides homemaker services, the lead agency must also provide supervision of the homemaker's activities. If the lead agency contracts with a provider for homemaker services, the provider must meet the requirements of *Minnesota Statutes*, sections 144A.43 to 144A.46.

**Subp. 3. Homemaker service standards.** The lead agency shall assure that homemaker services to a recipient are provided by the homemaker according to parts 9565.1000 to 9565.1300 and the recipient's care plan.

#### **9505.3580 RESPITE CARE SERVICES.**

**Subpart 1. Eligibility for service.** Respite care services are available under CAC if the service is necessary to maintain the recipient during a time when the primary caregiver is unable to care for the recipient. Respite care services to a recipient are limited to 720 hours per waiver year.

**Subp. 2. Provider standards.** Respite care may be provided in an out-of-home setting as specified in item A or in the recipient's home as specified in item B.

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## Proposed Rules

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A. Out-of-home respite care must be provided in a facility approved by the lead agency such as a hospital, nursing home, foster home, or community residential facility. When out-of-home respite care is provided, the facility must be one that meets state licensure standards.

B. A registered nurse or a public health nurse may give respite care in the recipient's home. The person providing respite care services must act in the place of the primary caregiver and shall be available to the recipient throughout the absence of the primary caregiver.

Subp. 3. **Contract required.** The lead agency shall contract with each person, facility, agency, or entity that provides respite care services. If the respite care is provided in the recipient's home, the contract must require the service to be provided as specified in subpart 2, item B. The lead agency shall monitor the contractor's compliance with the terms of the contract.

### 9505.3585 PHYSICIAN SERVICES.

Physician services as specified in part 9505.0345 to a CAC recipient may include home visits as necessary to maintain the recipient's safe care in the community.

### 9505.3600 COUNSELING AND TRAINING SERVICES.

Subpart 1. **Eligibility to receive counseling and training services.** Counseling and training services are available under CAC and shall be provided to a recipient, primary caregiver, and to members of the recipient's family with whom the recipient lives or who routinely care for the recipient. For purposes of this part, "member of the recipient's family" or "family member" refers to the recipient's parent, spouse, children, friends, relatives, foster family, or relatives-in-law. The term does not include individuals who are employed to care for the recipient.

Subp. 2. **Purpose of training.** The training must be for the purpose of increasing the ability of a primary caregiver or a member of the recipient's family to maintain and care for the recipient at home. It shall include the use of equipment and treatment regimens as specified in the recipient's care plan and training updates as may be necessary to safely maintain the recipient at home.

Subp. 3. **Purpose of counseling.** Counseling under CAC must be designed to help the recipient, the primary caregiver, and the recipient's family members handle crises related to the recipient's condition, develop coping strategies related to the recipient's daily care, and reduce stress.

Subp. 4. **Case manager approval required.** Counseling and training services under CAC must be approved by the case manager and must be specified in the recipient's care plan.

Subp. 5. **Eligibility to provide counseling and training.** A person providing counseling and training services to a recipient, a primary caregiver, or a recipient's family member must be the recipient's physician, a registered nurse, a public health nurse, a county social worker, or a medical social worker, or other qualified person as specified in the recipient's care plan and approved by the case manager. The person providing training service must determine and must document in the recipient's care plan whether a person being trained as the primary caregiver is competent to provide the services required to maintain the recipient at home.

### 9505.3610 ENVIRONMENTAL MODIFICATIONS IN THE HOME.

Subpart 1. **Eligibility for service.** An environmental modification in the home of a recipient is available under CAC if the modification is:

- A. necessary to avoid the recipient's hospitalization;
- B. approved and authorized by the recipient's case manager;
- C. specified in the recipient's care plan; and

D. not available from another funding source. Examples of other funding sources are Services for Children with Handicaps and the Minnesota Housing Finance Agency.

Subp. 2. **Provider standards.** An environmental modification to the home must be completed according to all applicable state and city building codes by a provider who has been approved by the case manager. The lead agency shall specify the terms of the service to be provided in a contract or service agreement between the agency and the provider approved by the case manager. The lead agency must assure that the environmental modification in the home, when completed, meets the terms specified in the contract or service agreement between the lead agency and the provider.

### 9505.3620 MEDICAL EQUIPMENT.

Subpart 1. **Eligibility for medical equipment and supplies.** Medical equipment and supplies that are generally available to an individual in an institution are available under CAC for home use if:

- A. the medical equipment and supplies are specified in the recipient's plan of care;
- B. CAC is the only funding source available to the recipient in regard to the medical equipment and supplies; and

C. the medical equipment and supplies meet the requirements of part 9505.0310 in regard to rental, purchase, and safeguarding of recipient care.

Subp. 2. **Prior approval required.** Medical equipment and supplies require prior approval of the commissioner if:

- A. they are not in the recipient's care plan approved by the commissioner under part 9505.3550;
- B. they are medically necessary;
- C. they exceed \$25 in value per month; and
- D. CAC is the only funding source for the medical equipment and supplies.

The case manager must submit to the commissioner an addendum to the recipient's care plan that documents compliance with this subpart. The commissioner shall determine whether the medical equipment and supplies meet the requirements of parts 9505.3500 to 9505.3700.

Subp. 3. **Exemption from limitation on type of equipment and supplies available.** The limitations on the types of equipment or supplies set in part 9505.0310, subpart 1, item A, and subpart 4, item A do not apply to durable medical equipment and supplies available under CAC.

#### **9505.3622 MEDICAL TRANSPORTATION.**

Transportation of a recipient for medical purposes is available under CAC if the transportation is specified in the recipient's care plan to provide access to a medically necessary service and if the transportation lies outside the scope of the local agency's procedure to assure access as required under part 9505.0140, subpart 2.

#### **9505.3624 PRESCRIBED DRUGS.**

Subpart 1. **Eligibility for service.** Prescribed drugs are available under CAC if the drug is prescribed by the recipient's physician, is specified in the recipient's care plan, and would be available under medical assistance to the recipient as an inpatient, as provided by *Minnesota Statutes*, section 256B.0625, subdivision 13.

Subp. 2. **Number of prescribed drugs available to recipient.** The availability of prescribed drugs under CAC is subject to the limitations under part 9505.0340. However, the number of different prescribed drugs that a recipient may fill or refill per month is not limited.

#### **9505.3626 OTHER PROFESSIONAL SERVICES; THERAPY.**

Subpart 1. **Eligibility for other professional services; therapies available as medical assistance services.** A recipient is eligible for a therapy that is available to medical assistance recipients under part 9500.1070. The therapy must be provided by a physical therapist, occupational therapist, speech-language pathologist, or respiratory therapist. The therapy provided to the recipient must comply with the provider standards set in parts 9500.1070 and 9505.3500 to 9505.3700.

Subp. 2. **Eligibility for other professional services; nutritional therapy.** Nutritional therapy is available under CAC. The therapy must be provided by a nutritionist.

Subp. 3. **Service limitations.** The amount, duration, and scope of therapy provided to a recipient by a physical therapist, occupational therapist, speech-language pathologist, respiratory therapist, or nutritionist must be ordered by the recipient's physician and specified in the recipient's care plan.

#### **9505.3630 FOSTER CARE.**

Subpart 1. **Eligibility for payment.** Foster care services to a recipient are available under CAC if the services provide ongoing residential and support services which exceed the scope of the services provided through Title IV-E or the Minnesota Supplemental Aid Program. Payment does not include room and board. For purposes of this part, "Title IV-E" means the federal program established by the Social Security Act that reimburses administrative and training costs incurred in providing services under United States Code, title 42, sections 470 to 479 and 670 to 679. "Minnesota Supplemental Aid Program" means the program established in *Minnesota Statutes*, section 256D.37.

Subp. 2. **Provider standards.** A provider of foster care services must comply with a standard specified in item A or B.

A. A provider of foster care services to a recipient under 18 years of age must be licensed according to parts 9545.0010 to 9545.0260.

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B. A provider of foster care services to a recipient who is at least 18 years of age must be licensed according to parts 9555.5105 to 9555.6265.

### 9505.3635 EXCLUDED SERVICES.

The following services in items A to F are not available under CAC:

- A. room and board except for respite care provided outside of the recipient's residence;
- B. respite care for a recipient of foster care provided under CAC if the payment agreement with the foster care provider includes the payment amount for the respite care to be purchased by the foster care provider;
- C. health services for which other funding sources are available;
- D. a CAC service to an individual who is not a recipient;
- E. a CAC service that is not specified in the recipient's care plan as approved by the commissioner or, in the case of medical transportation under part 9505.3622, the approval of the recipient's case manager; and
- F. a CAC service for a purpose other than respite care while a recipient is an inpatient as defined in part 9505.0175, subpart 17.

### 9505.3640 LOCAL AGENCY RESPONSIBILITIES.

Subpart 1. **Determination of applicant's eligibility for medical assistance.** A local agency must determine a CAC applicant's eligibility for medical assistance and must redetermine a recipient's eligibility for medical assistance. The determination and redetermination shall be as specified in parts 9505.0010 to 9505.0150, except that the provisions of part 9505.0075 relating to the availability of parental or spousal income and assets shall not apply. Although the local agency making the determination must be the local agency of the applicant's or recipient's county of financial responsibility, the local agency obtaining the information required under parts 9505.0010 to 9505.0150 may be the local agency in the county of service.

Subp. 2. **Designation of lead agency.** A local agency that is the county of service for a CAC applicant or recipient must designate a lead agency to administer the county's community alternative care program. The designated lead agency may be in the recipient's county of residence or service if different from the county of financial responsibility.

Subp. 3. **Calculation of parental or spousal contribution.** The local agency must determine the financial contribution to be made by a recipient's parent or spouse, as appropriate, for services to the recipient. The financial contribution of a parent or spouse shall be determined according to *Minnesota Statutes*, sections 256B.14 and 252.27, and appropriate rules adopted under those statutes. The refusal or failure of a recipient's obligated parent or spouse to pay the contribution does not affect the recipient's eligibility for medical assistance and CAC.

The local agency of the recipient's county of financial responsibility shall refer the refusal or failure to pay to the county attorney for action to enforce payment of the contribution.

### 9505.3645 LEAD AGENCY RESPONSIBILITIES.

Subpart 1. **Enrollment as CAC provider.** A lead agency must enroll under part 9505.0195 as a provider of CAC services.

Subp. 2. **Compliance with rules and local agency requirements.** A lead agency must comply with the requirements of parts 9505.3500 to 9505.3700 and the local agency that made the designation under part 9505.3640, subdivision 2.

Subp. 3. **Administrative functions.** A lead agency is responsible to perform the following functions in regard to CAC services to a recipient:

- A. establish agreements and contracts to provide the recipient's CAC services as in part 9505.3650, subpart 2;
- B. review CAC provider billings for approval for payment according to the provider's contract, purchase agreement, or service agreement with the lead agency;
- C. furnish billings for CAC services according to the procedures of part 9505.0450;
- D. ensure that the projected cost to medical assistance for the services specified in the recipient's care plan does not exceed the cost to medical assistance if the recipient resided in a hospital;
- E. make available to the commissioner records of funds expended for CAC services; and
- F. maintain and make available to the commissioner records of health services provided to recipients.

Subp. 4. **Services to recipient.** A lead agency must assure that necessary safeguards are taken to protect the health and welfare of a recipient. For this purpose, the lead agency must:

- A. require CAC services to be provided as specified in parts 9505.3500 to 9505.3700, either directly or through a contract or purchase of service agreement as specified in part 9505.3650;

B. assure a CAC service, other than respite care, is not provided to a recipient while the recipient is an inpatient as defined in part 9505.0175, subpart 17; and

C. monitor providers of CAC services using the criteria in part 9505.3650.

#### **9505.3650 PROVIDERS OF CAC SERVICES.**

Subpart 1. **Criteria for selecting a CAC provider.** A provider of home and community-based services under CAC must meet the criteria in items A to C.

A. The provider must be employed by the county or have agreed as specified in subpart 2 to provide home and community-based services under CAC.

B. The provider must meet all licensure requirements and professional standards applicable to the service or services being provided as specified in parts 9505.3500 to 9505.3700.

C. The provider must not be a primary caregiver or responsible relative of the recipient to whom the provider is furnishing the home and community-based service.

Subp. 2. **Agreement to provide CAC services.** A lead agency may provide a CAC service directly or indirectly. If the lead agency chooses to provide the CAC service indirectly, the agency must have a contract, purchase agreement, or service agreement with the CAC service provider that specified the information in items A to I:

A. the beginning and ending dates of the contract or agreement;

B. the duties and responsibilities of the provider including compliance with applicable certifications, licensures, standards, and supervision of employees as required under parts 9505.3500 to 9505.3700;

C. the person or persons to be served as specified in the recipient's care plan;

D. an agreement to provide the service according to the amount, frequency, and scope specified in the care plan of the person being served;

E. the payment amount to be received for the service and the provider's agreement to accept this amount as payment in full;

F. the reports and records to be kept by the provider and given to the lead agency;

G. the provider's agreement to comply with the Minnesota Government Data Practices Act;

H. the provider's documentation of an individual abuse prevention plan that complies with parts 9555.8000 to 9555.8500; and

I. the conditions under which the lead agency shall terminate the provider's contract or agreement.

#### **9505.3660 CAC PROVIDER RECORDS.**

The lead agency and a CAC provider under contract with the lead agency must maintain for at least five years complete program and fiscal records and supporting documentation identifying the recipients served, the services provided, and the costs incurred. The records must be identified and maintained separately from other provider records. The lead agency's and the provider's records are subject to the maintenance schedule, audit availability requirements, and other provisions in parts 9505.1750 to 9505.2150.

#### **9505.3670 RATES FOR CAC SERVICES.**

Subpart 1. **Maximum CAC service rate.** Unless otherwise specified by the legislature, the commissioner shall annually set the maximum rate that is available to a county as reimbursement to a provider for a CAC service. The rates for CAC services must be consistent with medical assistance rates for comparable services. Annually on July 1 after the effective date of parts 9505.3500 to 9505.3700, the commissioner shall authorize an increase in the CAC service rates available to a county as reimbursement to a CAC provider up to the percentage change forecast by the Home Health Agency Market Basket. The Home Health Agency Market Basket is published by Data Resources and is subject to quarterly revision. The Home Health Agency Market Basket is incorporated by reference and is available through the Minitex interlibrary loan system.

Subp. 2. **Notice to counties.** By June 1 of each year, the commissioner shall notify a lead agency of the statewide maximum rate allowed for payment of providing CAC services under subpart 1. Additionally, the commissioner shall notify the counties in writing of the percentage increase allowed under subpart 1.

Subp. 3. **County CAC service rate.** A county may set rates for CAC services not to exceed the rates established in subpart 1.

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Under no circumstances is the department responsible for payment of rates higher than those established under subpart 1 and any amounts paid in excess of those rates shall be recoverable by the commissioner. County rates are subject to audit by the commissioner.

### 9505.3680 DEPARTMENT RESPONSIBILITIES.

Subpart 1. **Review and approval of CAC applications.** The commissioner must review and approve or deny each request for eligibility for the community alternative care program according to the criteria of part 9505.3520. The commissioner must determine whether the applicant is eligible for home and community-based services under CAC. No later than 15 working days after receiving the information required under part 9505.3540 to determine the applicant's eligibility for CAC, the commissioner must notify the acting case manager and the lead agency of its determination or of the additional information needed to make the determination.

Subp. 2. **Review of care plan and eligibility reassessments.** The commissioner must approve or deny care plan and eligibility reassessment recommendations according to the criteria of part 9505.3520. The recipient's preexisting care plan shall remain in effect pending the commissioner's approval or denial of the reassessment recommendation.

Subp. 3. **Records.** The department must maintain records related to the community alternative care program for a period of at least five years.

Subp. 4. **Monitor program expenses.** The department must monitor CAC expenditures to assure that the expenditures do not exceed the approved waiver limits for the home and community-based services under CAC.

### 9505.3690 BILLING FOR CAC SERVICES.

A CAC provider must submit a claim for payment for a CAC service specified in a recipient's care plan in the manner specified by the commissioner. A claim under this part must not exceed the amount specified in the contract, purchase agreement, or service agreement between the CAC provider and the lead agency. The CAC provider must submit the claim for payment according to the billing procedures in part 9505.0450. However, the claim shall not be submitted directly to the department.

### 9505.3700 APPEALS.

Subpart 1. **Appealable actions.** An applicant assessed under part 9505.3540 or a recipient reassessed under part 9505.3545 may appeal if one of the following actions is taken by the department or the local or lead agency:

- A. a CAC service is denied;
- B. eligibility for CAC services is not determined with reasonable promptness; or
- C. a recipient's CAC services are reduced, suspended, or terminated.

Subp. 2. **Actions that are not appealable.** A denial, reduction, suspension, or termination of CAC services is not an appealable action if one of the following conditions applies:

- A. the cost of the applicant's or recipient's home and community-based care exceeds the cost of hospital care;
- B. the waiver aggregate average cost would be exceeded;
- C. there are no openings available in the program; or
- D. the case manager withdraws the CAC service or services as provided under part 9505.3560, subpart 6.

Subp. 3. **Notice of right to appeal.** An applicant assessed under part 9505.3540 or a recipient reassessed under part 9505.3545 has the right to appeal an action described in subpart 1. At the time a requested service is denied, reduced, suspended, or terminated by the case manager, lead agency, or department, the case manager must review with and provide the individual written notice about the proposed action and about the right to appeal. The notice must state the reasons for an appealable action, and an explanation of the right to appeal and how to appeal. The notice must also state that the recipient's ongoing CAC services will not be reduced, suspended, or terminated if the appeal is filed before the date specified in the notice, unless the recipient requests in writing not to receive CAC services while the appeal is pending.

Subp. 4. **Submission of appeals.** An applicant assessed under part 9505.3540 or a recipient reassessed under part 9505.3545 who wants to appeal must submit the appeal in writing to the local agency of the county of service or to the department. The appeal must be received by the department no later than 30 days after the recipient is made aware of the action taken in subpart 1 or no later than 90 days after the recipient is made aware of the action taken in subpart 1 if good cause reason for delay can be shown.

Subp. 5. **Appeal of action.** An appeal of issues meeting the criteria under subparts 1 and 2 shall be heard and decided according to *Minnesota Statutes*, section 256.045.

Subp. 6. **Continuation of services pending an appeal.** If a recipient appeals a denial, reduction, suspension, or termination of CAC services that the recipient has been receiving on an ongoing basis and that are part of the recipient's care plan approved by the recipient's physician, the lead agency must continue to provide the ongoing CAC services at the level specified in the recipient's care plan until a decision on the appeal is recommended by the department's referee and adopted by the commissioner. Nothing in parts 9505.3500 to 9505.3700 shall prohibit the department from seeking reimbursement from the recipient for the costs of providing CAC services pending a decision on an appeal if the order adopted by the commissioner is adverse to the recipient.

## Department of Labor and Industry

### Proposed Permanent Rules Relating to Elevator Permit and Fee Requirement

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing at *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is found at *Minnesota Statutes* § 183.358 as well as *Minnesota Statutes* § 16A.128 and 183.357, subd. 1 and 2.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Public comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

B. James Berg, Director  
Code Enforcement Division  
Department of Labor and Industry  
443 Lafayette Road 4th Floor  
St. Paul, MN 55155-4304  
Telephone No.: 617-297-1727

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Department of Labor and Industry upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to B. James Berg, Director, Code Enforcement Division, Department of Labor and Industry, 443 Lafayette Road 4th Floor, St. Paul, Minnesota, 55155-4304.

Dated: 3 August 1990

Kenneth B. Peterson  
Commissioner

#### Rules as Proposed (all new material)

##### 5226.0100 PERMIT TO CONSTRUCT OR INSTALL ELEVATORS AND ESCALATORS.

A person, firm, or corporation that constructs, installs, or performs alterations to elevators or escalators, pursuant to the American Society of Mechanical Engineers/American National Standards Institute A17.1 Safety Code for Elevators and Escalators, shall file an application for a permit with the Department of Labor and Industry, or with a municipality that is authorized by law to issue a permit, before beginning construction, installation, or alteration. The department's fees for a permit to construct or install elevators or escalators are:

- A. Filing fee (application for permit), \$50; and \$200 if the application is received after construction has been initiated.

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## Proposed Rules

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B. Inspection fee; 0.01 (one percent) of the total cost of the project for labor and materials for construction and installation of the elevator or escalator including related electrical and mechanical equipment. The total inspection fee shall not exceed \$1,000 per unit. The costs of special decorative fixtures may be deducted from the cost of the project up to a maximum of five percent of the total cost of the project upon approval of the commissioner.

C. Filing fee (application for permit), \$50; and inspection fee \$50 for each altered unit.

D. Vertical reciprocating conveyors, (American Society of Mechanical Engineers/American National Standards Institute Standard B20.1) are subject to filing and inspection fees for new and altered installations, but are exempt from routine inspection by an elevator inspector.

### **5226.0200 FEE FOR ROUTINE INSPECTION OF ELEVATORS AND ESCALATORS.**

The inspection fee for existing hydraulic and traction elevators, escalators, endless belt lifts, and similar devices:

A. up to five floors or levels served, \$50;

B. six to ten floors or levels served, \$60;

C. 11 to 20 floors or levels served, \$70;

D. 21 or more floors or levels served, \$80; and

E. wheelchair and related accessibility lifts, dumbwaiters, escalators (each direction or individual unit), docklifts, handpowered elevators, and moving walks (each direction or individual unit) and other related equipment not otherwise specified in this part, \$50.

### **5226.0300 CONTRACTOR LICENSE FEE.**

The fee for examination and license of an elevator contractor is \$125 for a new license and \$110 for a renewal license. The contractor is responsible for carrying all appropriate insurance, meeting all bonding requirements, and meeting all federal, state, and local law and code requirements.

## Department of Labor and Industry

### Proposed Permanent Rules Relating to OSHA Standards

#### Request for Comments

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), proposes the following addition to the Department of Labor and Industry, Occupational Safety and Health Rules. Statutory authority to adopt this rule is *Minnesota Statutes* § 182.655.

All persons have 30 days in which to submit comments in support of, or in opposition to, the proposed rule or any part of the rule. Comments are encouraged. Each comment must identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any interested or affected person may make a written request for a public hearing on the rule within the 30-day comment period. Public hearing requests must include the name and address of the person requesting the hearing, identify the portion of the proposed rule addressed, discuss the reason for the request, and describe any proposed change.

Written comments, objections, or requests for hearing should be submitted to: Patricia Lorentz, Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155, (612) 297-3254.

Ken Peterson, Commissioner  
Department of Labor and Industry

**STATEMENT OF NEED AND RULE AS PROPOSED:** Each year 60,000 workers are killed and 2.4 million are injured in the American workplace. Of these injuries, 85 percent are caused by unsafe acts. These unsafe acts cause back strains, sprains, bruises, and cumulative trauma injuries. These injuries are the most common and the most costly for employees in terms of suffering and lost wages. For employers, these injuries mean lost productivity and higher insurance premiums and workers' compensation costs.

Employees act unsafely when they lack adequate knowledge to do their jobs safely. Supervisors fail to monitor employees' performance allowing unsafe acts to continue. Statistics have proven that employees who receive two or fewer hours of training sustain 75 percent of all injuries.

In an effort to reduce occupational injuries and illnesses, the Department of Labor and Industry worked with business representatives, the safety community, and organized labor on legislation that would reduce workplace injuries without creating burdensome require-



ments for employers. The intent of the legislation is to help make safety an important part of each workplace by making employers and employees more safety conscious. This cooperative effort resulted in passage of "A Workplace Accident and Injury Reduction" (AWAIR) Act [Senate File No. 1869, *Laws of Minnesota* Chapter 508].

The legislation amends the Occupational Safety and Health Act of 1973 (*Minnesota Statutes* Chapter 182) by adding new subdivisions 8, 8a, and 8b to § 182.653 to read:

Subd. 8. [WORK PLACE PROGRAMS.] An employer covered by this section must establish a written work place accident and injury reduction program that promotes safe and healthful working conditions and is based on clearly stated goals and objectives for meeting those goals. The program must describe:

- (1) how managers, supervisors, and employees are responsible for implementing the program and how continued participation of management will be established, measured, and maintained;
- (2) the methods used to identify, analyze, and control new or existing hazards, conditions, and operations;
- (3) how the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls;
- (4) how work place accidents will be investigated and corrective action implemented; and
- (5) how safe work practices and rules will be enforced.

An employer must conduct and document a review of the work place accident and injury reduction program at least annually and document how procedures set forth in the program are met.

Subd. 8a. [STANDARD INDUSTRIAL CLASSIFICATION LIST.] The commissioner shall adopt, in accordance with section 182.655, a rule specifying a list of standard industrial classifications of employers who must comply with subdivision 8. The commissioner shall demonstrate the need to include each industrial classification on the basis of the safety record or worker's compensation record of that industry segment. An employer must comply with subdivision 8 six months following the date the standard industrial classification that applies to the employer is placed on the list. The list shall be updated every two years.

Subd. 8b. [RULEMAKING AUTHORITY.] The commissioner's rulemaking authority for the purpose of implementing subdivision 8 is limited to specifying the list of standard industrial classifications as provided in subdivision 8a.

This notice proposes adoption of the Standard Industrial Classifications (SICs) mandated by § 182.653, subd. 8a. Employers within the SICs listed in proposed *Minnesota Rule* 5205.1500 will be required to establish the accident and injury reduction program required by subdivision 8 of § 182.653.

The Standard Industrial Classification is a statistical system for classifying establishments by type of economic activity for the purposes of facilitating the collection, tabulation, presentation, and analysis of data relating to establishments and promoting uniformity and comparability in the presentation of statistical data describing the economy. The SIC is used by agencies of the United States Government that collect or publish data by industry and by State agencies, trade associations, private businesses, and other organizations. The most recent revision of the SIC manual was published by the Office of Management and Budget in 1987. The SIC designations in proposed *Minnesota Rule* 5205.1500 are those described in the 1987 manual.

Standard Industrial Classifications cover the entire field of economic activities: agriculture, forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation; communications; electric, gas, and sanitary services; wholesale trade; retail trade; finance, insurance and real estate; personal, business, professional, repair, recreation, and other services; and public administration. Each division is divided into major groups that are assigned a two-digit number. Each major group is further divided into three-digit and four-digit industry (establishment) groups. All establishments primarily engaged in the same kind of economic activity are classified under the same four-digit SIC number.

For purposes of classification, the Office of Management and Budget defined an establishment as an economic unit, generally at a single physical location, where business is conducted or where services or industrial operations are performed. For example: a factory, mill, store, hotel, movie theater, airline terminal, warehouse, or central administrative office is an establishment. Each establishment is assigned an industry code on the basis of its primary activity which is determined by its product or group of products produced or distributed or services rendered. Where distinct and separate economic activities are performed at a single physical location (such as construction activities operated out of the same physical location as a lumber yard), each activity should be treated as a separate establishment where: (1) no one industry description in the classification includes such combined activities; (2) the employment in each economic activity is significant; and (3) separate reports can be prepared on the number of employees, their wages and salaries,

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## Proposed Rules

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sales or receipts, and other types of establishment data. The Standard Industrial Classification manual includes interpretations and definitions of establishments within each division, major group, and industry. These descriptions provide significant help to employers in determining which SIC or SICs may apply to their work activities.

Subdivision 8a of *Minnesota Statute* § 182.653 requires the Commissioner of Labor and Industry to develop a list of Standard Industrial Classifications of employers who must comply with the Act. This list must be based on the safety record or worker's compensation record of the industry segment. To formulate the list, the Department reviewed Minnesota and national injury and illness statistics.

The "Minnesota Occupational Injuries and Illnesses Survey" of 1988 was conducted by the Minnesota Department of Labor and Industry in cooperation with the Bureau of Labor Statistics. This survey involved collection of data from employers in the following industries:

Agricultural production (farms having 11 or more employees—SIC 01-02)

Agricultural services, forestry and fishing (SIC 07-09)

Oil and gas extraction (SIC 13)

Construction (SIC 15-17)

Manufacturing (SIC 20-39)

Transportation and public utilities (SIC 41-49)

Wholesale and retail trade (SIC 50-59)

Wholesale trade (SIC 50-51)

Retail trade (SIC 51-59)

Finance, insurance and real estate (SIC 60-67)

Services (except SIC 88, private households) (SIC 70-89)

State and local government

All employees (full-time, part-time, casual, etc.) in these industries were covered by the survey. Only self-employed individuals and federal government employees were excluded. To conduct the survey, questionnaires were mailed to 8,723 sample units; the usable response rate was 92.6 percent.

The survey results are reported as occupational injuries and illnesses incidence rates by industry (SIC). For all industries combined, the 1988 survey results indicate an 8.1 injury and illness incidence rate (recordable injuries and illnesses per 100 full-time workers) and a 3.7 lost workday incidence rate (lost workdays per 100 full-time workers). These rates are the combined rates for all reporting industries and are considered the "average" Minnesota rate. Using this as the average for Minnesota industries, those industries with an incidence rate higher than 8.1 or a severity rate higher than 3.7 have significantly higher injury and illness occurrences and, therefore, must comply with the AWAIR Act.

No data was recorded in the Minnesota survey for some Standard Industrial Classifications including:

Fishing, hunting, and trapping

Coal mining

Oil and gas extraction

Nonmetallic minerals, except fuels

Textile mill products

Apparel and other textile products

Petroleum and coal products

Leather and leather products

Water transportation

Transportation by air

Pipelines, except natural gas

Transportation services

Nondepository institutions

Museums, botanical, zoological gardens

To determine injury and illness rates for these SICs, national data, as reported to the National Safety Council and published in the 1989 edition of "Work Injury and Illness Rates," was used. Data in this survey is the result of 6,998 annual reports submitted to the National Safety Council by its members. Reporting criteria are those required by OSHA for maintaining the OSHA 200 log. Those industries not reported on the Minnesota survey that appear in the national survey with rates above 8.1 and 3.7 were added to the list of industries that must comply with AWAIR. Only those industries for which no Minnesota data was available were taken from the national list. Standard Industrial Classifications for which no national or Minnesota data was available are also excluded from the list.

The AWAIR Act requires this SIC list to be updated every two years. Industries below the 8.1/3.7 rates that are not on the proposed list may be on the list in two years if the incidence or severity rates for that industry go above the Minnesota average for that year. Updates to the list will be based on the most current injury and illness data available at the time of the update.

The Standard Industrial Classifications (SICs) that must comply with *Minnesota Statute* § 182.653 are as follows:

### Rules as Proposed (all new material)

#### WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM

##### 5205.1500 STANDARD INDUSTRIAL CLASSIFICATION LIST.

Employers in the standard industrial classifications listed in this part must comply with *Minnesota Statutes*, section 182.653, subdivision 8. The standard industrial classifications in this part are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

##### A. Agricultural production, crops:

- (1) 0111, wheat;
- (2) 0112, rice;
- (3) 0115, corn;
- (4) 0116, soybeans;
- (5) 0119, cash grains, not elsewhere classified;
- (6) 0131, cotton;
- (7) 0132, tobacco;
- (8) 0133, sugar cane and sugar beets;
- (9) 0134, Irish potatoes;
- (10) 0139, field crops, except cash grains, not elsewhere classified;
- (11) 0161, vegetables and melons;
- (12) 0171, berry crops;
- (13) 0172, grapes;
- (14) 0173, tree nuts;
- (15) 0174, citrus fruits;
- (16) 0175, deciduous tree fruits;
- (17) 0179, fruits and tree nuts, not elsewhere classified;
- (18) 0181, ornamental nursery products;
- (19) 0182, food crops grown under cover; and
- (20) 0191, general farms, primarily crop.

##### B. Agricultural production, livestock:

- (1) 0211, beef cattle feedlots;
- (2) 0212, beef cattle, except feedlots;

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- (3) 0213, hogs;
- (4) 0214, sheep and goats;
- (5) 0219, general livestock, not elsewhere classified;
- (6) 0241, dairy farms;
- (7) 0251, broiler, fryer, and roaster chickens;
- (8) 0252, chicken eggs;
- (9) 0253, turkeys and turkey eggs;
- (10) 0254, poultry hatcheries;
- (11) 0259, poultry and eggs, not elsewhere classified;
- (12) 0271, fur-bearing animals and rabbits;
- (13) 0273, animal aquaculture;
- (14) 0279, animal specialties, not elsewhere classified; and
- (15) 0291, general farms, primarily animal.

### C. Agricultural services:

- (1) 0711, soil preparation services;
- (2) 0721, crop planting and protecting;
- (3) 0722, crop harvesting;
- (4) 0723, crop preparation services for market;
- (5) 0724, cotton ginning;
- (6) 0741, veterinary services for livestock;
- (7) 0742, veterinary services, specialties;
- (8) 0751, livestock service, except veterinary;
- (9) 0752, animal specialty services;
- (10) 0761, farm labor contractors;
- (11) 0762, farm management services;
- (12) 0781, landscape counseling and planning;
- (13) 0782, lawn and garden services; and
- (14) 0783, ornamental shrub and tree services.

### D. Coal mining:

- (1) 1221, bituminous coal and lignite, surface;
- (2) 1222, bituminous coal, underground;
- (3) 1231, anthracite mining; and
- (4) 1241, coal mining services.

### E. Oil and gas extraction: 1381, drilling oil and gas wells.

### F. Nonmetallic minerals, except fuels:

- (1) 1429, crushed and broken stone, not elsewhere classified;
- (2) 1442, construction sand and gravel; and
- (3) 1446, industrial sand.

### G. General building contractors:

- (1) 1521, single-family housing construction;
- (2) 1522, residential construction, not elsewhere classified;
- (3) 1531, operative builders;

- (4) 1541, industrial buildings and warehouses: and
- (5) 1542, nonresidential construction, not elsewhere classified.

H. Heavy construction, except building:

- (1) 1611, highway and street construction;
- (2) 1622, bridge, tunnel, and elevated highway;
- (3) 1623, water, sewer, and utility lines; and
- (4) 1629, heavy construction, not elsewhere classified.

I. Special trade contractors:

- (1) 1711, plumbing, heating, air-conditioning;
- (2) 1721, painting and paper hanging;
- (3) 1731, electrical work;
- (4) 1741, masonry and other stonework;
- (5) 1742, plastering, drywall, and insulation;
- (6) 1743, terrazzo, tile, marble, and mosaic work;
- (7) 1751, carpentry work;
- (8) 1752, floor laying and floor work, not elsewhere classified;
- (9) 1761, roofing, siding, and sheet metal work;
- (10) 1771, concrete work;
- (11) 1781, water well drilling;
- (12) 1791, structural steel erection;
- (13) 1793, glass and glazing work;
- (14) 1794, excavation work;
- (15) 1795, wrecking and demolition work;
- (16) 1796, installing building equipment, not elsewhere classified; and
- (17) 1799, special trade contractors, not elsewhere classified.

J. Food and kindred products:

- (1) 2011, meat packing plants;
- (2) 2013, sausages and other prepared meats;
- (3) 2015, poultry slaughtering and processing;
- (4) 2021, creamery butter;
- (5) 2022, cheese, natural and processed;
- (6) 2023, dry, condensed, and evaporated products;
- (7) 2024, ice cream and frozen desserts;
- (8) 2026, fluid milk;
- (9) 2032, canned specialties;
- (10) 2033, canned fruits and vegetables;
- (11) 2034, dehydrated fruits, vegetables, and soups;
- (12) 2035, pickles, sauces, and salad dressings;

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- (13) 2037, frozen fruits and vegetables;
- (14) 2038, frozen specialties, not elsewhere classified;
- (15) 2051, bread, cake, and related products;
- (16) 2052, cookies and crackers;
- (17) 2053, frozen bakery products, except bread;
- (18) 2061, raw cane sugar;
- (19) 2062, cane sugar refining;
- (20) 2063, beet sugar;
- (21) 2064, candy and other confectionery products;
- (22) 2066, chocolate and cocoa products;
- (23) 2067, chewing gum;
- (24) 2068, salted and roasted nuts and seeds;
- (25) 2074, cottonseed oil mills;
- (26) 2075, soybean oil mills;
- (27) 2076, vegetable oil mills, not elsewhere classified;
- (28) 2077, animal and marine fats and oils;
- (29) 2079, edible fats and oils, not elsewhere classified;
- (30) 2082, malt beverages;
- (31) 2083, malt;
- (32) 2084, wines, brandy, and brandy spirits;
- (33) 2085, distilled and blended liquors;
- (34) 2086, bottled and canned soft drinks;
- (35) 2087, flavoring extracts and syrups, not elsewhere classified;
- (36) 2091, canned and cured fish and seafoods;
- (37) 2092, fresh or frozen prepared fish;
- (38) 2095, roasted coffee;
- (39) 2096, potato chips and similar snacks;
- (40) 2097, manufactured ice;
- (41) 2098, macaroni and spaghetti; and
- (42) 2099, food preparations, not elsewhere classified.

### K. Lumber and wood products:

- (1) 2411, logging;
- (2) 2421, sawmills and planing mills, general;
- (3) 2426, hardwood dimension and flooring mills;
- (4) 2429, special product sawmills, not elsewhere classified;
- (5) 2431, millwork;
- (6) 2434, wood kitchen cabinets;
- (7) 2435, hardwood veneer and plywood;
- (8) 2436, softwood veneer and plywood;
- (9) 2439, structural wood members, not elsewhere classified;
- (10) 2441, nailed wood boxes and shook;
- (11) 2448, wood pallets and skids;

- (12) 2449, wood containers, not elsewhere classified;
- (13) 2451, mobile homes;
- (14) 2452, prefabricated wood buildings;
- (15) 2491, wood preserving;
- (16) 2493, reconstituted wood products; and
- (17) 2499, wood products, not elsewhere classified.

L. Furniture and fixtures:

- (1) 2511, wood household furniture;
- (2) 2512, upholstered household furniture;
- (3) 2514, metal household furniture;
- (4) 2515, mattresses and bedsprings;
- (5) 2517, wood television and radio cabinets;
- (6) 2519, household furniture, not elsewhere classified;
- (7) 2521, wood office furniture;
- (8) 2522, office furniture, except wood;
- (9) 2531, public building and related furniture;
- (10) 2541, wood partitions and fixtures;
- (11) 2542, partitions and fixtures, except wood;
- (12) 2591, drapery hardware and blinds and shades; and
- (13) 2599, furniture and fixtures, not elsewhere classified.

M. Paper and allied products:

- (1) 2611, pulp mills;
- (2) 2621, paper mills;
- (3) 2631, paperboard mills;
- (4) 2652, setup paperboard boxes;
- (5) 2653, corrugated and solid fiber boxes;
- (6) 2655, fiber cans, drums, and similar products;
- (7) 2656, sanitary food containers;
- (8) 2657, folding paperboard boxes;
- (9) 2671, paper coated and laminated, packaging;
- (10) 2672, paper coated and laminated, not elsewhere classified;
- (11) 2673, bags: plastics, laminated, and coated;
- (12) 2674, bags: uncoated paper and multiwall;
- (13) 2675, die-cut paper and board;
- (14) 2676, sanitary paper products;
- (15) 2677, envelopes;
- (16) 2678, stationery products; and
- (17) 2679, converted paper products, not elsewhere classified.

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N. Printing and publishing: 2759, commercial printing, not elsewhere classified.

O. Chemicals and allied products:

- (1) 2812, alkalis and chlorine;
- (2) 2813, industrial gases;
- (3) 2816, inorganic pigments;
- (4) 2819, industrial inorganic chemicals, not elsewhere classified;
- (5) 2821, plastic materials and resins;
- (6) 2822, synthetic rubber;
- (7) 2823, cellulosic manmade fibers;
- (8) 2824, organic fibers, noncellulosic;
- (9) 2833, medicinals and botanicals;
- (10) 2834, pharmaceutical preparations;
- (11) 2835, diagnostic substances;
- (12) 2836, biological products except diagnostic;
- (13) 2841, soap and other detergents;
- (14) 2842, polishes and sanitation goods;
- (15) 2843, surface active agents;
- (16) 2844, toilet preparations;
- (17) 2851, paints and allied products;
- (18) 2861, gum and wood chemicals;
- (19) 2865, cyclic crudes and intermediates;
- (20) 2869, industrial organic chemicals, not elsewhere classified;
- (21) 2873, nitrogenous fertilizers;
- (22) 2874, phosphatic fertilizers;
- (23) 2875, fertilizers, mixing only;
- (24) 2879, agricultural chemicals, not elsewhere classified;
- (25) 2891, adhesives and sealants;
- (26) 2892, explosives;
- (27) 2893, printing ink;
- (28) 2895, carbon black; and
- (29) 2899, chemical preparations, not elsewhere classified.

P. Petroleum and coal products:

- (1) 2992, lubricating oils and greases; and
- (2) 2999, petroleum and coal products, not elsewhere classified.

Q. Rubber and miscellaneous plastics products:

- (1) 3011, tires and inner tubes;
- (2) 3021, rubber and plastics footwear;
- (3) 3052, rubber and plastics hose and belting;
- (4) 3053, gaskets, packing, and sealing devices;
- (5) 3061, mechanical rubber goods;
- (6) 3069, fabricated rubber products, not elsewhere classified;
- (7) 3081, unsupported plastics film and sheet;



- (8) 3082, unsupported plastics profile shapes;
- (9) 3083, laminated plastics plate and sheet;
- (10) 3084, plastics pipe;
- (11) 3085, plastics bottles;
- (12) 3086, plastics foam products;
- (13) 3087, custom compound purchased resins;
- (14) 3088, plastics plumbing fixtures; and
- (15) 3089, plastics products, not elsewhere classified.

**R. Leather and leather products:**

- (1) 3111, leather tanning and finishing;
- (2) 3131, footwear cut stock;
- (3) 3142, house slippers;
- (4) 3143, men's footwear, except athletic;
- (5) 3144, women's footwear, except athletic;
- (6) 3149, footwear, except rubber, not elsewhere classified;
- (7) 3151, leather gloves and mittens;
- (8) 3161, luggage;
- (9) 3171, women's handbags and purses;
- (10) 3172, personal leather goods, not elsewhere classified; and
- (11) 3199, leather goods, not elsewhere classified.

**S. Stone, clay, and glass products:**

- (1) 3211, flat glass;
- (2) 3221, glass containers;
- (3) 3229, pressed and blown glass, not elsewhere classified;
- (4) 3231, products of purchased glass;
- (5) 3241, cement, hydraulic;
- (6) 3251, brick and structural clay tile;
- (7) 3253, ceramic wall and floor tile;
- (8) 3255, clay refractories;
- (9) 3259, structural clay products, not elsewhere classified;
- (10) 3261, vitreous plumbing fixtures;
- (11) 3262, vitreous china table and kitchenware;
- (12) 3263, semivitreous table and kitchenware;
- (13) 3264, porcelain electrical supplies;
- (14) 3269, pottery products, not elsewhere classified;
- (15) 3271, concrete block and brick;
- (16) 3272, concrete products, not elsewhere classified;
- (17) 3273, ready-mixed concrete;

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- (18) 3274, lime;
- (19) 3275, gypsum products;
- (20) 3281, cut stone and stone products;
- (21) 3291, abrasive products;
- (22) 3292, asbestos products;
- (23) 3295, minerals, ground or treated;
- (24) 3296, mineral wool;
- (25) 3297, nonclay refractories; and
- (26) 3299, nonmetallic mineral products, not elsewhere classified.

### T. Primary metal industries:

- (1) 3312, blast furnaces and steel mills;
- (2) 3313, electrometallurgical products;
- (3) 3315, steel wire and related products;
- (4) 3316, cold finishing of steel shapes;
- (5) 3317, steel pipe and tubes;
- (6) 3321, gray and ductile iron foundries;
- (7) 3322, malleable iron foundries;
- (8) 3324, steel investment foundries;
- (9) 3325, steel foundries, not elsewhere classified;
- (10) 3331, primary copper;
- (11) 3334, primary aluminum;
- (12) 3399, primary nonferrous metals, not elsewhere classified;
- (13) 3341, secondary nonferrous metals;
- (14) 3351, copper rolling and drawing;
- (15) 3353, aluminum sheet, plate, and foil;
- (16) 3354, aluminum extruded products;
- (17) 3355, aluminum rolling and drawing, not elsewhere classified;
- (18) 3356, nonferrous rolling and drawing, not elsewhere classified;
- (19) 3357, nonferrous wiredrawing and insulating;
- (20) 3363, aluminum die castings;
- (21) 3364, nonferrous die casting except aluminum;
- (22) 3365, aluminum foundries;
- (23) 3366, copper foundries;
- (24) 3369, nonferrous foundries, not elsewhere classified;
- (25) 3398, metal heat treating; and
- (26) 3399, primary metal products, not elsewhere classified.

### U. Fabricated metal products:

- (1) 3411, metal cans;
- (2) 3412, metal barrels, drums, and pails;
- (3) 3421, cutlery;
- (4) 3423, hand and edge tools, not elsewhere classified;
- (5) 3425, saw blades and handsaws;

- (6) 3429, hardware, not elsewhere classified;
- (7) 3431, metal sanitary ware;
- (8) 3432, plumbing fixture fittings and trim;
- (9) 3433, heating equipment, except electric;
- (10) 3441, fabricated structural metal;
- (11) 3442, metal doors, sash, and trim;
- (12) 3443, fabricated plate work (boiler shops);
- (13) 3444, sheet metal work;
- (14) 3446, architectural metal work;
- (15) 3448, prefabricated metal buildings;
- (16) 3449, miscellaneous metal work;
- (17) 3451, screw machine products;
- (18) 3452, bolts, nuts, rivets, and washers;
- (19) 3462, iron and steel forgings;
- (20) 3463, nonferrous forgings;
- (21) 3465, automotive stampings;
- (22) 3466, crowns and closures;
- (23) 3469, metal stampings, not elsewhere classified;
- (24) 3471, plating and polishing;
- (25) 3479, metal coating and allied services;
- (26) 3482, small arms ammunition;
- (27) 3483, ammunition, except small arms, not elsewhere classified;
- (28) 3484, small arms;
- (29) 3489, ordnance and accessories, not elsewhere classified;
- (30) 3491, industrial valves;
- (31) 3492, fluid power valves and hose fittings;
- (32) 3493, steel springs, except wire;
- (33) 3494, valves and pipe fittings, not elsewhere classified;
- (34) 3495, wire springs;
- (35) 3496, miscellaneous fabricated wire products;
- (36) 3497, metal foil and leaf;
- (37) 3498, fabricated pipe and fittings; and
- (38) 3499, fabricated metal products, not elsewhere classified.

V. Industrial machinery and equipment:

- (1) 3523, farm machinery and equipment;
- (2) 3524, lawn and garden equipment;
- (3) 3531, construction machinery;
- (4) 3532, mining machinery;

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## Proposed Rules

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- (5) 3533, oil and gas field machinery;
- (6) 3534, elevators and moving stairways;
- (7) 3535, conveyors and conveying equipment;
- (8) 3536, hoists, cranes, and monorails;
- (9) 3537, industrial trucks and tractors;
- (10) 3542, machine tools, metal forming types;
- (11) 3543, industrial patterns;
- (12) 3544, special dies, tools, jigs, and fixtures;
- (13) 3545, machine tool accessories;
- (14) 3547, rolling mill machinery;
- (15) 3548, welding apparatus;
- (16) 3549, metalworking machinery, not elsewhere classified;
- (17) 3561, pumps and pumping equipment;
- (18) 3562, ball and roller bearings;
- (19) 3563, air and gas compressors;
- (20) 3564, blowers and fans;
- (21) 3565, packaging machinery;
- (22) 3566, speed changers, drives, and gears;
- (23) 3567, industrial furnaces and ovens;
- (24) 3568, power transmission equipment, not elsewhere classified;
- (25) 3569, general industrial machinery, not elsewhere classified;
- (26) 3581, automatic vending machines;
- (27) 3582, commercial laundry equipment;
- (28) 3585, refrigeration and heating equipment;
- (29) 3586, measuring and dispensing pumps;
- (30) 3589, service industry machinery, not elsewhere classified;
- (31) 3592, carburetors, pistons, rings, and valves;
- (32) 3593, fluid power cylinders and actuators;
- (33) 3594, fluid power pumps and motors
- (34) 3596, scales and balances, except laboratory; and
- (35) 3599, industrial machinery, not elsewhere classified.

### W. Electronic and other electric equipment:

- (1) 3671, electron tubes;
- (2) 3672, printed circuit boards;
- (3) 3674, semiconductors and related devices;
- (4) 3675, electronic capacitors;
- (5) 3676, electronic resistors;
- (6) 3677, electronic coils and transformers; and
- (7) 3678, electronic connectors.

### X. Transportation equipment:

- (1) 3711, motor vehicles and car bodies;
- (2) 3713, truck and bus bodies;

- (3) 3714, motor vehicle parts and accessories;
- (4) 3715, truck trailers;
- (5) 3716, motor homes;
- (6) 3721, aircraft;
- (7) 3724, aircraft engines and engine parts;
- (8) 3728, aircraft parts and equipment, not elsewhere classified;
- (9) 3731, ship building and repairing;
- (10) 3732, boat building and repairing;
- (11) 3743, railroad equipment;
- (12) 3751, motorcycles, bicycles, and parts;
- (13) 3761, guided missiles and space vehicles;
- (14) 3764, space propulsion units and parts;
- (15) 3769, space vehicle equipment, not elsewhere classified;
- (16) 3792, travel trailers and campers;
- (17) 3795, tanks and tank components; and
- (18) 3799, transportation equipment, not elsewhere classified.

**Y. Instruments and related products:**

- (1) 3841, surgical and medical instruments;
- (2) 3842, surgical appliances and supplies;
- (3) 3843, dental equipment and supplies;
- (4) 3844, X-ray apparatus and tubes; and
- (5) 3845, electromedical equipment.

**Z. Miscellaneous manufacturing industries:**

- (1) 3911, jewelry, precious metal;
- (2) 3914, silverware and plated ware;
- (3) 3915, jewelers' materials and lapidary work;
- (4) 3931, musical instruments;
- (5) 3942, dolls and stuffed toys;
- (6) 3944, games, toys, and children's vehicles;
- (7) 3949, sporting and athletic goods, not elsewhere classified;
- (8) 3951, pens and mechanical pencils;
- (9) 3952, lead pencils and art goods;
- (10) 3953, marking devices;
- (11) 3955, carbon paper and inked ribbons;
- (12) 3961, costume jewelry;
- (13) 3965, fasteners, buttons, needles, and pins;
- (14) 3991, brooms and brushes;
- (15) 3993, signs and advertising specialties;

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## Proposed Rules

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- (16) 3995, burial caskets;
- (17) 3996, hard surface floor coverings, not elsewhere classified; and
- (18) 3999, manufacturing industries, not elsewhere classified.

### AA. Railroad transportation:

- (1) 4011, railroads, line-haul operating; and
- (2) 4013, switching and terminal services.

### BB. Local and interurban passenger transit:

- (1) 4111, local and suburban transit;
- (2) 4119, local passenger transportation, not elsewhere classified;
- (3) 4121, taxicabs;
- (4) 4131, intercity and rural bus transportation;
- (5) 4141, local bus charter services;
- (6) 4142, bus charter service, except local; and
- (7) 4173, bus terminal and service facilities.

### CC. Trucking and warehousing:

- (1) 4212, local trucking without storage;
- (2) 4213, trucking, except local;
- (3) 4214, local trucking with storage;
- (4) 4215, courier services, except by air;
- (5) 4221, farm product warehousing and storage;
- (6) 4222, refrigerated warehousing and storage;
- (7) 4225, general warehousing and storage;
- (8) 4226, special warehousing and storage, not elsewhere classified; and
- (9) 4231, trucking terminal facilities.

### DD. Water transportation:

- (1) 4449, water transportation of freight, not elsewhere classified;
- (2) 4482, ferries;
- (3) 4489, water passenger transportation, not elsewhere classified;
- (4) 4491, marine cargo handling;
- (5) 4492, towing and tugboat service;
- (6) 4493, marinas; and
- (7) 4499, water transportation services, not elsewhere classified.

### EE. Transportation by air:

- (1) 4512, air transportation, scheduled;
- (2) 4513, air courier services; and
- (3) 4522, air transportation, nonscheduled.

### FF. Transportation services:

- (1) 4724, travel agencies;
- (2) 4725, tour operators;
- (3) 4729, passenger transport arrangement, not elsewhere classified;
- (4) 4731, freight transportation arrangement;
- (5) 4741, rental of railroad cars;

- (6) 4783, packing and crating;
- (7) 4785, inspection and fixed facilities; and
- (8) 4789, transportation services, not elsewhere classified.

GG. Electric, gas, and sanitary services:

- (1) 4911, electric services;
- (2) 4922, natural gas transmission;
- (3) 4923, gas transmission and distribution;
- (4) 4924, natural gas distribution;
- (5) 4925, gas production and/or distribution;
- (6) 4931, electric and other services combined;
- (7) 4932, gas and other services combined;
- (8) 4939, combination utilities, not elsewhere classified;
- (9) 4941, water supply;
- (10) 4952, sewerage systems;
- (11) 4953, refuse systems;
- (12) 4959, sanitary services, not elsewhere classified;
- (13) 4961, steam and air-conditioning supply; and
- (14) 4971, irrigation systems.

HH. Wholesale trade, durable goods:

- (1) 5012, automobiles and other motor vehicles;
- (2) 5013, motor vehicle supplies and new parts;
- (3) 5014, tires and tubes;
- (4) 5015, motor vehicle parts, used;
- (5) 5031, lumber, plywood, and millwork;
- (6) 5032, brick, stone, and related materials;
- (7) 5033, roofing, siding, and insulation; and
- (8) 5039, construction materials, not elsewhere classified.

II. Wholesale trade, nondurable goods:

- (1) 5111, printing and writing paper;
- (2) 5112, stationery and office supplies;
- (3) 5113, industrial and personal service paper;
- (4) 5122, drugs, proprietaries, and sundries;
- (5) 5131, piece goods and notions;
- (6) 5136, men's and boys' clothing;
- (7) 5137, women's and children's clothing;
- (8) 5139, footwear;
- (9) 5141, groceries, general line;
- (10) 5142, packaged frozen foods;

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## Proposed Rules

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- (11) 5143, dairy products, except dried or canned;
- (12) 5144, poultry and poultry products;
- (13) 5145, confectionery;
- (14) 5146, fish and seafoods;
- (15) 5147, meats and meat products;
- (16) 5148, fresh fruits and vegetables;
- (17) 5149, groceries and related products, not elsewhere classified;
- (18) 5162, plastics materials and basic shapes;
- (19) 5169, chemicals and allied products, not elsewhere classified;
- (20) 5171, petroleum bulk stations and terminals;
- (21) 5172, petroleum products, not elsewhere classified;
- (22) 5181, beer and ale;
- (23) 5182, wine and distilled beverages;
- (24) 5191, farm supplies;
- (25) 5192, books, periodicals, and newspapers;
- (26) 5193, flowers and florists' supplies;
- (27) 5194, tobacco and tobacco products;
- (28) 5198, paints, varnishes, and supplies; and
- (29) 5199, nondurable goods, not elsewhere classified.

JJ. Building materials and garden supplies: 5211, lumber and other building materials.

KK. General merchandise stores:

- (1) 5311, department stores;
- (2) 5331, variety stores; and
- (3) 5399, miscellaneous general merchandise stores.

LL. Food stores:

- (1) 5411, grocery stores;
- (2) 5421, meat and fish markets;
- (3) 5431, fruit and vegetable markets;
- (4) 5441, candy, nut, and confectionery stores;
- (5) 5451, dairy products stores;
- (6) 5461, retail bakeries; and
- (7) 5499, miscellaneous food stores.

MM. Automotive dealers and service stations: 5511, new and used car dealers.

NN. Hotels and other lodging places:

- (1) 7011, hotels and motels;
- (2) 7021, rooming and boarding houses;
- (3) 7032, sporting and recreational camps;
- (4) 7033, trailer parks and campsites; and
- (5) 7041, membership-basis organization hotels.

OO. Business services:

- (1) 7342, disinfecting and pest control services; and
- (2) 7349, building maintenance services, not elsewhere classified.



**PP. Amusement and recreation services:**

- (1) 7911, dance studios, schools, and halls;
- (2) 7922, theatrical producers and services;
- (3) 7929, entertainers and entertainment groups;
- (4) 7933, bowling centers;
- (5) 7941, sports clubs, managers, and promoters;
- (6) 7948, racing, including track operation;
- (7) 7991, physical fitness facilities;
- (8) 7992, public golf courses;
- (9) 7993, coin-operated amusement devices;
- (10) 7996, amusement parks;
- (11) 7997, membership sports and recreation clubs; and
- (12) 7999, amusement and recreation, not elsewhere classified.

**QQ. Health services:**

- (1) 8051, skilled nursing care facilities;
- (2) 8052, intermediate care facilities;
- (3) 8059, nursing and personal care, not elsewhere classified;
- (4) 8062, general medical and surgical hospitals;
- (5) 8063, psychiatric hospitals; and
- (6) 8069, specialty hospitals, except psychiatric.

**RR. Executive, legislative, and general:**

- (1) 9111, executive offices;
- (2) 9121, legislative bodies;
- (3) 9131, executive and legislative combined; and
- (4) 9199, general government, not elsewhere classified.

**SS. Justice, public order, and safety:**

- (1) 9211, courts;
- (2) 9221, police protection;
- (3) 9222, legal counsel and prosecution;
- (4) 9223, correctional institutions;
- (5) 9224, fire protection; and
- (6) 9229, public order and safety, not elsewhere classified.

**TT. Administration of economic programs:**

- (1) 9611, administration of general economic programs;
- (2) 9621, regulation, administration of transportation;
- (3) 9631, regulation, administration of utilities;
- (4) 9641, regulation of agricultural marketing;
- (5) 9651, regulation of miscellaneous commercial sectors; and
- (6) 9661, space research and technology.

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## Proposed Rules

# Department of Labor and Industry

## Proposed Permanent Rules Relating to Power Piping Systems

### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry intends to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for amending rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to amend the rule is *Minnesota Statutes* § 326.47, Subd. 6, and 16A.128 in conjunction with 326.461, Subd. 2.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendment. Public comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendment within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

B. James Berg, Director  
Code Enforcement Division  
Department of Labor and Industry  
443 Lafayette Road 4th Floor  
St. Paul, MN 55155-4304  
Telephone No.: 617-297-1727

The proposed rule amendment may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Department of Labor and Industry upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to B. James Berg, Director, Code Enforcement Division, Department of Labor and Industry, 443 Lafayette Road 4th Floor, St. Paul, Minnesota, 55155-4304.

Dated: 3 August 1990

Kenneth B. Peterson  
Commissioner

### Rules as Proposed

#### 5230.0100 FEES.

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

Subp. 4. **Permit to construct or install power piping, anhydrous ammonia, or ammonia refrigeration systems.** A person, firm, or corporation that constructs or installs power piping, anhydrous ammonia, or ammonia refrigeration systems must file an application for a permit with the Department of Labor and Industry, or with a municipality that is authorized by law to issue that type of permit, before beginning construction or installation. The department's fees for a permit to construct or install power piping, anhydrous ammonia, or ammonia refrigeration systems are:

A. filing fee (application for permit), \$25 ~~\$50~~; and

B. inspection fee, ~~0.010~~ 0.020 of the first \$1,000,000, plus ~~0.0075~~ 0.010 of the next \$2,000,000, plus ~~0.0005 of the next \$47,000,000, plus 0.00025~~ of the amount over ~~\$50,000,000~~ \$3,000,000 of the cost of constructing or installing the power piping, anhydrous ammonia, or ammonia refrigeration systems as defined under part 5230.0260 and *Minnesota Statutes*, section 326.461, subdivision 2.

## Bureau of Mediation Services

### Proposed Permanent Rules Relating to the Labor-Management Committee Grant Program

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State Bureau of Mediation Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 179.82, subdivision 2.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Paul W. Goldberg, Commissioner  
Bureau of Mediation Services  
1380 Energy Lane, Suite Two  
St. Paul, MN 55108  
(612) 649-5421

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

You are hereby advised pursuant to *Minnesota Statutes*, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

Dated: 20 August 1990

Paul W. Goldberg  
Commissioner

#### Rules as Proposed

**REPEALER.** *Minnesota Rules*, parts 5520.0120, subpart 8; 5520.0250, subpart 3; 5520.0400; and 5520.0500, subpart 7, are repealed.

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## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Health

### Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 14, Number 47, pages 2688-2691, May 21, 1990 (14 S.R. 2688) are adopted as proposed.

## Department of Human Services

### Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 14, Number 47, pages 2682-2688, May 21, 1990 (14 S.R. 2682) are adopted as proposed.

## Withdrawn Rules

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## Bureau of Mediation Services

### In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Relating to Public Employee Labor Relations

#### Notice of Order Withdrawing Rule

**NOTICE IS HEREBY GIVEN** that the Minnesota Bureau of Mediation Services has issued an Order Withdrawing the Proposed Rules Relating to Public Employee Labor Relations, *Minnesota Rules* 5510.0510, subpart 1. Those rules appeared at 14 S.R. 2081, Monday 26 February 1990. *Minnesota Rules* 5510.1410, 5510.1510, 5510.1910 and 5510.2810 are not being withdrawn.

Persons having questions about this matter may contact Carol Clifford at the Minnesota Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108, telephone (612) 649-5423.

Dated: 20 August 1990

# Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Board of Animal Health

### Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Friday, September 21, 1990 at the Edgewood Bluff Restaurant and Motel in Lake Benton, Minnesota. The meeting is to start at 9:30 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Dated: 13 August 1990

Eugene H. Kirchoff  
Accounting Supervisor

## Minnesota Department of Health

### Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Adoption of the Rules of the Minnesota Department of Health Governing Limited Dewatering and Sealing Licensing and Registration; Construction Permits, *Minnesota Rules*, Parts 4725.0400, 4725.0500 and 4725.1825

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the Department in preparing to propose the adoption of rules governing limited dewatering and sealing licensing and registration; construction permits, *Minnesota Rules*, parts 4725.0400, 4725.0500 and 4725.1825. The adoption of the rule is authorized by *Minnesota Statutes*, section 1031.101, subdivision 5 as amended by *Laws of Minnesota 1990*, chapter 597, section 22 and *Minnesota Statutes*, section 1031.101, subdivision 2 as amended by *Laws of Minnesota 1990*, chapter 597, section 21, which permits the Department to adopt standards governing the licensing and registration of persons installing well pumps and pumping equipment; the qualifications and experience of persons applying for a limited well contractor license to seal wells; the qualifications and experience of persons applying for a limited well contractor license to construct, repair or seal dewatering wells; and dewatering well construction permits.

The Minnesota Department of Health requests information and opinions concerning the subject matter of the rule. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Ronald Thompson  
Minnesota Department of Health  
Division of Environmental Health  
925 Southeast Delaware Street  
Minneapolis, Minnesota 55459

Oral statements will be received during regular business hours over the telephone at (612) 627-5151 by Ronald Thompson and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Department of Health becomes part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 13 August 1990

Raymond W. Thron, Ph.D., P.E.  
Division Director

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## Department of Human Services

### Health Care Management Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to *Minnesota Rules* Governing Eligibility and Standards Related to Early and Periodic Screening, Diagnosis, and Treatment

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of amendments to the rules governing eligibility to receive and to provide early and periodic screening, diagnosis, and treatment under the medical assistance program. The adoption of the rule amendments is authorized by *Minnesota Statutes*, section 256B.04, subdivision 2 which requires the agency to adopt rules concerning the medical assistance program. The proposed amendments revise: 1. parts 9505.1693 to 9505.1748 for the purposes of ensuring consistency with revisions of applicable federal regulations and of removing restrictions on administrative contracts for outreach services; 2. part 9505.0445, item M related to payment rates for EPSDT services.

The State Department of Human Services requests information and opinions concerning the subject matter of the amendments to the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statement should be addressed to:

Eleanor Weber  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 13 August 1990

Eleanor Weber, Rulemaker  
Rules and Bulletins Division

## Department of Human Services

### Long Term Care Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to *Minnesota Rules* Governing the Determination of Payment Rates for Intermediate Care Facilities for Persons with Mental Retardation

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of amendments to the rule governing the determination of payment rates for intermediate care facilities for persons with mental retardation, *Minnesota Rules*, parts 9553.0010 to 9553.0080. The adoption of the rule is authorized by *Minnesota Statutes*, section 256B.501, which requires the agency to establish procedures to determine rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions.

The proposed amendments establish a new payment system which targets resources to clients based on their need for services. The rule amendments will include provisions for client assessments, client reimbursement classification and classification weights, determination of the service unit rate, determination of the program payment rate, reconsideration of client reimbursement classification, initial adjustment of program operating cost payment rates, resident access to assessments and documentation, and payment rates for new facilities. The amendments may also include other statutory changes.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Anu Seam  
Rules Division  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

Oral statements will be received during regular business hours over the telephone at (612) 297-1217 by Anu Seam and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

## Department of Human Services

### Developmental Disabilities Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Funding and Administration of Home and Community-Based Services, *Minnesota Rules*, Parts 9525.1800 to 9525.1930

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of *Minnesota Rules*, Parts 9525.1800 to 9525.1930, governing the funding and administration of home and community-based services. The proposed amendments include revisions in *Minnesota Rules*, parts 9525.1800 to 9525.1930, that are necessary to conform to federal regulations and other Minnesota rules and to modify other administrative standards and procedures which are in the current rule. The rule is authorized by *Minnesota Statutes*, section 256B.092, which governs the funding and administration of home and community-based services.

The State Department of Human Services requests information and opinions regarding the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Laura Plummer, Rules and Bulletins Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone at 612/297-4997 and in person at above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 13 August 1990

Laura Plummer  
Rules and Bulletins Division  
Department of Human Services

## Metropolitan Council

### Notice of Public Meeting of the Metropolitan Council's Metropolitan Agencies Appointments Committee

The Metropolitan Council's Metropolitan Agencies Appointments Committee will be conducting a public meeting on Sept. 20 to hear statements from candidates and on behalf of candidates for District G on the Metropolitan Parks and Open Space Commission. District G includes Carver and Scott Counties, western Hennepin County and the cities of Burnsville and Lakeville in Dakota County. The public is invited to attend and participate in making recommendations on this appointment. Following the meeting, the committee will submit its recommendation to the Council and the Council will appoint the agency member. More information on this appointment process and the meeting may be obtained from Rosemarie Coleman of the Council staff at 291-6630. The meeting will be at 7:30 p.m., in the Council Chambers of the Chaska City Hall, 1 City Plaza, Chaska.

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is September 11, 1990.

#### **Minnesota Natural Wild Rice Promotion Advisory Council**

MN Dept. of Trade and Economic Development, 900 American Ctr. Bldg., 150 E. Kellogg, St. Paul, MN 55101 (612) 296-3871  
*Minnesota Statutes* 116J.645 (1990)

**APPOINTING AUTHORITY:** Commissioner of Trade and Economic Development. **COMPENSATION:** None.

**VACANCY:** Fifteen members: please see the description below of this new advisory council.

The council is established for the promotion and marketing of hand-harvested natural lake or river wild rice. The council will address topics of trademarking, labeling, packaging, consumer awareness and marketing techniques. The council consists of fifteen members, which by statute must include representatives of natural wild rice hand harvesters, natural wild rice processors and natural wild rice dealers who are enrolled members of American Indian tribes as defined in *Minnesota Statutes* 254B.01, subd. 2, who are Minnesota residents. Applicants who are representatives of the above groups should indicate which group they represent in their application. Appointments to the council will be made by the commissioner of the Department of Trade and Economic Development with recommendations from American Indian tribes as defined in *Minnesota Statutes* 254B.01, subd. 2. Applicants seeking a tribal recommendation of their individual application should directly contact the appropriate tribe. Quarterly meetings, or at the call of the chair, 4-6 hours per meeting. Meeting location to be determined.

#### **Minnesota Small Business Development Center Advisory Board**

MN Dept. of Trade and Economic Development, 900 American Center, St. Paul, MN 55101 (612) 297-5770  
*Minnesota Statutes* 116J.68 (n), *Laws of 1989*

**APPOINTING AUTHORITY:** Commissioner of Trade and Economic Development. **COMPENSATION:** None.

**VACANCY:** Eleven members: please see the description below of this new advisory board.

The advisory board is to advise, counsel and confer with the director of the Small Business Development Center Network on all policy matters pertaining to the operation of the network, to include advice and counsel on needs assessments, program offerings, and program evaluations. The advisory board also is to advise and assist in leveraging of local financial and other resources to support the statewide Small Business Development Center network and regional SBDC centers. The advisory board consists of eleven members, composed primarily of small business owners and representatives of small business associations; including one member from each of the eight regions served by the outstate regional centers and two representatives from the metro areas and one at-large member. Meetings will occur in March and July, 4 hours per meeting; meeting location to be rotated among SBDC regional center locations.

#### **Metropolitan Parks and Open Space Commission**

Mears Park Centre, 230 E. 5th St., St. Paul 55101 (612) 291-6333  
*Minnesota Statutes* 473.303

**APPOINTING AUTHORITY:** Metropolitan Council. **COMPENSATION:** \$50 per diem.

**VACANCY:** One public member from District G (Burnsville, Lakeville in Dakota county, western Hennepin, Scott and Carver counties).

The commission assists the metropolitan council in planning the regional recreation open space system, advises the council on grants for the acquisition and development of facilities, and reviews the master plan for facilities. The commission consists of nine members including eight selected from districts of equal population and a chair representing the region at large. Members may not be members of any other metropolitan agency, board or commission, or hold judicial office. Members must reside in the district to which appointed, except chair. Meetings twice monthly. Members must file with the Ethical Practices Board.

#### **Minnesota Indian Scholarship Committee**

727 Capitol Square Bldg., St. Paul 55101 (612) 296-6458  
*Minnesota Statutes* 124.48

**APPOINTING AUTHORITY:** Board of Education. **COMPENSATION:** Reimbursed for expenses.

**VACANCY:** Two members: committee members are to be representative of the population of American Indians in the State of Minnesota.



The committee advises the board of education on amounts and types of scholarships granted to American Indian post-secondary students, and in the state board's duties administering the Indian post-secondary programs; making recommendations on approval and funding of PSPP programs and the Indian Teacher Training program to Minnesota schools. Members include representatives of the Duluth, Mpls, and the Bemidji area, the Bureau of Indian Affairs higher education office, the Minnesota Chippewa and Sioux tribes, and the Red Lake education division.

**American Indian Advisory Council on Chemical Dependency**

444 Lafayette Rd., St. Paul 55155-3823 (612) 296-8941

*Minnesota Statutes 254A.035*

**APPOINTING AUTHORITY:** Commissioner of Human Services. **COMPENSATION:** Per diem plus expenses.

**VACANCY:** Two members: one to be an American Indian resident of the White Earth Reservation, one to be an American Indian resident of the Bois Forte Reservation; to represent the interests of the White Earth and Bois Forte Reservations to the American Indian Advisory Council.

The council establishes policies and procedures for American Indian chemical dependency programs, and reviews and recommends proposals for funding. Members include one member from each of eleven reservations, two members from Mpls, two members from St. Paul, one member from Duluth, and one member from International Falls. Quarterly meetings.

**Pipeline Safety Advisory Council**

Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155 (612) 296-6642

*Minnesota Statutes 299J.06*

**APPOINTING AUTHORITY:** Commissioner of Public Safety. **COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One member, representative of state or local government.

The council advises the commissioner, director and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety and operation. The council consists of nine members including one member from the hazardous liquid pipeline industry, one member from the gas pipeline industry, one member from personnel who design or construct pipelines, three members who are state or local government employees, and three members who are state residents unaffiliated with state or local government or the pipeline or utility industries.

**Minnesota-Wisconsin Boundary Area Commission**

619 2nd St., Hudson, WI 54016 (612) 436-7131

*Minnesota Statutes 1.31*

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** Reimbursed for expenses.

**VACANCY:** One member: must possess knowledge and understanding of public policy and environmental management issues on the Mississippi and St. Croix Rivers; preference for Mississippi-oriented member at this time. Must be able to attend monthly meetings and special events.

The commission studies, makes recommendations, and coordinates intergovernmental activities on the use, development and protection of the St. Croix and Mississippi rivers that form the interstate border of Minnesota and Wisconsin. Members include five commissioners from each state, each Minnesota member has a four year term. Terms are staggered. Bi-monthly meetings.

## **Board of Teaching**

### **Notice of Intent to Solicit Outside Opinion Concerning the Proposed Amendments to Rules Governing Secondary Vocational Licensure and Examinations for Teacher Licenses**

**NOTICE IS HEREBY GIVEN** that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the adoption of amendments to teacher licensure rules governing secondary vocational education and examinations for teacher licenses. Any interested person may submit data or views on these subjects in writing or orally to:

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
608 Capitol Square  
550 Cedar Street  
St. Paul, MN 55101  
612/296-2415

Any written materials received by the Board shall become part of the hearing record in the event that the amendments to the rules governing these subjects are promulgated.

## Minnesota Board of Water and Soil Resources

### Notice of Hearing on Proposed Snake River Watershed District

NOTICE IS HEREBY GIVEN that a public hearing on a petition to establish a Snake River Watershed District will be held on Saturday, September 8, 1990 beginning at 9:30 a.m. in the Auditorium of Mora High School, 400 East Maple, Mora, Minnesota 55051.

For additional information, please call (612) 297-2622.

## State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

## Materials Management Division—Department of Administration

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** Weight training equipment  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** August 24  
**Agency:** Community College  
**Deliver to:** Thief River Falls  
**Requisition #:** 02310-18181

**Commodity:** D.G. Tape Drive  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 22  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074-13579

**Commodity:** Copy machines—rebid  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** August 24  
**Agency:** Community College  
**Deliver to:** Willmar  
**Requisition #:** 27145-07689

**Commodity:** Ethernet Fiber Optic Repeater Hub  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 22  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071-38498

**Commodity:** SVT 1120 Scope  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 22  
**Agency:** State University Board  
**Deliver to:** St. Paul  
**Requisition #:** 26137-05777

**Commodity:** Refurbished chemistry analyzer  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 4:30pm:** August 24  
**Agency:** DHS Regional Treatment Center  
**Deliver to:** Faribault  
**Requisition #:** 55303-15272

**Commodity:** Hard disk for Macintosh  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 22  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070-14248

**Commodity:** IBM PS/2 Model 30's—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** August 24  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071-42385

**Commodity:** Whirlpool, tables  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 4:30pm:** August 24  
**Agency:** DHS Regional Treatment Center  
**Deliver to:** Faribault  
**Requisition #:** 55303-15274

**Commodity:** Student microscopes  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 4:30pm:** August 24  
**Agency:** Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** 27153-21291

**Commodity:** Recycling containers & equipment  
**Contact:** Norma Cameron 296-3779  
**Bid due date at 2pm:** August 27  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Folding tables  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 27  
**Agency:** Camp Ripley State Property Office  
**Deliver to:** Little Falls  
**Requisition #:** 01000-06398

**Commodity:** Precision approaches for Mn airports  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** August 28  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79000-95179-1

**Commodity:** Theatrical dimming system  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 2pm:** August 28  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074-13564

**Commodity:** 14-passenger electric people mover  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 29  
**Agency:** Iron Range Resources & Rehabilitation Board  
**Deliver to:** Chisholm  
**Requisition #:** 43000-13859

**Commodity:** Roadway station  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** August 28  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79000-11158

**Commodity:** Radiographic equipment  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** August 28  
**Agency:** Human Services Regional Treatment Center  
**Deliver to:** Faribault  
**Requisition #:** 55303-15270

**Commodity:** Medical room supplies  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** August 28  
**Agency:** Human Services Regional Treatment Center  
**Deliver to:** Faribault  
**Requisition #:** 55303-15268

**Commodity:** Used truck/tractor  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** August 28  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79382-02109

**Commodity:** Digital auto level  
**Contact:** John Bauer 296-2621  
**Bid due date at 4:30pm:** August 24  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000-11731

## For Real Estate Professionals:

### REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

### REAL ESTATE LAWS 1988

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$7.00

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## State Contracts and Advertised Bids

### Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

**Commodity:** Client Handbook, 150M 40-page books + cover, 16¼"x8½" folded in thirds, camera ready, 2-sided, saddle stitch

**Contact:** Printing Buyer's Office

**Bids are due:** August 28

**Agency:** Human Services Department

**Deliver to:** St. Paul

**Requisition #:** 9741

**Commodity:** Today Magazine, 50M per issue, four issues (1 32-page issue, 3 20-page issues) 11½"x16" folded to 11½"x8", 60+ halftones per issue, camera ready, color seps.

**Contact:** Printing Buyer's Office

**Bids are due:** August 15

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 10188

**Commodity:** DHS News, 8.5M newspapers, 12-pages, 11"x8½" finished size after folding, halftones, 1- and 2-color, camera ready, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** August 28

**Agency:** Human Services Department

**Deliver to:** St. Paul

**Requisition #:** 10468



### Morel: Minnesota's mushroom

**The Mushroom Hunter's Field Guide.** An all-color guide by Alexander Smith and Nancy Smith Weber with clear and orderly facts, explicit pictures and scientific accuracy. Stock # 9-10, \$14.95 + tax.

**Edible Mushrooms,** a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

**Malfred Ferndock's Morel Cookbook,** brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

**Northland Wildflowers,** the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$14.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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### Murder: Minnesota style

**Murder in Minnesota:** A treasury of vintage crimes in which famous and obscure characters come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

**Robber and Hero:** On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

**Secrets of the Congdon Mansion:** The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$5.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

## Department of Administration

### Notice of Extension of Deadline for Request for Proposal on Provision of Cost-Effective Travel Services to All State Departments and Agencies

The deadline for travel services request for proposal, announced Monday, July 16, 1990, has been extended until 4:00 p.m., August 31, 1990.

## Department of Health

### Request for Proposals to Provide Monitoring Services for Nursing Homes

The Minnesota Department of Health is seeking proposals from qualified registered nurses with managerial experience and licensed nursing home administrators to provide services as monitors of nursing homes operated by Beverly Enterprises.

#### A. Background

Under the provisions contained in a Stipulation and Consent Order dated July 24, 1990 between the Minnesota Department of Health and Beverly Enterprises, the Commissioner of Health is required to contract with one or more individuals or organizations to serve as monitors in 14 nursing homes operated by Beverly Enterprises. The monitor for four facilities is required to be a registered nurse having practical experience in long term care and employment experience as a Director of Nursing or other managerial level nursing experience. This individual must be knowledgeable of the federal and state laws and regulations governing long term care. The monitor for ten facilities is required to be a Minnesota licensed nursing home administrator. The facilities that are subject to the monitoring requirements by a registered nurse are: Innsbruck Healthcare Center, New Brighton; Metro Care Center, Minneapolis, Bloomington Nursing Home; and Lynnhurst Healthcare Center, St. Paul. The facilities that are subject to the monitoring requirements by a licensed nursing home administrator are: Chateau Health Care Center and Angelus Convalescent Center in Minneapolis; St. Louis Park Plaza Health Care Center, Long Lake Nursing Home, Lake Ridge Health Care Center, Roseville; Excelsior Nursing Home, Faribault Manor, Owatonna Health Care Center, Lynwood Healthcare Center, Fridley; and Golden Crest Nursing Home, Hibbing.

The requirements for the placement of a monitor would be reduced or eliminated in the event of a sale by Beverly Enterprises of any or all of these facilities. The terms specified in the Stipulation and Consent Order shall remain effective until July 1992; however, under the provisions of state law, Beverly Enterprises can petition the Commissioner for the modification of these terms. Any modification eliminating the need for monitoring services could result in the termination of the Department's contract with the monitor.

#### B. Project Tasks

The registered nurse monitor will be assigned to Innsbruck Healthcare Center for up to 20 hours per week. The registered nurse monitor assigned to Metro Care Center, Bloomington Nursing Home and Lynnhurst Healthcare Center must devote up to 20 hours per week for monitoring each facility. The licensed nursing home administrator monitor will be a maximum of 40 hours per week.

The duties of the monitor will include on-site reviews of the operations and activities in the specified nursing homes, approving mandated inservice programs, reporting and making recommendations to the Department of Health, and meeting and conferring with the facility's administration to discuss findings and observations. In addition, the administrator monitor will supervise the operation of a telephone hotline.

#### C. Proposal Requirements

Any party that would like to be considered as eligible must submit a written proposal which includes at a minimum the following information:

1. Name and address
2. Description of nursing home management experience within the last two years if applying for the administrator monitor position. Registered nurses must indicate experience in long term care and experience as a Director of Nursing or other managerial level nursing experience.
3. Qualifications of the person to serve as monitor, including the verification of any licenses required to be issued by the State of Minnesota.

## Professional, Technical & Consulting Contracts

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4. Information demonstrating that provision of monitoring services would not impede or interfere with the operation or management of any nursing homes currently operated or managed by the contractor.

5. A listing of the facilities in which monitoring services can be provided and the number of hours available.

6. Proposed fee. The Stipulation and Consent Order specifies that the salary of the registered nurse monitor shall not exceed \$60,000 on an annualized basis. The fee for the nursing home administrator is negotiable up to an annualized salary of \$80,000 on an annualized basis.

The proposal must be submitted to:

Linda Sutherland, Director  
Division of Health Resources  
Central Medical Building  
393 North Dunlap Street  
P.O. Box 64900  
St. Paul, Minnesota 55164-0900

### D. Contact Person

Additional information concerning the contracting process can be obtained by calling Linda Sutherland at 612-643-2171.

### E. Submission of Proposals

**All Materials Must Be Received By the Department of Health at the Address Listed Above, By 4 p.m. on August 30, 1990, or Postmarked No Later than August 27, 1990.**

## Minnesota Department of Health

### Maternal and Child Health Division Services for Children with Handicaps Section

### Notice of Request for Proposals for Technical Services Contract to Provide Continuing Education Programs in Health Care Management of Children and Youth with Diabetes

Services for Children with Handicaps (SCH) aims to improve the health of Minnesota children and youth with diabetes by assuring the availability of contemporary diabetes health care throughout the state. Such health care includes both medical and educational components. Requests for proposals are solicited for the purpose of providing continuing education programs in health care management of children and youth with diabetes from organizations which engage in the provision of both health care and education related to the clinical management of diabetes in children. Such continuing education programs are to be held in seven designated regions of the state for physicians and other health professionals as well as families of children with diabetes.

The contractor's duties shall include:

- establishing objectives for a continuing education program focused on complications related to diabetes in children and youth;
- assembling a team to include a nurse practitioner, nutritionist, psychologist and an endocrinologist skilled in the clinical management of juvenile diabetes mellitus for all sites and a pediatric nephrologist for selected sites to be negotiated with the contractor;
- developing a continuing education program for health professionals and families around issues of complications associated with diabetes in children;
- scheduling the program in seven designated areas of the state, and arranging for the assembled team to provide such programs;
- publicizing availability of the seven programs;
- providing the continuing education program in the seven sites;
- conducting evaluations of the program in each of the seven sites; and,
- preparing a summary report documenting the following:
  - conduct of the program by designated team members;
  - extent to which program objectives were met;
  - number of participants at each program by professional discipline or family member status;
  - participant evaluations of the program; and,

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## Professional, Technical & Consulting Contracts

- identification of future needs for continuing education programs for professionals and families involved in the care and management of children and youth with diabetes.

The continuing education program to be developed and conducted shall be directed at achieving the following objectives:

1. Participants will have state-of-the-art knowledge on dietary risk factors for complications related to diabetes in children;
2. Participants will be able to discuss the psychosocial impact of complications related to diabetes in children;
3. Participants will be able to identify and describe early intervention measures for complications related to diabetes in children;
4. Participants will fully understand the importance of accuracy and quality control in blood glucose monitoring and will be made aware of new and emerging technology relevant to blood glucose monitoring;
5. Participants will have the opportunity to explore and discuss realistic management plans when faced with a child with diabetes-related complications; and,
6. Participants will be provided an update on resources available to assist in the health care and management of children and youth with diabetes.

The total obligation of the state for all compensation and reimbursements to contractor shall not exceed from twenty two thousand one hundred dollars [\$22,100.00], (pediatric nephrologist at one site only) to twenty five thousand seven hundred dollars [\$25,700.00], (pediatric nephrologist at all seven sites).

Proposals should describe how the above activities will be carried-out and accomplished; include a budget and time-frame for achieving the objectives of the contract; and, describe the applicant's capacity to meet the provisions of the contract.

Please submit proposals to Donna J. Petersen, MHS, ScD, Section Chief, Services for Children with Handicaps, 717 Delaware Street, SE, PO Box 9441, Minneapolis, Minnesota 55440, by September 15, 1990. The contract period shall be from October 1, 1990 through June 30, 1991.

## Minnesota State Planning Agency

### Request for Proposal for Director of Environmental Compact of the States (ECOS) Project: Extension of Date to Respond

The July 30, 1990 issue of the *State Register*, page 323 contained a request for proposal for Director of Environmental Compact of the States (ECOS) Project. The request for proposal stated that proposals "must be received at the State Planning Agency offices prior to 4:30 p.m. on August 20, 1990." The State Planning Agency has determined that additional opportunity to respond to the request for proposal should be provided. Potential responders are notified that the State Planning Agency will receive proposals at the Agency's offices until 4:30 p.m. on Friday, September 21, 1990 for Director of the Environmental Compact of the States (ECOS) Project.

Jack Ditmore, Deputy Commissioner  
Minnesota State Planning Agency

## Minnesota Department of Transportation

### Request for Proposals for Airport Feasibility Studies to Be Prepared By an Architectural Consultant

The Minnesota Department of Transportation, Office of Aeronautics is seeking an architectural consultant to prepare feasibility studies for a project at St. Paul Downtown Airport (Holman Field). The project includes any or all of the following alternatives;

- An aircraft hangar with office space for approximately 15 employees and an aircraft fueling facility.
- An aircraft hangar with a fueling facility, an office complex to accommodate 75 employees, space for an electronics shop and garage facilities to store vehicles.
- A future aviation museum for the display of vintage aircraft and aviation memorabilia which could be constructed adjacent to the hangar and/or office complex.

The feasibility studies shall include conceptual plans showing the layout of the facility, parking areas consistent with the use of the facility, recommendations on materials and type of construction, and cost estimates.

It is anticipated that all work will be completed within 60 days of start. It is also anticipated that fees for the consulting services will not exceed \$35,000.

## Professional, Technical & Consulting Contracts

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The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" X 11" sheets, soft bound.
- 3) The cover sheet of the proposal must clearly identify the study together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) **Mandatory Proposal contents in sequence:**
  - a) Identity of firm and an indication of its legal status (i.e. corporation, partnership, etc.). If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
  - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named in 4b above along with adequate staff to meet the requirements of work.
  - d) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.
- 5) The proposal shall consist of no more than ten (10) double-sided pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

Questions concerning this request may be referred to Duane A. Haukebo, at (612) 296-8060.

Firms who wish to be considered for this project shall submit proposals on or before 4:30 p.m., September 11, 1990 to;

Raymond J. Rought  
Director, Office of Aeronautics  
Minnesota Department of Transportation  
417 Transportation Building  
St. Paul, Minnesota 55155

## Non-State Public Contracts

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *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 project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## Metropolitan Waste Control Commission

### Public Notice for Prequalification for Wastewater Treatment Plant Startup Training

**NOTICE IS HEREBY GIVEN** that the Metropolitan Waste Control Commission is soliciting prequalifications for wastewater treatment plant startup training services related to expansions at its Blue Lake, Empire, Seneca, and Stillwater Plants.

All firms interested in being considered for these projects are invited to submit a letter asking for the project request for qualification.

All inquiries and submittals are to be addressed to Ms. Sharon DeGideo, O&M Training and Development Manager, Metropolitan Waste Control Commission, Mears Park Centre, 230 East Fifth Street, Saint Paul, Minnesota 55101, (612) 229-2090.

By Order of the  
METROPOLITAN WASTE CONTROL COMMISSION  
Mr. Gordon O. Voss  
Chief Administrator



# Supreme Court Decisions, Opinions & Rules

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## Orders Filed 17 August 1990

C0-90-1568 In Re the Petition for Disciplinary Action against Robert J. Hampton, an Attorney at Law of the State of Minnesota.

Publicly reprimanded. Kelley, J.

## Announcements

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**Members Sought for Advisory Group on Emergency Medical Services:** The Minnesota Commissioner of Health is seeking members to serve on an Emergency Medical Services (EMS) Advisory Council. The seventeen member council advises and makes recommendations to the commissioner on EMS issues. The council will deal with issues related to the planning, organization, delivery and evaluation of emergency medical services in Minnesota, in an effort to ensure the high quality of services throughout the state. By law, members of the council must include representatives from each of Minnesota's eight regional EMS governing boards. The other nine members must include: an EMS physician, an emergency department nurse, an emergency medical technician (any level), a representative of an EMS training facility, a representative of a licensed ambulance service, a hospital administrator, a trained first responder, a representative of a community health services agency, and a representative of the public at large. Candidates are particularly needed for the public-at-large position. The council will meet four to six times a year, and some expenses will be reimbursed. Persons interested in serving on the council should write to the Emergency Medical Services Section, Minnesota Department of Health, Box 9441, Minneapolis 55440. You can also call the Department at 1-800-747-2011 in greater Minnesota, or 623-5482 in the Twin Cities.

**Task Force to Look at Skills Required for Emergency Dispatchers:** A newly created Dispatching Skills Task Force will be looking at Minnesota's emergency dispatching services over the next few months—with a special emphasis on the role of the dispatchers who answer 911 emergency calls. The task force was set up by the Minnesota Legislature, to determine the kind of skills and training that are needed by emergency dispatchers. The Task Force will also look at the potential costs associated with developing those skills, and the role of state and local government in maintaining appropriate skill levels for dispatchers. The 22 member task force held its first meeting on July 25 in St. Cloud. The task force will continue meeting through the rest of the year, and report its recommendations to the Legislature in January. By law, the task force must include representatives from a number of groups and organizations that deal with emergency response issues. The task force will be chaired by **State Senator Pat Piper**, Austin. Other members include: **State Representative Jeff Bertram**, Paynesville, **Jim Beutelspacher**, St. Paul, **Edward Clark**, Virginia, **Chief Ken Collins**, Maplewood, **John Delmonico**, St. Anthony, **Dr. Daniel Hankins**, St. Paul, **John Harbinson**, St. Paul, **Mary Jonas**, St. Cloud, **Roseann Kruchten**, Farmington, **Dick Martin**, St. Paul, **Greg McDonald**, Duluth, **Brian Murphy**, St. Cloud, **Marlowe Nelsen**, Westbrook, **Bill Nevin**, Shakopee, **George Nustad**, Melrose, **Jim Parker**, Minneapolis, **Nancy Pollock**, Duluth, **Captain Donald Vodegel**, Golden Valley, **Sandra Warnke**, Winona, **Eric Weller**, Mankato, and **Charles Winkelman**, St. Cloud.

**Applicants Sought for Minority Issues Advisory Committee:** The Metropolitan Council is taking applications from Twin Citizens interested in serving on its Minority Issues Advisory Committee. The 25-member committee identifies and studies major issues and trends affecting minority communities, and develops recommendations on how the Council can be more responsive to these communities. There are currently three vacancies on the committee. One candidate will be selected on an at-large basis. Two candidates must be residents of either St. Paul or the immediate suburbs of Minneapolis. American Indians, Asian-Pacific Islanders and Hispanics are encouraged to apply. Members volunteer their time and talent, but are reimbursed for miscellaneous expenses. Applications are due Sept. 7. For a form or more information, call Chris Yankovec of the Council staff at 291-6414.

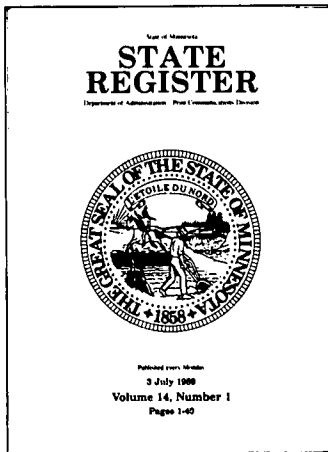
**Report on Economic Picture of Twin Cities Area:** *The Twin Cities Economy in Profile*, a Metropolitan Council report, provides facts, figures and graphs about the region's economy and factors affecting its performance. It describes a region that has a faster growth rate and a higher per capita income than the nation. Its diverse economy ranks third among the nation's metropolitan areas in the number of headquarters of Fortune 500 industrial firms. Does it sound familiar? It's the Twin Cities Area. A graph comparing jobs by occupation in the Twin Cities Area and the nation shows this region to have a higher percentage of professional and technical workers, and fewer managers. A graph of 1987 per capita government expenditures on the state and local levels shows education as the biggest expenditure in the region. The Council plans to update and publish the profile annually. Copies can be obtained for \$5 from the Council's Data Center at Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.

## Announcements

**New Wildlife Arson Law:** Under a new law that went into effect August 1, arsonists who intentionally set fires afield face a maximum penalty of five years in prison and a \$10,000 fine. The law makes it a felony to intentionally set a fire that burns out of control and onto another person's land where there is timber, underbrush, grass or other vegetative combustible material. The law also makes it a gross misdemeanor (one year in jail and a \$3,000 fine) to possess a flammable, explosive or incendiary device, substance or material, with intent to use it to set a wildfire. In addition, the court may order payment of fire suppression costs and damages to the owner of the damaged land.

**Antlerless Deer Permits:** The DNR is offering 138,650 antlerless permits this year, the highest number offered since 1985 and almost 40 percent more than the 100,150 offered last year. The state issues about 480,000 deer license buyers. Prospects look promising for a record deer harvest this fall according to the DNR. The deadline for submitting applications for antlerless permits and applications for most special hunts is Thursday 6 Sept. To accommodate last-minute 1990 antlerless deer hunt lottery applicants, the DNR License Bureau's counter will be open for business from 8 a.m. until 6:30 p.m. Sept. 4, 5 and 6. Mailed-in applications must be postmarked no later than midnight, Sept. 6.

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