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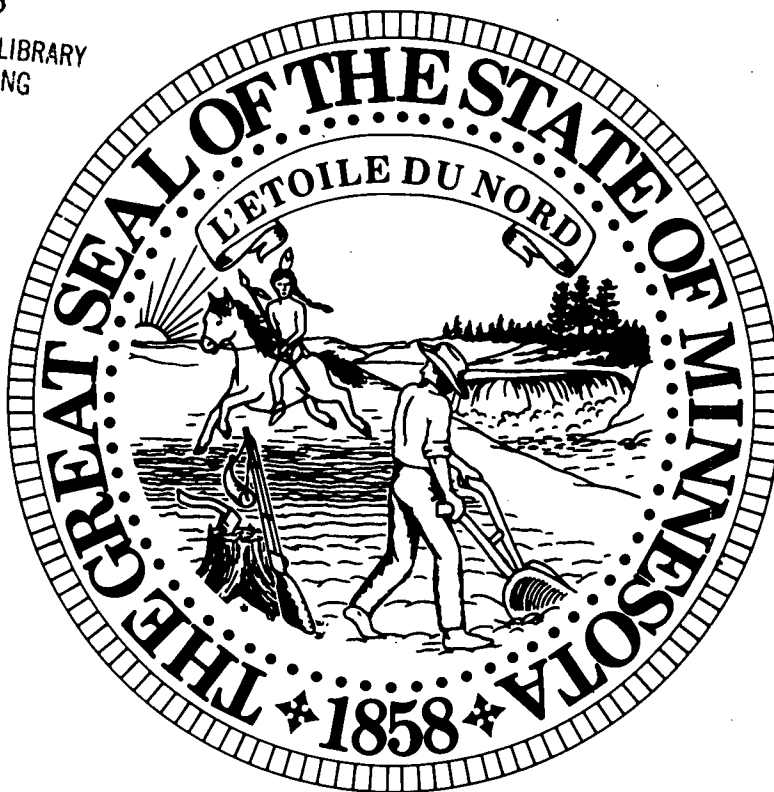
The Minnesota
**State
Register**

Department of Administration—Print Communications Division

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Rules edition
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(Tuesday if Monday is a holiday)

Monday 12 April 1993
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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 and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, contract awards, grants, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 17 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
41	Monday 29 March	Monday 5 April	Monday 12 April
42	Monday 5 April	Monday 12 April	Monday 19 April
43	Monday 12 April	Monday 19 April	Monday 26 April
44	Monday 19 April	Monday 26 April	Monday 3 May

*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, 117 University Ave., St. Paul, Minnesota 55155, (612) 297-7963, TDD (Minnesota Relay Service), Metro Area (612) 297-5353, Greater MN 1-800-627-3529.

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 Tuesday, Wednesday and Friday. 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 *State Register Contracts Supplement* contains additional state contracts and advertised bids.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$150.00 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 four editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, includes four editions, 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 *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. 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.

Arne H. Carlson, Governor

Dana B. Badgerow, Commissioner
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612/297-7963

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:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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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 1-800-657-3757.

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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.

Minnesota Housing Finance Agency

Proposed Permanent Rule Relating to the Publicly Owned Neighborhood Land Trust Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above 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* 462A.06, subd. 4 and 11.

All persons have 30 days in which to submit comments 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 ending May 12, 1993. 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:

Renee Dickinson, Legal Division
Minnesota Housing Finance Agency
400 Sibley St., Suite 300
St. Paul, MN 55101-1998
Telephone: 612/296-9794

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 Renee Dickinson 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 Renee Dickinson.

Dated: 9 April 1993

James J. Solem
Commissioner

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

Rules as Proposed (all new material)

4900.3430 SCOPE.

Parts 4900.3430 to 4900.3434 govern the implementation of the publicly owned neighborhood land trust program authorized by *Minnesota Statutes*, section 462A.202, subdivision 6. The program provides funding to acquire, construct, and rehabilitate housing, including land and buildings, by the use of a land trust.

Under this program, a city will retain ownership of the land in perpetuity, but provide a long-term lease, generally 99 years, for the use of the land and buildings to either persons and families of low and moderate income or qualified nonprofit corporations.

These activities are financed with proceeds from state general obligation bonds.

4900.3431 DEFINITIONS.

Subpart 1. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 2. **Applicant.** "Applicant" means a city that submits an application for financial assistance.

Subp. 3. **Application.** "Application" means a submittal requesting financial assistance to pay the cost of the acquisition, improvement, construction, or rehabilitation of property to provide housing for persons and families of low and moderate income.

Subp. 4. **Building.** "Building" means a structure that is physically attached in some manner to a parcel of land, and is carried on the property tax rolls of the locality as real property.

Subp. 5. **City.** "City" means a city as defined in *Minnesota Statutes*, section 462C.02, subdivision 6, that by resolution has determined to act with the powers and duties described in *Minnesota Statutes*, section 462A.31, subdivisions 1 to 5.

Subp. 6. **Eligible nonprofit organization.** "Eligible nonprofit organization" means a nonprofit corporation organized under *Minnesota Statutes*, chapter 317A, that complies with *Minnesota Statutes*, sections 462A.30 and 462A.31, and that qualifies for tax exempt status under *United States Code*, title 26, section 501(c)(3).

Subp. 7. **Financial assistance.** "Financial assistance" means a loan from the agency.

Subp. 8. **Land trust activities.** "Land trust activities" means activities that are in compliance with parts 4900.3430 to 4900.3434, the publicly owned neighborhood land trust program, and *Minnesota Statutes*, section 462A.202, subdivisions 6 and 7.

Subp. 9. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means persons or families whose income does not exceed 80 percent of the greater of statewide or area median income as determined from time to time by the United States Department of Housing and Urban Development.

Subp. 10. **Program.** "Program" means the publicly owned neighborhood land trust program.

Subp. 11. **Property.** "Property" means land or buildings subject to the financial assistance requested in the application.

4900.3432 ELIGIBILITY.

Subpart 1. **Eligible applicants.** Only a city may be an eligible applicant.

Subp. 2. **Eligible uses of financial assistance.** A city may use the proceeds of the financial assistance for capital costs identified in the application.

Subp. 3. **Eligible applications.** The application for financial assistance shall, at a minimum, contain:

A. evidence that the applicant is an eligible applicant;

B. a comprehensive plan for the use of the financial assistance, including:

(1) documentation of the need for the type of proposed activity, including information on the extent to which persons and families of low and moderate income will benefit;

(2) a detailed description of all other financial resources available to the applicant to complete the activity, including those from other public or private sources; and

(3) a timetable for the completion of the proposed activity;

C. documentation of the applicant's ability to complete and maintain the property in accordance with its funded use for the period of time identified in the application;

D. documentation sufficient to establish that the cost and quality of the proposed activity is reasonable;

E. evidence of the intended use of a ground lease which meets the requirements of *Minnesota Statutes*, section 462A.31; and

F. if the applicant intends to contract with an eligible nonprofit organization to develop or manage the property, a copy of the contract and evidence of the nonprofit organization's abilities and capacities to fulfill program requirements.

4900.3433 TERMS AND CONDITIONS OF FINANCIAL ASSISTANCE, USE OF PROPERTY, AND REPAYMENT REQUIREMENTS.

Subpart 1. **Interest rate.** The agency shall not charge interest on the financial assistance.

Subp. 2. **Ownership and use requirements.** The financial assistance is subject to the terms and conditions in items A to F pertaining to ownership and use of the property.

A. The applicant must intend to own and use the property for the purposes identified in the application.

B. The applicant may contract with an eligible nonprofit organization for the management of the property.

C. The applicant may use the property for purposes other than those identified in the application only after it has repaid the amount of the original financial assistance to the agency.

D. If the applicant uses the financial assistance to purchase land only, or purchases land and buildings and later demolishes the buildings, the applicant may lease the vacant land to an eligible nonprofit organization for a term of up to 99 years at a nominal annual rental amount.

E. If the applicant uses the financial assistance to purchase property consisting of land and buildings, the applicant may sell any buildings situated on the land to an eligible nonprofit organization, provided that:

(1) the applicant retains ownership of the land;

(2) the applicant sells the buildings for fair market value;

(3) the applicant complies with the repayment requirements provided in subpart 3; and

(4) the applicant annually determines that the buildings are owned by an eligible nonprofit organization and are being used for land trust activities.

F. The applicant may lease buildings situated on the land which received the financial assistance to an eligible nonprofit organization for a nominal annual rental amount, provided that:

(1) the lease does not exceed ten years;

(2) the applicant has the absolute and unconditional option to cancel the lease at the end of any three-year period; and

(3) the applicant is required to annually determine that the property is being used for land trust activities, and is benefiting persons and families of low and moderate income.

For those applications not containing evidence of the conditions cited in item F, the annual rental amount must at least equal the total amount of financial assistance attributable to the cost of buildings divided by the number of years of the useful life of the buildings.

Subp. 3. **Repayment requirements.** The financial assistance is subject to the repayment requirements in items A and B.

A. If the applicant sells all of the property, the sale must be at fair market value and the applicant must repay the lesser of either the net proceeds of the sale or the amount owing to the agency at the time of the sale. The amount repaid shall be considered to be payment in full of the entire outstanding balance of the financial assistance owed the agency.

If the applicant sells part of the property, the sale must be at fair market value and the applicant must repay the lesser of either the net proceeds of the sale or the amount owing to the agency at the time of the sale. The amount repaid shall be credited against the outstanding balance of the financial assistance owed the agency.

B. If the applicant owns and uses the property for the purposes identified in the application for a period of 20 years from the date the financial assistance is first supplied to the applicant, the outstanding balance of the financial assistance owed to the agency shall be considered to have been paid in full.

4900.3434 SELECTION CRITERIA FOR LOANS.

From time to time, the agency may request applications for financial assistance. The agency shall select applications for financial assistance based on the following criteria:

A. the need for the type of housing which will be created by the eligible activities described in the application;

B. the extent to which other resources are or will be allocated to address the stated need;

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Proposed Rules

- C. the extent to which the land trust loan funds are combined with other funds from private or public sources;
- D. the geographic distribution of the applications, to the extent that funds can be used for land trust activities throughout the state;
- E. the extent to which persons or families of low and moderate income will benefit from the eligible activities;
- F. the extent to which displacement of residents will be minimized;
- G. the extent to which the eligible activities are more innovative than other proposals;
- H. the extent to which the application receives the support and participation of the local community;
- I. the reasonableness of the cost and quality of the eligible activities;
- J. the experience and capacity of the applicant to perform land trust activities and provide administrative support services for an extended period of time; and
- K. if applicable, the experience and capacity of the nonprofit organization to which the applicant proposes to either contract with or lease any part of the property.

Department of Human Services

Proposed Permanent Rules Relating to Inpatient Payment System

Proposed Adoption of Amendments to Rules Establishing Procedures for Determining Inpatient Hospital Payment Rates Under the Medical Assistance and General Assistance Medical Care Programs

Dual Notice: Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Minnesota Department of Human Services intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by May 12, 1993, a public hearing will be held on May 26, 1993.

To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after May 12, 1993 and before May 26, 1993.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to: Stephanie Schwartz, Minnesota Department of Human Services, Rules and Bulletins Division, 444 Lafayette Road, St. Paul, MN 55155-3816. The telephone number is (612) 297-4302; the FAX number is (612) 296-6244.

Subject of Rule and Statutory Authority. The rule is about the payment system applicable to inpatient hospital services provided under the medical assistance and general assistance medical care programs. The proposed amendments will: 1. align payments more accurately to the service that is delivered and the hospital's cost; 2. provide for rebasing a hospital's cost data to a more recent year and every two years thereafter; 3. provide for compensating for a rebasing effective July 1, 1992; 4. adjust payments for admissions that result in long stays; 5. increase the number of routine and ancillary cost categories; 6. expand the number of diagnostic categories; 7. include total operating dollars in the relative values; 8. equate the relative value data with the cost year data; 9. exclude property costs from the relative values; 10. establish rehabilitation distinct part rates separately from other hospital rates; 11. create cost outliers for all diagnostic categories; 12. calculate day outlier per diems on a cost basis; 13. allow the outlier percentage rate to be chosen; 14. institute diagnostic categories for neonatal per diem rates; and 15. set property rates prospectively.

The statutory authority to adopt the rule is in *Minnesota Statutes*, sections 256.9685 to 256.9695.

Copy of the Rule. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the county welfare or human service agencies in the State of Minnesota.

Comments. You have until 4:30 p.m. on May 12, 1993 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 12, 1993. Your

written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing is scheduled for May 26, 1993 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Stephanie Schwartz at (612) 297-4302 after May 12, 1993 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on May 26, 1993 in Rooms 6A and 6B, Department of Human Services Building, 444 Lafayette Road, St. Paul, MN 55155 beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square #1700, 100 Washington Avenue South, Minneapolis, MN 55401-2138; telephone (612) 341-7645.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. In preparing these proposed amendments, the Department considered the requirements of *Minnesota Statutes*, section 14.115 but determined that these rules, as was found in the case of previously adopted medical assistance rules, are exempt from these requirements according to the exemption given in section 14.115, subdivision 7, clauses (2) and (3).

Expenditure of Public Money by Local Public Bodies. A copy of the fiscal note is available from the agency contact person at the address and telephone number listed above. The changes identified in the fiscal note represent a 1.5% decrease in costs on an annualized basis. However, since admission counts that weight this result will change and changes to the data then will be necessary, it is expected that the rule amendments will not increase or decrease spending.

Impact on Agriculture Lands. The Department has determined in the review required under *Minnesota Statutes*, section 14.11, subdivision 2 that the proposed amendments will have no impact on agricultural lands.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent

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Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified 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 rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 5 March 1993

Natalie Haas Steffen
Commissioner

Rules as Proposed

9500.1090 PURPOSE AND SCOPE.

Parts 9500.1090 to ~~9500.1155~~ 9500.1140 establish a prospective reimbursement payment system for inpatient hospital services provided under the medical assistance and general assistance medical care programs.

All provisions of parts 9500.1090 to 9500.1155, except part 9500.1155, subpart 6, shall apply to general assistance medical care substituting the terms and data for general assistance medical care for the terms and data referenced for medical assistance.

Effective January 1, 1987, reimbursements for medical assistance shall be partitioned into reimbursements for persons determined eligible for Aid to Families with Dependent Children or Aid to Families with Dependent Children extended medical coverage and for persons determined eligible for medical assistance on some other basis, including persons eligible because of receipt of Supplemental Security Income and Minnesota Supplemental Aid and persons eligible as medically needy.

Parts 9500.1090 to 9500.1140 are not applicable to inpatient hospital services provided by state owned hospitals.

If it is determined that any provision of parts 9500.1090 to 9500.1140 conflicts with requirements of the federal government with respect to federal financial participation in medical assistance, the federal requirements prevail.

9500.1095 STATUTORY AUTHORITY.

Parts 9500.1090 to ~~9500.1155~~ 9500.1140 are authorized by *Minnesota Statutes*, section sections 256.9685, 256.9686, 256.969, subdivisions 2 and 6 and 256.9695. Parts 9500.1090 to ~~9500.1155~~ 9500.1140 must be read in conjunction with Titles XVIII and XIX of the Social Security Act, *Code of Federal Regulations*, title 42, *Minnesota Statutes*, chapters 256, 256B, and 256D, parts 9505.0170 to 9505.0475 which govern covered services, parts 9505.5000 to 9505.5030 which govern prior authorization, parts 9505.0545 and 9505.5035 to 9505.5105 which govern second surgical opinion, and parts 9505.0500 to 9505.0540 which govern admission certification.

9500.1100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9500.1090 to ~~9500.1155~~ 9500.1140, the terms in subparts 2 to 50 have the meanings given them 51 are defined as follows.

Subp. 1a. **Accommodation service.** "Accommodation service" means those inpatient hospital services included by a hospital in a daily room charge. Accommodation services are composed of general routine services and special care units. These routine and special care units include the nursery, coronary, intensive, neonatal, rehabilitation, psychiatric, and chemical dependency care units.

Subp. 2. **Adjusted base year operating cost per admission.** "Adjusted base year operating cost per admission" means an a hospital's allowable base year operating cost per admission cumulatively multiplied or per day, adjusted by the hospital cost index through a hospital's current year.

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Subp. 4. [See repealer.]

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Subp. 5. **Allowable base year operating cost per admission.** "Allowable base year operating cost per admission" means a hospital's base year reimbursable inpatient hospital cost per admission or per day, that is adjusted for case mix, and excludes pass-through property costs and includes the reimbursable inpatient hospital costs of outliers up to their trim points.

written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

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Dated: 5 March 1993

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Subp. 4. [See repealer.]

Subp. 4a. [See repealer.]

Subp. 5. **Allowable base year operating cost per admission.** "Allowable base year operating cost per admission" means a hospital's base year ~~reimbursable~~ inpatient hospital cost per admission or per day, that is adjusted for case mix; ~~and~~ excludes pass-through property costs and includes the reimbursable inpatient hospital costs of outliers up to their trim points.

Subp. 6. **Ancillary service.** "Ancillary service" means inpatient hospital services that include laboratory and blood, radiology, ~~drugs~~ anesthesiology, pharmacy, delivery and labor room, operating and recovery room, emergency room and outpatient clinic, therapy services, medical supplies, renal dialysis, psychiatric, and other special items and chemical dependency services customarily charged for in addition to a routine an accommodation service charge.

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 8a. [See repealer.]

Subp. 9. **Base year.** "Base year" means a hospital's fiscal year ~~ending during calendar year 1981 that is recognized by Medicare,~~ or a hospital's fiscal year specified by the commissioner if a hospital is not required to file information with Medicare, from which cost and statistical data are used to establish medical assistance and general assistance medical care rates.

Subp. 10. [See repealer.]

Subp. 11. **Case mix.** "Case mix" means a hospital's admissions distribution of admissions in relative values among the diagnostic categories.

Subp. 12. [See repealer.]

Subp. 12a. **Charges.** "**Charges**" means the usual and customary payment requested by the hospital of the general public.

Subp. 13. [See repealer.]

Subp. 14. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or an authorized representative of the commissioner.

Subp. 15. **Cost outlier.** "Cost outlier" means an admission whose reimbursable inpatient hospital operating cost exceeds the geometric mean cost per admission for neonate and burn diagnostic category O, under subpart 20 categories by one standard deviation, and in the case of all other diagnostic category ~~W, under subpart 20, categories~~ by three two standard deviations.

Subp. 16. **Cost to charge ratio.** "Cost to charge ratio" means a ratio of a hospital's reimbursable inpatient hospital costs to its charges ~~for inpatient hospital services.~~

Subp. 17. [See repealer.]

Subp. 18. **Day outlier.** "Day outlier" means an admission whose length of stay exceeds the geometric mean length of stay for neonate and burn diagnostic categories A to N, and P to H, under subpart 20 by two one standard deviations or for deviation, and in the case of all other diagnostic category O, under subpart 20 categories by one two standard deviation deviations.

Subp. 19. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 20. [See repealer.]

Subp. 20a. **Diagnostic categories.** "**Diagnostic categories**" means the diagnostic classifications established according to diagnosis related groups (DRGs). The DRG classifications must be assigned according to the base year program and specialty groups with modifications as specified in subparts 20b to 20g.

Subp. 20b. **Diagnostic categories eligible under the medical assistance program.** The following diagnostic categories are for persons eligible under the medical assistance program except as provided in subpart 20c, 20d, 20e, or 20f:

	<u>DRG NUMBERS WITHIN</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS</u> <u>CODES</u>
A. <u>Nervous System Conditions</u>		
<u>(1) Treated with Major Surgical Procedure</u>	<u>001-005, 007</u>	
<u>(2) Other Nervous System Conditions</u>	<u>006, 008-035</u>	
B. <u>Eye Diseases and Disorders</u>	<u>036-048</u>	
C. <u>Ear, Nose, Mouth, And Throat Diseases</u>	<u>049-074, 168</u> <u>169, 185-187</u>	

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Proposed Rules

	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
<u>D.</u>	<u>Respiratory System Conditions</u>	
	<u>(1) Treated with Surgical Procedure</u>	<u>075-077, 482, 483</u>
	<u>(2) Treated with Ventilator Support</u>	<u>475</u>
	<u>(3) Other Respiratory System Conditions</u>	<u>078-097, 099-102</u>
<u>E.</u>	<u>Circulatory System</u>	<u>104-108,</u>
	<u>(1) Conditions Treated with Surgical Procedure</u>	<u>110-120,</u>
		<u>478, 479</u>
	<u>(2) Other Circulatory System Conditions</u>	<u>121-145</u>
<u>F.</u>	<u>Digestive System Diseases and Disorders</u>	<u>146-167, 170-183, 188-190</u>
<u>G.</u>	<u>Hepatobiliary System</u>	
	<u>(1) Conditions Treated with Surgical Procedure</u>	<u>191-201</u>
	<u>(2) Other Hepatobiliary System Conditions</u>	<u>202-208</u>
<u>H.</u>	<u>Diseases and Disorders of the Musculoskeletal System and Connective Tissues</u>	<u>209-256, 471</u>
<u>I.</u>	<u>Diseases and Disorders of the Skin, Subcutaneous Tissue, and Breast</u>	<u>257-284</u>
<u>J.</u>	<u>Endocrine, Nutritional, and Metabolic Diseases and Disorders</u>	<u>285-301</u>
<u>K.</u>	<u>Kidney and Urinary Tract Conditions</u>	<u>303-333</u>
<u>L.</u>	<u>Male Reproductive System Conditions</u>	<u>334-352</u>
<u>M.</u>	<u>Female Reproductive System Conditions</u>	<u>353-369</u>
<u>N.</u>	<u>Pregnancy Related Conditions</u>	
	<u>(1) Postpartum Complications Treated with Surgical Procedure and Ectopic Pregnancy</u>	<u>377, 378</u>
	<u>(2) Other Pregnancy Related Conditions</u>	<u>376, 379-384</u>
<u>O.</u>	<u>[Reserved for future use]</u>	
<u>P.</u>	<u>Blood and Immunity Disorders</u>	
	<u>(1) Treated with Surgical Procedure</u>	<u>392-394</u>
	<u>(2) Other Blood and Immunity Disorders</u>	<u>395-399</u>
<u>Q.</u>	<u>Myeloproliferative Diseases and Disorders, Poorly Differentiated Malignancy and other Neoplasms Not Elsewhere Classified</u>	<u>400-414, 473</u>
<u>R.</u>	<u>Infections and Parasitic Diseases</u>	
	<u>(1) Treated with Surgical Procedure</u>	<u>415</u>
	<u>(2) Other Infections and Parasitic Diseases</u>	<u>416-423</u>
<u>S.</u>	<u>Mental Diseases and Disorders</u>	
	<u>(1) Treated with Surgical Procedure (Ages 0+)</u>	<u>424</u>
	<u>(2) (Ages 0-17)</u>	<u>425, 427-429, 432</u>
	<u>(3) (Ages >17)</u>	<u>425, 427-429, 432</u>
<u>T.</u>	<u>Substance Use and Substance Induced Organic Mental Disorder</u>	
	<u>(1) (Ages 0-20)</u>	<u>434, 435</u>
	<u>(2) (Ages >20)</u>	<u>434, 435</u>
<u>U.</u>	<u>[Reserved for future use]</u>	
<u>V.</u>	<u>Toxic Effects of Drugs</u>	
	<u>(1) Treated with Surgical Procedure</u>	<u>439-443</u>
	<u>(2) Other Treatment of Toxic Effects of Drugs</u>	<u>444-455</u>
<u>W.</u>	<u>Burns</u>	
	<u>(1) Extensive Burns or Burns Treated with Surgical Procedure</u>	<u>457-459, 472</u>
	<u>(2) Nonextensive Burns Without Surgery</u>	<u>460</u>
<u>X.</u>	<u>Factors Influencing Health Status</u>	<u>461-467</u>
<u>Y.</u>	<u>Bronchitis and Asthma</u>	
	<u>(1) (Ages 0-1)</u>	<u>098</u>
	<u>(2) (Ages 2-17)</u>	<u>098</u>

Proposed Rules

<u>NAME</u>	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
<u>Z.</u>	[Reserved for future use]	
<u>AA.</u>	<u>Esophagitis, Gastroenteritis, Miscellaneous Digestive Disorders</u>	
	(1) (Ages 0-1)	<u>184</u>
	(2) (Ages 2-17)	<u>184</u>
<u>BB.</u>	[Reserved for future use]	
<u>CC.</u>	<u>Caesarean Sections</u>	
	(1) with <u>Complicating Diagnosis</u>	<u>370</u>
	(2) without <u>Complicating Diagnosis</u>	<u>371</u>
<u>DD.</u>	<u>Vaginal Delivery</u>	
	(1) With <u>Complicating Diagnosis or Operating Room Procedures</u>	<u>372, 374, 375</u>
	(2) Without <u>Complicating Diagnosis or Operating Room Procedures</u>	<u>373</u>
<u>EE.</u>	[Reserved for future use]	
<u>FF.</u>	<u>Depressive Neurosis</u>	
	(1) (Ages 0-17)	<u>426</u>
	(2) (Ages >17)	<u>426</u>
<u>GG.</u>	<u>Psychosis</u>	
	(1) (Ages 0-17)	<u>430</u>
	(2) (Ages >17)	<u>430</u>
<u>HH.</u>	<u>Childhood Mental Disorders</u>	<u>431</u>
<u>II.</u>	<u>Unrelated Operating Room Procedures</u>	
	(1) Extensive	<u>468</u>
	(2) Nonextensive	<u>476, 477</u>
<u>JJ.</u>	[Reserved for future use]	
<u>KK.</u>	<u>Extreme Immaturity</u>	
	(1) (< 750 Grams)	<u>386</u>
	(2) [Reserved for future use]	
	(3) [Reserved for future use]	
	(4) (750 to 1499 Grams)	<u>386</u>
		<u>387</u>
	(5) <u>Neonate Respiratory Distress Syndrome</u>	<u>386</u>
		<u>76501, 76502</u>
		<u>76503, 76504, 76505</u>
		<u>76500</u>
		<u>769 (Prior Codes Take Precedence)</u>
<u>LL.</u>	<u>Prematurity with Major Problems</u>	
	(1) (< 1249 Grams)	<u>387</u>
	(2) (1250 to 1749 Grams)	<u>387</u>
	(3) (> 1749 Grams)	<u>387</u>
<u>MM.</u>	<u>Prematurity without Major Problems</u>	<u>388</u>
<u>NN.</u>	<u>Full Term Neonates with</u>	
	(1) <u>Major Problems (Age 0)</u>	<u>389</u>
	(2) <u>Other Problems</u>	<u>390</u>
<u>OO.</u>	<u>Multiple Significant Trauma</u>	<u>484-487</u>
<u>PP.</u>	[Reserved for future use]	
<u>QQ.</u>	<u>Normal Newborns</u>	<u>391</u>
<u>RR.</u>	[Reserved for future use]	
<u>SS.</u>	[Reserved for future use]	

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<u>TT.</u> [Reserved for future use]		
<u>UU.</u> Organ Transplants	103, 302, 480, 481	
<u>VV.</u> Conditions Originating in Perinatal Period (Age >0)	389	
<u>WW.</u> Human Immunodeficiency Virus	488-490	
<p>Subp. 20c. Medical assistance covered diagnostic categories under the aid to families with dependent children program. The following diagnostic categories are for persons eligible for medical assistance under the aid to families with dependent children program, except as provided in subpart 20d, 20e, or 20f:</p>		
<u>A.</u> Nervous System Conditions		
(1) Treated with Major Surgical Procedure	001-005, 007	
(2) Other Nervous System Conditions	006, 008-035	
<u>B.</u> Eye Diseases and Disorders	036-048	
<u>C.</u> Ear, Nose, Mouth, And Throat Diseases	049-074, 168, 169, 185-187	
<u>D.</u> Respiratory System Conditions		
(1) Treated with Surgical Procedure	075-077, 482, 483	
(2) Treated with Ventilator Support	475	
(3) Other Respiratory System Conditions	078-097, 099-102	
<u>E.</u> Circulatory System		
(1) Conditions Treated with Surgical Procedure	104-108, 110-120, 478, 479	
(2) Other Circulatory System Conditions	121-145	
<u>F.</u> Digestive System Diseases and Disorders	146-167, 170-183, 188-190	
<u>G.</u> Hepatobiliary System		
(1) Conditions Treated with Surgical Procedure	191-201	
(2) Other Hepatobiliary System Conditions	202-208	
<u>H.</u> Diseases and Disorders of the Musculoskeletal System and Connective Tissues	209-256, 471	
<u>I.</u> Diseases and Disorders of the Skin, Subcutaneous Tissue, and Breast	257-284	
<u>J.</u> Endocrine, Nutritional, and Metabolic Diseases and Disorders	285-301	
<u>K.</u> Kidney and Urinary Tract Conditions	303-333	
<u>L.</u> Male Reproductive System Conditions	334-352	
<u>M.</u> Female Reproductive System Conditions	353-369	
<u>N.</u> Pregnancy Related Conditions		
(1) Postpartum Complications Treated with Surgical Procedure and Ectopic Pregnancy	377, 378	
(2) Other Pregnancy Related Conditions	376, 379-384	
<u>O.</u> [Reserved for future use]		
<u>P.</u> Blood and Immunity Disorders		
(1) Treated with Surgical Procedure	392-394	
(2) Other Blood and Immunity Disorders	395-399	
<u>Q.</u> Myeloproliferative Diseases and Disorders, Poorly Differentiated Malignancy and other Neoplasms Not Elsewhere Classified	400-414, 473	
<u>R.</u> Infections and Parasitic Diseases		
(1) Treated with Surgical Procedure	415	
(2) Other Infections and Parasitic Diseases	416-423	
<u>S.</u> Mental Diseases and Disorders		
(1) Treated with Surgical Procedure (Ages 0+)	424	
(2) (Ages 0-17)	425, 427-429, 432	
(3) (Ages >17)	425, 427-429, 432	
<u>T.</u> Substance Use and Substance Induced Organic Mental Disorder		
(1) (Ages 0-20)	434, 435	
(2) (Ages >20)	434, 435	

Proposed Rules

<u>NAME</u>	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
<u>U.</u> <u>[Reserved for future use]</u>		
<u>V.</u> <u>Toxic Effects of Drugs</u>		
<u>(1) Treated with Surgical Procedure</u>	<u>439-443</u>	
<u>(2) Other Treatment of Toxic Effects of Drugs</u>	<u>444-455</u>	
<u>W.</u> <u>Burns</u>		
<u>(1) Extensive Burns or Burns Treated with Surgical Procedure</u>	<u>457-459, 472</u>	
<u>(2) Nonextensive Burns Without Surgery</u>	<u>460</u>	
<u>X.</u> <u>Factors Influencing Health Status</u>	<u>461-467</u>	
<u>Y.</u> <u>Bronchitis and Asthma</u>		
<u>(1) (Ages 0-1)</u>	<u>098</u>	
<u>(2) (Ages 2-17)</u>	<u>098</u>	
<u>Z.</u> <u>[Reserved for future use]</u>		
<u>AA.</u> <u>Esophagitis, Gastroenteritis, Miscellaneous Digestive Disorders</u>		
<u>(1) (Ages 0-1)</u>	<u>184</u>	
<u>(2) (Ages 2-17)</u>	<u>184</u>	
<u>BB.</u> <u>[Reserved for future use]</u>		
<u>CC.</u> <u>Caesarean Sections</u>		
<u>(1) with Complicating Diagnosis</u>	<u>370</u>	
<u>(2) without Complicating Diagnosis</u>	<u>371</u>	
<u>DD.</u> <u>Vaginal Delivery</u>		
<u>(1) With Complicating Diagnosis or Operating Room Procedures</u>	<u>372, 374, 375</u>	
<u>(2) Without Complicating Diagnosis or Operating Room Procedures</u>	<u>373</u>	
<u>EE.</u> <u>[Reserved for future use]</u>		
<u>FF.</u> <u>Depressive Neurosis</u>		
<u>(1) (Ages 0-17)</u>	<u>426</u>	
<u>(2) (Ages >17)</u>	<u>426</u>	
<u>GG.</u> <u>Psychosis</u>		
<u>(1) (Ages 0-17)</u>	<u>430</u>	
<u>(2) (Ages >17)</u>	<u>430</u>	
<u>HH.</u> <u>Childhood Mental Disorders</u>	<u>431</u>	
<u>II.</u> <u>Unrelated Operating Room Procedure</u>		
<u>(1) Extensive</u>	<u>468</u>	
<u>(2) Nonextensive</u>	<u>476, 477</u>	
<u>JJ.</u> <u>[Reserved for future use]</u>		
<u>KK.</u> <u>Extreme Immaturity</u>		
<u>(1) (< 750 Grams)</u>	<u>386</u>	<u>76501, 76502</u>
<u>(2) [Reserved for future use]</u>		
<u>(3) [Reserved for future use]</u>	<u>386</u>	<u>76503, 76504, 76505</u>
<u>(4) (750 to 1499 Grams)</u>	<u>387</u>	<u>76500</u>
<u>(5) Neonate Respiratory Distress Syndrome</u>	<u>386</u>	<u>769</u>
<u>LL.</u> <u>Prematurity with Major Problems</u>		
<u>(1) (< 1249 Grams)</u>	<u>387</u>	<u>76511, 76512, 76513, 76514</u>
<u>(2) (1250 to 1749 Grams)</u>	<u>387</u>	<u>76506, 76510, 76515, 76516</u>

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Proposed Rules

<u>NAME</u>	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
<u>(3) (>1749 Grams)</u>	<u>387</u>	<u>ALL REMAINING CODES</u>
<u>MM. Prematurity without Major Problems</u>	<u>388</u>	
<u>NN. Full Term Neonates with</u>		
<u>(1) Major Problems</u>	<u>389</u>	
<u>(2) Other Problems</u>	<u>390</u>	
<u>OO. Multiple Significant Trauma</u>	<u>484-487</u>	
<u>PP. [Reserved for future use]</u>		
<u>QQ. Normal Newborns</u>	<u>391</u>	
<u>RR. [Reserved for future use]</u>		
<u>SS. [Reserved for future use]</u>		
<u>TT. [Reserved for future use]</u>		
<u>UU. Organ Transplants</u>	<u>103, 302, 480, 481</u>	
<u>VV. [Reserved for future use]</u>		
<u>WW. Human Immunodeficiency Virus</u>	<u>488-490</u>	

Subp. 20d. Diagnostic categories for persons eligible under the general assistance medical care program. The following diagnostic categories are for persons eligible under the general assistance medical care program except as provided in subpart 20e or 20f:

<u>A. Nervous System Conditions</u>	
<u>(1) Treated with Major Surgical Procedure</u>	<u>001-005, 007</u>
<u>(2) Other Nervous System Conditions</u>	<u>006, 008-035</u>
<u>B. Eye Diseases and Disorders</u>	<u>036-048</u>
<u>C. Ear, Nose, Mouth, And Throat Diseases</u>	<u>049-074, 168, 169, 185-187</u>
<u>D. Respiratory System Conditions</u>	
<u>(1) Treated with Surgical Procedure</u>	<u>075-077, 482, 483</u>
<u>(2) Treated with Ventilator Support</u>	<u>475</u>
<u>(3) Other Respiratory System Conditions</u>	<u>078-102,</u>
<u>E. Circulatory System</u>	
<u>(1) Conditions Treated with Surgical Procedure</u>	<u>103-108, 110-120, 478, 479</u>
<u>(2) Other Circulatory System Conditions</u>	<u>121-125, 127-145</u>
<u>(3) Acute and Subacute Endocarditis</u>	<u>126</u>
<u>F. Digestive System Diseases and Disorders</u>	<u>146-167, 170-184, 188-190</u>
<u>G. Hepatobiliary System Conditions</u>	
<u>(1) Treated with Surgical Procedure</u>	<u>191-201, 480</u>
<u>(2) Other Hepatobiliary System Conditions</u>	<u>202-208</u>
<u>H. Diseases and Disorders of the Musculoskeletal System and Connective Tissues</u>	<u>209-256, 471</u>
<u>I. Diseases and Disorders of the Skin, Subcutaneous Tissue, and Breast</u>	<u>257-284</u>
<u>J. Endocrine, Nutritional, and Metabolic Diseases and Disorders</u>	<u>285-301</u>
<u>K. Kidney and Urinary Diseases and Disorders</u>	<u>302-333</u>
<u>L. Male Reproductive System Conditions</u>	<u>334-352</u>
<u>M. Female Reproductive System Conditions</u>	<u>353-369</u>
<u>N. Pregnancy Related Conditions</u>	
<u>(1) Postpartum Complications Treated with Surgical Procedure and Ectopic Pregnancy</u>	<u>377, 378</u>
<u>(2) Other Pregnancy Related Conditions</u>	<u>376, 379-384</u>
<u>O. Neonate - Premature or with Problems</u>	<u>386-390</u>
<u>P. Blood and Immunity Disorders</u>	
<u>(1) Treated with Surgical Procedure</u>	<u>392-394</u>
<u>(2) Other Blood and Immunity Disorders</u>	<u>395-399</u>
<u>Q. Myeloproliferative Diseases and Disorders, Poorly</u>	

Proposed Rules

<u>NAME</u>	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
	<u>400-414, 473</u>	
	<u>481</u>	
<u>R.</u>	<u>Infections and Parasitic Diseases</u>	
	<u>(1) Treated with Surgical Procedure</u>	<u>415</u>
	<u>(2) Other Infections and Parasitic Diseases</u>	<u>416-423</u>
<u>S.</u>	<u>Mental Diseases and Disorders</u>	
	<u>(1) Treated with Surgical Procedure</u>	<u>424</u>
	<u>(2) [Reserved for future use]</u>	
	<u>(3) [Reserved for future use]</u>	
	<u>(4) Not Treated with Surgical Procedure</u>	<u>425, 427-429, 431-432</u>
<u>T.</u>	<u>Substance Use and Substance Induced Organic Mental Disorder</u>	
	<u>(1) [Reserved for future use]</u>	
	<u>(2) [Reserved for future use]</u>	
	<u>(3) (Ages 0+)</u>	<u>434, 435</u>
<u>U.</u>	<u>[Reserved for future use]</u>	
<u>V.</u>	<u>Toxic Effects of Drugs</u>	
	<u>(1) Treated with Surgical Procedure</u>	<u>439-443</u>
	<u>(2) Other Treatment of Toxic Effects of Drugs</u>	<u>444-455</u>
<u>W.</u>	<u>Burns</u>	
	<u>(1) Extensive Burns or Burns Treated with Surgical Procedure</u>	<u>457-459, 472</u>
	<u>(2) Nonextensive Burns Without Surgery</u>	<u>460</u>
<u>X.</u>	<u>Factors Influencing Health Status</u>	<u>461-467</u>
<u>Y.</u>	<u>[Reserved for future use]</u>	
<u>Z.</u>	<u>[Reserved for future use]</u>	
<u>AA.</u>	<u>[Reserved for future use]</u>	
<u>BB.</u>	<u>[Reserved for future use]</u>	
<u>CC.</u>	<u>Caesarean Sections</u>	
	<u>(1) with Complicating Diagnosis</u>	<u>370</u>
	<u>(2) without Complicating Diagnosis</u>	<u>371</u>
<u>DD.</u>	<u>Vaginal Delivery</u>	
	<u>(1) With Complicating Diagnosis or Operating Room Procedures</u>	<u>372, 374, 375</u>
	<u>(2) Without Complicating Diagnosis or Operating Room Procedures</u>	<u>373</u>
<u>EE.</u>	<u>[Reserved for future use]</u>	
<u>FF.</u>	<u>Depressive Neurosis</u>	<u>426</u>
<u>GG.</u>	<u>Psychosis</u>	<u>430</u>
<u>HH.</u>	<u>[Reserved for future use]</u>	
<u>II.</u>	<u>Unrelated Operating Room Procedure</u>	
	<u>(1) Extensive</u>	<u>468</u>
	<u>(2) Nonextensive</u>	<u>476, 477</u>
<u>JJ.</u>	<u>[Reserved for future use]</u>	
<u>KK.</u>	<u>[Reserved for future use]</u>	
<u>LL.</u>	<u>[Reserved for future use]</u>	
<u>MM.</u>	<u>[Reserved for future use]</u>	
<u>NN.</u>	<u>[Reserved for future use]</u>	
<u>OO.</u>	<u>Multiple Significant Trauma</u>	<u>484-487</u>

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Proposed Rules

	<u>NAME</u>	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
PP.	[Reserved for future use]		
QQ.	Normal Newborns	391	
RR.	[Reserved for future use]		
SS.	[Reserved for future use]		
TT.	[Reserved for future use]		
UU.	[Reserved for future use]		
VV.	[Reserved for future use]		
WW.	Human Immunodeficiency Virus	488-490	

Subp. 20e. Diagnostic categories relating to a rehabilitation hospital or a rehabilitation distinct part. The following diagnostic categories are for services provided within a rehabilitation hospital or a rehabilitation distinct part regardless of program eligibility:

A.	<u>Nervous System Diseases and Disorders</u>	001-035
B.	[Reserved for future use]	
C.	[Reserved for future use]	
D.	[Reserved for future use]	
E.	[Reserved for future use]	
F.	[Reserved for future use]	
G.	[Reserved for future use]	
H.	<u>Diseases and Disorders of the Musculoskeletal System and Connective Tissues</u>	209-256, 471
I.	[Reserved for future use]	
J.	[Reserved for future use]	
K.	[Reserved for future use]	
L.	[Reserved for future use]	
M.	[Reserved for future use]	
N.	[Reserved for future use]	
O.	[Reserved for future use]	
P.	[Reserved for future use]	
Q.	[Reserved for future use]	
R.	[Reserved for future use]	
S.	[Reserved for future use]	
T.	[Reserved for future use]	
U.	[Reserved for future use]	
V.	[Reserved for future use]	
W.	[Reserved for future use]	
X.	[Reserved for future use]	
Y.	[Reserved for future use]	
Z.	[Reserved for future use]	
AA.	[Reserved for future use]	
BB.	[Reserved for future use]	
CC.	[Reserved for future use]	
DD.	[Reserved for future use]	
EE.	[Reserved for future use]	
FF.	[Reserved for future use]	
GG.	[Reserved for future use]	
HH.	[Reserved for future use]	
II.	[Reserved for future use]	
JJ.	[Reserved for future use]	
KK.	[Reserved for future use]	
LL.	[Reserved for future use]	
MM.	[Reserved for future use]	
NN.	[Reserved for future use]	
OO.	[Reserved for future use]	
PP.	<u>Burns and Skin Diseases and Disorders</u>	263-273, 277-284, 457-460, 472
QQ.	[Reserved for future use]	

Proposed Rules

<u>NAME</u>	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
<u>RR.</u> <u>Mental Diseases and Disorders/Substance Use and Substance Induced Organic Mental Disorders</u>	424-432, 434, 435	
<u>SS.</u> <u>Multiple Significant Trauma/Unrelated Operating Room Procedures</u>	468, 476-477, 484-487	
<u>TT.</u> <u>Other Conditions Requiring Rehabilitation Services</u>	036-108, 110-208, 257-262, 274-276, 285-423, 439-455, 461-467, 473, 475 478-483, 488-490	
<u>UU.</u> <u>[Reserved for future use]</u>		
<u>VV.</u> <u>[Reserved for future use]</u>		
<u>WW.</u> <u>[Reserved for future use]</u>		

Subp. 20f. Diagnostic categories for neonatal transfers. The following diagnostic categories are for services provided to neonatal transfers at receiving hospitals with neonatal intensive care units regardless of program eligibility:

- A. [Reserved for future use]
- B. [Reserved for future use]
- C. [Reserved for future use]
- D. [Reserved for future use]
- E. [Reserved for future use]
- F. [Reserved for future use]
- G. [Reserved for future use]
- H. [Reserved for future use]
- I. [Reserved for future use]
- J. [Reserved for future use]
- K. [Reserved for future use]
- L. [Reserved for future use]
- M. [Reserved for future use]
- N. [Reserved for future use]
- O. [Reserved for future use]
- P. [Reserved for future use]
- Q. [Reserved for future use]
- R. [Reserved for future use]
- S. [Reserved for future use]
- T. [Reserved for future use]
- U. [Reserved for future use]
- V. [Reserved for future use]
- W. [Reserved for future use]
- X. [Reserved for future use]
- Y. [Reserved for future use]
- Z. [Reserved for future use]
- AA. [Reserved for future use]
- BB. [Reserved for future use]
- CC. [Reserved for future use]
- DD. [Reserved for future use]
- EE. [Reserved for future use]
- FF. [Reserved for future use]
- GG. [Reserved for future use]
- HH. [Reserved for future use]
- II. [Reserved for future use]
- JJ. [Reserved for future use]

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Proposed Rules

	<u>NAME</u>	<u>DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES</u>	<u>DIAGNOSIS CODES</u>
<u>KK.</u>	<u>Extreme Immaturity</u>		
	<u>(1) (< 750 Grams)</u>	<u>386</u>	<u>76501, 76502</u>
	<u>(2) (750 to 999 Grams)</u>	<u>386</u>	<u>76503</u>
	<u>(3) (1000 to 1499 Grams)</u>	<u>386</u>	<u>76504, 76505</u>
		<u>387</u>	<u>76500</u>
	<u>(4) [Reserved for future use]</u>		
	<u>(5) Neonate Respiratory Distress Syndrome</u>	<u>386</u>	<u>769 (PRIOR CODES TAKE PRECEDENCE</u>
<u>LL.</u>	<u>Prematurity with Major Problems</u>		
	<u>(1) (< 1249 Grams)</u>	<u>387</u>	<u>76511, 76512, 76513, 76514</u>
	<u>(2) (1250 to 1749 Grams)</u>	<u>387</u>	<u>76506, 76510, 76515, 76516</u>
	<u>(3) (1250 to 1749 Grams)</u>	<u>387</u>	<u>ALL REMAINING CODES</u>
<u>MM.</u>	<u>Prematurity without Major Problems (>1749 Grams)</u>	<u>388</u>	
<u>NN.</u>	<u>Full Term Neonates</u>		
	<u>(1) with Major Problems (age 0)</u>	<u>389</u>	
	<u>(2) with Other Problems</u>	<u>390</u>	
<u>OO.</u>	<u>[Reserved for future use]</u>		
<u>PP.</u>	<u>[Reserved for future use]</u>		
<u>QQ.</u>	<u>[Reserved for future use]</u>		
<u>RR.</u>	<u>[Reserved for future use]</u>		
<u>SS.</u>	<u>[Reserved for future use]</u>		
<u>TT.</u>	<u>[Reserved for future use]</u>		
<u>UU.</u>	<u>[Reserved for future use]</u>		
<u>VV.</u>	<u>[Reserved for future use]</u>		
<u>WW.</u>	<u>[Reserved for future use]</u>		

Subp. 20g. Additional DRG requirements.

- A. The grouper and DRG assignment with modifications must be used uniformly for all determinations of rates and payments.
- B. The discharge status will be changed to "discharge to home" for DRG 385, 433, and 456.
- C. A diagnosis with the prefix "v57" will be excluded when grouping under subpart 20e.

Subp. 21. [See repealer.]

Subp. 22. **General assistance medical care or GAMC.** "General assistance medical care" or "GAMC" means the program established by *Minnesota Statutes*, section 256D.03.

Subp. 23. [See repealer.]

Subp. 24. [See repealer.]

Subp. 24a. [See repealer.]

Subp. 25. **Hospital.** "Hospital" means ~~an institution that, except for state-operated facilities, is approved to participate as a hospital under medicare~~ a facility defined in *Minnesota Statutes*, section 144.696, subdivision 3, and licensed under *Minnesota Statutes*, sections 144.50 to 144.58, or an out-of-state facility licensed to provide acute care under the requirements of the state in which it is located, or an Indian health service facility designated by the federal government to provide acute care.

Subp. 26. **Hospital cost index or HCI.** "Hospital cost index" or "HCI" means a single percentage the factor annually multiplied by the ~~adjusted allowable~~ base year operating cost per admission or the ~~adjusted base year~~ costs to adjust for ~~inflation~~ cost changes.

Subp. 26a. **Inpatient hospital costs.** "Inpatient hospital costs" means a hospital's base year inpatient hospital service costs determined allowable under the cost finding methods of Medicare without regard to adjustments in payments imposed by Medicare.

Subp. 27. **Inpatient hospital service.** "Inpatient hospital service" means a service provided by or under the supervision of a physician after a recipient's admission to a hospital and furnished in the hospital ~~for the care and treatment of the recipient. The~~

inpatient hospital service may be furnished by a hospital, physician, or a vendor of an ancillary service which is prescribed by a physician and which is eligible for medical assistance or general assistance medical care reimbursement, including outpatient services provided by the same hospital that directly precede the admission.

Subp. 28. [See repealer.]

Subp. 28a. **Local trade area hospital.** “Local trade area hospital” means a hospital that is located in a state other than Minnesota but in a county of the other state in which the county is contiguous to Minnesota.

Subp. 29. **Medical assistance or MA.** “Medical assistance” or “MA” means the program established under Title XIX of the Social Security Act and Minnesota Statutes, sections 256.9685 to 256.9695 and chapter 256B. For purposes of parts 9500.1090 to 9500.1155, except part 9500.1155, subpart 6 9500.1140, “medical assistance” includes general assistance medical care unless otherwise specified specifically stated.

Subp. 30. [See repealer.]

Subp. 30a. [See repealer.]

Subp. 31. **Medicare.** “Medicare” means the federal health insurance program established under Title XVIII of the Social Security Act.

Subp. 32. **Medicare crossover claims.** “Medicare crossover claims” means information contained on the inpatient hospital invoices a claim submitted to the department on forms or computer tape by a hospital to request reimbursement payment for Medicare eligible Part A covered inpatient hospital services provided to a recipient patient who is also eligible for medicare medical assistance.

Subp. 33. **Metropolitan statistical area hospital or MSA hospital.** “Metropolitan statistical area hospital” or “MSA hospital” means a hospital located in a metropolitan statistical area as determined by Medicare for the October 1 prior to the most current rebased rate year.

Subp. 33a. [See repealer.]

Subp. 34. **Nonmetropolitan statistical area hospital or non-MSA hospital.** “Nonmetropolitan statistical area hospital” or “non-MSA hospital” means a hospital not located in a metropolitan statistical area as determined by Medicare for the October 1 prior to the most current rebased rate year.

Subp. 35. **Operating costs.** “Operating costs” means reimbursable inpatient hospital costs excluding pass-through property costs.

[For text of subp 36, see M.R.]

Subp. 37. **Out-of-area hospital.** “Out-of-area hospital” means any hospital located outside of Minnesota excluding local trade area hospitals.

Subp. 38. **Pass-through Property costs.** “Pass-through Property costs” means reimbursable inpatient hospital costs not subject to the HGI hospital cost index, including depreciation, interest, rents and leases, property taxes, and property insurance.

Subp. 39. [See repealer.]

Subp. 40. [See repealer.]

Subp. 41. [See repealer.]

Subp. 41a. **Rate year.** “Rate year” means a calendar year from January 1 to December 31.

Subp. 42. [See repealer.]

Subp. 43. [See repealer.]

Subp. 43a. [See repealer.]

Subp. 44. [See repealer.]

Subp. 44a. **Rehabilitation distinct part.** “Rehabilitation distinct part” means inpatient hospital services that are provided by a hospital in a unit designated by Medicare as a rehabilitation distinct part.

Subp. 45. **Relative value.** “Relative value” means the arithmetic mean of the reimbursable inpatient hospital cost per admission, excluding reimbursable inpatient hospital costs in excess of applicable trim points in each operating cost within a diagnostic category in relation to divided by the arithmetic mean of the reimbursable inpatient hospital cost per admission, excluding reimbursable

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inpatient hospital costs in excess of applicable trim points of all admissions operating cost in all the diagnostic categories on a statewide basis within a program or specialty group.

Subp. 46. [See repealer.]

Subp. 47. [See repealer.]

Subp. 47a. [See repealer.]

Subp. 48. [See repealer.]

Subp. 49. [See repealer.]

Subp. 50. **Transfer.** "Transfer" means the movement of a recipient patient after admission from one hospital directly to another hospital with a different provider number or to or from a rehabilitation distinct part.

Subp. 51. **Trim point.** "Trim point" means that number of inpatient days, or that amount of reimbursable inpatient hospital cost operating costs, beyond which an admission is an a day or cost outlier.

Subp. 52. [See repealer.]

9500.1105 REIMBURSEMENT BASIS OF PAYMENT FOR INPATIENT HOSPITAL SERVICES.

The department shall use a prospective reimbursement system to reimburse hospitals for inpatient hospital services provided to recipients.

Subpart 1. Reporting requirements.

A. No later than October 1 preceding a rebased rate year or 60 days from the department's request, whichever is later, a Minnesota and local trade area hospital must provide to the department complete, true, and authorized information as outlined in subitems (1) to (7). Information called for in subitems (1) to (7) not provided in a timely manner will not be used in calculating the hospital's rates for that rate year and the following year if rebasing does not occur.

(1) The base year Medicare audited cost report of local trade area hospitals.

(2) The decision on whether certified registered nurse anesthetist services are to be paid separately from parts 9500.1090 to 9500.1140. Once elected, the decision to be paid separately is irrevocable.

(3) The identification of base year claims for admissions to a rehabilitation distinct part.

(4) The elected outlier percentage for other than neonate and burn admissions to a minimum of 60 percent and a maximum of 80 percent. The chosen percentage shall apply to cost and day outliers and to all program and specialty groups of the hospital.

(5) The most recent Medicare cost report submitted to Medicare by October 1 prior to a rebased rate year.

(6) The data on low income utilization necessary to implement the disproportionate population adjustment.

(7) The Medicare adjustments to prior base year data.

B. If Medicare does not require the hospital to file a complete cost report, that hospital must, no later than February 1 preceding a rebased rate year, provide true, complete, and authorized Medicare cost report data under the cost finding methods and allowable costs in effect during the base year.

Subp. 2. Establishment of base years.

A. Except as provided in items B and C, the base year for the 1993 rate year shall be each Minnesota and local trade area hospital's most recent Medicare cost reporting period ending prior to September 1, 1988. If that cost reporting period is less than 12 months, it must be supplemented by information from the prior cost reporting period so that the base year is 12 months except for hospitals that closed during the base year.

B. The base year for the 1993 rate year of a children's hospital shall be the hospital's most recent fiscal year ending prior to January 1, 1990. A children's hospital is one in which more than 50 percent of the admissions are individuals less than 18 years of age.

C. The base year for the 1993 rate year for a long-term hospital shall be that part of the most recent fiscal year ending prior to September 1, 1989, for which the hospital was designated a long-term hospital by Medicare.

D. The base year data will be moved forward three years for hospitals subject to item A, one year for hospitals subject to item B, and two years for hospitals subject to item C beginning with the 1995 rate year. The base year data will be moved forward every two years after 1995 or every one year if notice is provided at least six months prior to the rate year.

9500.1110 DETERMINATION AND PUBLICATION OF RELATIVE VALUES OF THE DIAGNOSTIC CATEGORIES.

Subpart 1. **Determination of relative values.** To determine the relative values of the diagnostic categories the department shall:

A. ~~Select all medical assistance claims for all Minnesota and local trade area hospitals statewide for state fiscal years 1983 and 1984; with admission dates from each hospital's base year.~~

B. ~~assign each claim from item A to the specific admission which generated the claim except as provided in item C;~~

C. ~~Exclude from item B the following: claims and charges in subitems (1) to (6):~~

(1) ~~Medicare crossover claims;~~

(2) ~~claims submitted by out-of-area hospitals, and paid on a per day transfer rate basis for a period that is less than the average length of stay of the diagnostic category in effect on the admission date;~~

(3) ~~Claims inpatient hospital services for which medical assistance payment was not reimbursed as of February 28, 1985 made;~~

(4) ~~inpatient hospital claims that must be paid during the rate year on a per day basis without regard to relative values during the period for which rates are set;~~

(5) ~~inpatient hospital services not covered by the medical assistance program on October 1 prior to a rebased rate year;~~ and

(6) ~~inpatient hospital charges for noncovered days calculated as the ratio of noncovered days to total days multiplied by charges.~~

C. ~~Claims which combine the stay of both mother and newborn shall be separated into two or more claims according to subitems (1) to (3).~~

(1) ~~Accommodation service charges for each newborn claim are the sum of nursery and neonatal intensive care unit charges divided by the number of newborns. Accommodation service charges for the mother are all other accommodation service charges.~~

(2) ~~Ancillary charges for each claim are calculated by multiplying each ancillary charge by each claim's ratio of accommodation service charges in subitem (1) to the total accommodation service charges in subitem (1).~~

(3) ~~If the newborn's inpatient days continue beyond the discharge of the mother, the claim of the newborn shall be combined with any immediate subsequent claim of the newborn.~~

D. ~~Combine claims into the admission that generated the claim according to part 9500.1128, subpart 4.~~

E. Determine reimbursable inpatient hospital operating costs for each hospital's admissions for state fiscal years 1983 and 1984 hospital admission in item D using each hospital's base year data ~~from the HCFA Form 2552 Worksheet, 1981 revision~~ according to subitems (1) to ~~(4); (6).~~

(1) Determine the operating cost of routine accommodation services by multiplying the routine services charge for each admission identified in item B number of accommodation service inpatient days by the appropriate routine that accommodation service cost to charge ratio determined from the base year medicare/medical assistance cost report, using data from HCFA Form 2552, 1981 revision, Worksheet C, operating cost per diem and add the products of all accommodation services.

(2) Determine the operating cost of each ancillary services service by multiplying the ancillary charges for each admission identified in item B by the appropriate cost to charge that ancillary operating cost to charge ratio from the base year medicare/medical assistance cost report, using data from HCFA Form 2552, 1981 revision, Worksheet C, and add the products of all ancillary services.

(3) Determine the operating cost of services rendered by interns and residents not in an approved teaching program for each admission in item B by multiplying the number of accommodation service inpatient days for the appropriate routine services in subitem (1) by the that teaching program accommodation service per diem cost identified in Worksheet D-2, Part I of the base year, and add the products of all teaching program accommodation services.

(4) ~~sum~~ Determine the cost of malpractice insurance, if that cost is not included in the accommodation and ancillary cost, by multiplying the total hospital costs of malpractice insurance by the ratio of the claim charge to total hospital charges and then multiply that product by 0.915.

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(5) Add subitems (1) to (3) (4) to determine the reimbursable inpatient hospital operating cost for each admission in item B.

(6) Multiply the result of subitem (5) by the hospital cost index that corresponds to the hospital's fiscal year end in part 9500.1120, subpart 2, item F.

E. Assign each admission and operating cost identified in item B E, subitem (6), to the appropriate program or specialty group and diagnostic related group under medicare using a version of the Transfer Tape for ICD-9-CM Diagnosis Related Groups Assignment Software distributed and developed by DRG Support Group Limited, a subsidiary of Health Systems International, Incorporated, or the system in use by medicare, provided that the system of DRG assignment used must be used exclusively and uniformly throughout all determinations of rates and adjudications under parts 9500.1090 to 9500.1155; category according to part 9500.1100, subparts 20a to 20e and 20g.

F. assign each admission to a diagnostic category;

G. identify outliers for each diagnostic category;

H. for each cost outlier, truncate the cost at the value of the cost outlier trim point;

I. for each day outlier, truncate that day outlier's reimbursable inpatient hospital cost by multiplying (the day outlier's reimbursable inpatient hospital cost by the ratio of the admission's trim point divided by the day outlier's length of stay), and then by multiplying the truncated reimbursable inpatient hospital cost by a factor 'x' determined as follows:

{Length of Stay - (0.6 × outlier days)}

$X = \frac{\text{Total days through the trim point}}{\text{Total days through the trim point}}$

Total days through the trim point

When diagnostic category 0 under part 9500.1100, subpart 20 is used in this formula, the department shall substitute 0.6 in the formula with 0.8.

J. Determine the statewide arithmetic mean cost per admission for all admissions identified in item F within each program and specialty group by dividing (the total reimbursable inpatient hospital sum of the operating costs for all admissions less the amounts determined in items H and I in excess of the applicable trim point) by the total number of admissions including outliers.

K. Determine the statewide arithmetic mean cost per admission for each diagnostic category identified in item F within each program and specialty group by dividing (the total reimbursable inpatient hospital sum of the operating costs in each diagnostic category less the amounts determined in items H and I in excess of the outlier trim points) by the total number of admissions in each diagnostic category including outliers; and

L. Determine the relative value for each diagnostic category by dividing item K H by the corresponding result of item J G within the program and specialty group and round the quotient to five decimal places.

M. Determine the mean length of stay for each diagnostic category identified in item F by dividing the total number of inpatient service days in each diagnostic category by the total number of admissions in that diagnostic category and round the quotient to two decimal places.

N. Determine the day outlier trim point for each diagnostic category and round to whole days.

O. Determine the cost outlier trim point for each diagnostic category and round to whole dollars.

Subp. 2. **Redetermination of relative values.** The department shall redetermine the relative values of the diagnostic categories prior to the beginning of each state fiscal biennium. The redetermination of the relative values shall be based on claims from the two most recently completed state fiscal years reimbursed on or before March 1 of the second year of the biennium and the cost-to-charge ratios determined during the base year.

These redetermined relative values shall be the basis of reimbursement for the next biennium.

The department shall reassign the program, specialty group, and diagnostic category composition in part 9500.1100, subparts 20a to 20g, after notice of the change in the State Register and a 30-day comment period. The relative values in this part and adjusted base year operating costs in part 9500.1115 and 9500.1116 must be redetermined when changes are made to part 9500.1100, subparts 20a to 20g.

Subp. 3. [See repealer.]

9500.1115 DETERMINATION OF ALLOWABLE ADJUSTED BASE YEAR OPERATING COST PER ADMISSION AND PER DAY OUTLIER.

Subpart 1. **Minnesota and local trade area hospitals.** The department will determine the allowable adjusted base year operating cost per admission the department shall: for each Minnesota and local trade area hospital according to items A to D.

A. Determine reimbursable inpatient hospital costs and classify the operating cost for each hospital's base year admissions according to part 9500.1110, subpart 1, item D, substituting the terms and data for base year admissions for the terms and data referenced for state fiscal years 1983 and 1984; admission according to part 9500.1110, subpart 1, items A to F, except that the ratios in item E, subitem (2), will be adjusted to exclude certified registered nurse anesthetist costs and charges if separate billing for these services is elected by the hospital.

B. Subtract from the amount determined in item A the amounts in subitems (1) and (2):

(1) reimbursable inpatient hospital Determine the operating costs for day and cost outliers in excess of their trim points as determined for outliers under part 9500.1110, subpart 1, items H and I, and for each admission in item A that is recognized in outlier payments according to subitems (1) and (2).

(2) pass-through costs, except malpractice insurance costs, apportioned to medical assistance based on the ratio of reimbursable inpatient hospital costs as adjusted in subitem (1) to total reimbursable costs;

(1) For each base year admission that is a cost outlier and is not partially denied under parts 9505.0500 to 9505.0540, multiply that cost outlier's operating costs in excess of the trim point at part 9500.1110, subpart 1, item K, by each hospital's elected outlier percentage or 70 percent if an election is not made. When neonate or burn diagnostic categories are used, the department shall substitute 90 percent for the 70 percent or elected percentage.

(2) For each base year admission that is a day outlier, cut the operating cost of that admission at the trim point by multiplying the operating cost of that admission by the ratio of the admission's days of inpatient hospital services in excess of the trim point, divided by the admission's length of stay, and then multiply the cut operating cost by each hospital's elected outlier percentage or 70 percent if an election is not made. When neonate or burn diagnostic categories are used, the department shall substitute 90 percent for the 70 percent or elected percentage.

C. divide the reimbursable inpatient hospital costs as adjusted in item B For each admission, subtract the higher amount of item B, subitem (1) or (2), from item A, and for each hospital, add the results within each program and specialty group, and divide this amount by the number of base year admissions in each hospital including outliers; within each program and specialty group.

D. Adjust item C for case mix as follows: according to subitems (1) to (4).

(1) assign each base year admission a diagnostic category as specified in part 9500.1110, subpart 1, items E and F,

(2) Multiply the hospital's number of base year admissions by program and specialty group within each diagnostic category including outliers by the relative value of that diagnostic category;

(3) Sum (2) Add together each of the products determined in subitem (2); (1).

(4) (3) Divide the sum total from subitem (3) (2) by the number of base year hospital admissions including outliers; and round that quotient to five decimal places.

(5) (4) Divide the cost per admission as determined in item C by the quotient calculated in subitem (4) (3) and round that amount to whole dollars.

Subp. 2. Minnesota and local trade area hospitals. The department will determine the adjusted base year operating cost per day outlier for each Minnesota and local trade area hospital according to items A and B.

A. To determine the allowable operating cost per day that is recognized in outlier payments, add the amounts calculated in subpart 1, item B, subitem (2), and divide the total by the total number of days of inpatient hospital services in excess of the trim point.

B. Adjust item A for case mix according to subitems (1) to (4).

(1) Multiply the hospital's number of outlier days by program and specialty group within each diagnostic category by the relative value of that diagnostic category.

(2) Add the products determined in subitem (1).

(3) Divide the total from subitem (2) by the number of hospital outlier days.

(4) Divide the cost per day outlier as determined in item A by the quotient calculated in subitem (3) and round that amount to whole dollars.

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Subp. 3. Out-of-area hospitals. The department will determine the adjusted base year operating cost per admission and per day outlier by program and specialty group for out-of-area hospitals according to items A to C.

A. Multiply each adjusted base year operating cost per admission and per day outlier in effect on the first day of a rate year for each Minnesota and local trade area hospital by the number of corresponding admissions or outlier days in that hospital's base year.

B. Add the products calculated in item A.

C. Divide the total from item B by the total admissions or outlier days for all the hospitals and round that amount to whole dollars.

Subp. 4. Minnesota and local trade area metropolitan statistical area hospitals that do not have medical assistance admissions or day outliers in the base year. The department will determine the adjusted base year operating cost per admission or per day outlier by program and specialty group for Minnesota and local trade area metropolitan statistical area hospitals that do not have medical assistance admissions or day outliers in the base year according to items A to C.

A. Multiply each adjusted base year cost per admission and day outlier in effect on the first day of a rate year for each Minnesota and local trade area and metropolitan statistical area hospital by the number of corresponding admissions or outlier days in that hospital's base year.

B. Add the products calculated in item A.

C. Divide the total from item B by the total admissions or outlier days for all metropolitan statistical area hospitals and round that amount to whole dollars.

Subp. 5. Minnesota and local trade area nonmetropolitan statistical area hospitals that do not have medical assistance admissions or day outliers in the base year. The department will determine the adjusted base year operating cost per admission or per day outlier by program and specialty group for Minnesota and local trade area nonmetropolitan statistical area hospitals by substituting nonmetropolitan statistical area hospitals terms and data for the metropolitan statistical area hospitals terms and data under subpart 4.

Subp. 6. Limitation on separate payment and outlier percentage. Hospitals that have rates established under subpart 3 may not have certified registered nurse anesthetists services paid separately from parts 9500.1090 to 9500.1140 and hospitals that have rates established under subpart 3, 4, or 5 may not elect an alternative outlier percentage.

9500.1116 DETERMINATION OF ADJUSTED BASE YEAR OPERATING COST PER DAY.

Subpart 1. Neonatal transfers.

A. For Minnesota and local trade area hospitals, the department will determine the neonatal transfer adjusted base year operating cost per day for Minnesota and local trade area hospital admissions that result from a transfer to a neonatal intensive care unit according to subitems (1) to (3).

(1) Determine the operating cost per day for each diagnostic category in part 9500.1100, subpart 20f, according to part 9500.1110, subpart 1, items A to F, except that the ratios in part 9500.1110, subpart 1, item E, subitem (2), will be adjusted to exclude certified registered nurse anesthetist costs and charges if separate billing for these services is elected by the hospital, and divide the total base year operating costs by the total corresponding inpatient hospital days for each admission.

(2) Determine relative values for each diagnostic category at part 9500.1100, subpart 20f, according to part 9500.1110, subpart 1, items G, H, and I, after substituting the term "day" for "admission."

(3) Adjust the result of subitem (2) according to part 9500.1115, subpart 1, item D, after substituting the term "day" for "admission."

B. For Minnesota and local trade area metropolitan statistical area hospitals that do not have medical assistance neonatal transfer admissions to a neonatal intensive care unit in the base year, the department will determine the neonatal transfer adjusted base year operating cost per day for admissions that result from a transfer to a neonatal intensive care unit according to subitems (1) to (3).

(1) Multiply each adjusted base year cost per day in effect on the first day of a rate year for each Minnesota and local trade area metropolitan statistical area hospital by the number of corresponding days in the hospital's base year.

(2) Add the products in subitem (1).

(3) Divide the total from subitem (2) by the total days for all metropolitan statistical area hospitals and round that amount to whole dollars.

C. For Minnesota and local trade area nonmetropolitan statistical area hospitals that do not have medical assistance neonatal transfer admissions to a neonatal intensive care unit in the base year, the department will determine the adjusted base year operating

cost per day for admissions that result from a transfer to a neonatal intensive care unit by substituting nonmetropolitan statistical area hospitals terms and data for the metropolitan statistical area hospitals terms and data under item B.

Subp. 2. Long-term hospital. The department will determine the base year operating cost per day for Minnesota and local trade area hospital admissions to a long-term hospital as designated by Medicare for the rate year according to items A and B.

A. Determine the operating cost per day according to part 9500.1110, subpart 1, items A to E, except that claims excluded in part 9500.1110, subpart 1, item B, subitems (2) and (4), will be included and the ratios in part 9500.1110, subpart 1, item E, subitem (2), will be adjusted to exclude certified registered nurse anesthetist costs and charges if separate billing for these services is elected by the hospital.

B. Divide the total base year operating costs for all admissions in item A by the total corresponding inpatient hospital days for all admissions and round that amount to whole dollars.

9500.1120 DETERMINATION AND PUBLICATION OF HOSPITAL COST INDEX (HCI).

Subpart 1. Adoption of Health Care Costs Hospital Cost Index. The most recent hospital cost index will be derived from Health Care Costs as published by Data Resources Incorporated (DRI) is incorporated by reference, 1200 G Street NW, Washington, D.C. 20005. This report is published quarterly. The health care costs report is available through the Minitex interlibrary loan system and this report is incorporated by reference. The report is published monthly.

Subp. 2. Determination of hospital cost index. For each calendar quarter the period from the midpoint of each hospital's base year to the midpoint of the rate year, or, when the base year is not rebased, from the midpoint of the prior rate year to the midpoint of the current rate year, the department shall determine the HCI as follows: hospital cost index according to items A to F.

A. For each calendar quarter The commissioner shall obtain from Health Care Costs published by Data Resources, Inc., inflation the average annual historical and projected cost change estimates in a decimal format for the following operating costs in subitems (1) to (7):

- (1) wages and salaries;
- (2) employee benefits;
- (3) medical and professional fees;
- (4) raw food;
- (5) medical supplies;
- (6) pharmaceuticals;
- (7) utilities;
- (8) repairs and maintenance;
- (9) (6) insurance (other than including malpractice); and
- (10) (7) other operating costs.

B. During the fourth quarter of each calendar year, Obtain data for operating costs as found in the aggregate of hospitals in Minnesota which indicate the proportion of operating costs attributable to each of item A, subitems (1) to (10) (7). These proportions will be used in the determination of the HCI for the next calendar year.

C. Multiply each proportion for item A, subitems (1) to (10) by each subitem's inflation estimate For each category in item A, multiply the amount determined in item B by the applicable amount determined in item A.

D. ~~Sum~~ Add the products determined in item C and limit this amount to the statutory maximums on the rate of increase. Round the ~~sum~~ result to ~~one~~ three decimal ~~place~~ places.

E. For each annual period beginning October 1, 1992, add 0.01 to the medical assistance index, excluding general assistance medical care, in item D.

F. Add one to the amounts calculated in item E and multiply these amounts together. Round the result to three decimal places.

Subp. 3. [See repealer.]

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9500.1121 DETERMINATION OF DISPROPORTIONATE POPULATION ADJUSTMENT.

Subpart 1. Eligibility for disproportionate population adjustment. To be eligible for a disproportionate population adjustment, the hospital must meet the requirements of item B under general assistance medical care and item A and item C, D, or E under medical assistance.

A. The hospital, at the time that an admission occurs, must have at least two obstetricians with staff privileges who provide obstetric services to medical assistance patients. For nonmetropolitan statistical area hospitals, an obstetrician may be any physician with staff privileges at the hospital to perform nonemergency obstetrics procedures. This requirement does not apply to hospitals where the majority of admissions are predominately individuals under 18 years of age or hospitals that did not offer nonemergency obstetric services as of December 21, 1987.

B. The hospital has a base year days utilization rate of medical assistance inpatient days, excluding general assistance medical care and Medicare crossovers, divided by total inpatient days that exceeds the arithmetic mean plus one standard deviation for Minnesota and local trade area hospitals. The difference is added to one and rounded to four decimal places.

C. The hospital has a base year days utilization rate of medical assistance inpatient days, excluding general assistance medical care and Medicare crossovers, divided by total inpatient days that exceeds the arithmetic mean for Minnesota and local trade area hospitals. The difference is added to one and rounded to four decimal places.

D. The hospital has a base year days utilization rate of medical assistance inpatient days, excluding general assistance medical care and Medicare crossovers, divided by total inpatient days that exceeds the arithmetic mean plus one standard deviation for Minnesota and local trade area hospitals. The difference is multiplied by 1.1 and added to one and rounded to four decimal places.

E. The hospital has a base year low-income utilization rate that exceeds 0.25. This rate is calculated by dividing medical assistance revenues, excluding general assistance medical care, plus any cash subsidies received by the hospital directly from state and local government by total revenues plus the cash subsidies amount. This rate is added to the quotient of inpatient "charity care" charges minus the cash subsidies divided by total inpatient charges. The result is added to one and rounded to four decimal places. For purposes of this part, "charity care" is care provided to individuals who have no source of payment from third-party or personal resources.

Subp. 2. Days utilization rate used in cases where hospital qualifies under two rates. If a hospital qualifies under both the days utilization rate at subpart 1, item C or D, and the low-income utilization rate at subpart 1, item E, the disproportionate population adjustment amount shall be the days utilization rate.

9500.1122 DETERMINATION OF PROPERTY COST PER ADMISSION.

Subpart 1. Minnesota and local trade area hospitals. The department will determine the property cost per admission for each Minnesota and local trade area hospital according to items A to D.

A. Determine the property cost for each hospital admission in part 9500.1110, subpart 1, item D, using each hospital's base year data according to subitems (1) to (4).

(1) Multiply the number of accommodation service inpatient days by that accommodation service property per diem and add the products.

(2) Multiply each ancillary charge by that ancillary property cost to charge ratio and add the products.

(3) Add subitems (1) and (2).

(4) Add the results of subitem (3) for all admissions for each hospital.

B. Determine the property cost for each hospital admission in part 9500.1110, subpart 1, item D, using each hospital's base year data and recent year data from part 9500.1105, subpart 1, item A, subitem (5), according to subitems (1) to (4).

(1) Multiply the base year number of accommodation service inpatient days by that same recent year accommodation service property per diem and add the products.

(2) Multiply each base year ancillary charge by that annualized recent year property cost to base year charge ratio and add the products.

(3) Add subitems (1) and (2).

(4) Add the totals of subitem (3) for all admissions for each hospital.

C. Determine the change in the property cost according to subitems (1) to (3).

(1) Subtract item A, subitem (4) from item B, subitem (4), and, if positive, divide the result by item A, subitem (4).

(2) Multiply the quotient of subitem (1) by 0.85.

(3) Add one to the result of subitem (2) and round to two decimal places.

D. Determine the property cost per admission by program and specialty group according to subitems (1) to (3).

(1) Assign each admission and property cost in item A, subitem (3), to the appropriate program and specialty group according to part 9500.1100, subparts 20a to 20g.

(2) Multiply the cost of each admission in subitem (1) by the factor in item C, subitem (3).

(3) Add the products within each group in subitem (2), divide the total by the number of corresponding admissions, and round the resulting amount to whole dollars.

Subp. 2. Out-of-area hospitals. The department will determine the property cost per admission by program for out-of-area hospitals according to items A to C.

A. Multiply each property cost per admission in effect on the first day of a rate year for each Minnesota and local trade area hospital by the number of corresponding admissions in that hospital's base year.

B. Add the products in item A.

C. Divide the total from item B by the total admissions for all the hospitals and round the resulting amount to whole dollars.

Subp. 3. Minnesota and local trade area metropolitan statistical area hospitals that do not have medical assistance admissions in the base year. The department will determine the property cost per admission by program and specialty group for Minnesota and local trade area metropolitan statistical area hospitals that do not have medical assistance admissions in the base year according to items A to C.

A. Multiply each property cost per admission in effect on the first day of a rate year for each Minnesota and local trade area metropolitan statistical area hospital by the number of corresponding admissions in the hospital's base year.

B. Add the products in item A.

C. Divide the total from item B by the total admissions for all metropolitan statistical area hospitals and round the resulting amount to whole dollars.

Subp. 4. Minnesota and local trade area nonmetropolitan statistical area hospitals that do not have medical assistance admissions in the base year. The department will determine the property cost per admission by program and specialty group for Minnesota and local trade area nonmetropolitan statistical area hospitals that do not have medical assistance admissions in the base year by substituting nonmetropolitan statistical area hospitals terms and data for the metropolitan statistical area hospitals terms and data under subpart 3.

9500.1124 DETERMINATION OF PROPERTY COST PER DAY.

Subpart 1. Neonatal transfers.

A. For Minnesota and local trade area hospitals, the department will determine the property cost per day for neonatal transfer admissions that result from a transfer to a neonatal intensive care unit according to part 9500.1122, subpart 1, item D, after substituting the term "day" for "admission."

B. For Minnesota and local trade area hospitals that do not have medical assistance neonatal transfer admissions in the base year, the department will determine the neonatal transfer property cost per day for admissions in the base year according to part 9500.1122, subpart 3, after substituting the term "day" for "admission."

Subp. 2. Long-term hospitals. For long-term hospitals, the department will determine the property cost per day for Minnesota and local trade area hospital admissions to a long-term hospital as designated by Medicare for the rate year according to subpart 1, item A, except that claims excluded in part 9500.1110, subpart 1, item B, subitems (2) and (4), will be included.

9500.1128 DETERMINATION OF PAYMENT RATES.

Subpart 1. Notification. Minnesota and local trade area hospitals will be provided a notice of rates and relative values that are to be effective for the rate year by the preceding December 1. The payment rates shall be based on the rates in effect on the date of admission except when the inpatient admission includes both the first day of the rate year and the preceding July 1. In this case, the adjusted base year operating cost on the admission date shall be increased each rate year by the rate year hospital cost index.

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Proposed Rules

Subp. 2. Rate per admission.

A. Each admission is classified to the appropriate program or specialty group and diagnostic category according to part 9500.1100, subparts 20a to 20g, and the rate per admission will be determined according to subitems (1) and (2):

- (1)
$$\frac{\text{Medical Assistance Rate Per Admission}}{\text{Rate Per Admission}} = \frac{\text{((Adjusted base year operating cost per admission multiplied by the relative value of the diagnostic category) plus the property cost per admission) and multiplied by the disproportionate population adjustment}}{\text{adjustment}}$$
- (2)
$$\frac{\text{General Assistance Medical Care Rate per Admission}}{\text{Rate per Admission}} = \frac{\text{(Adjusted base year operating cost per admission multiplied by the relative value of the diagnostic category and multiplied by the disproportionate population adjustment) plus the property cost per admission}}{\text{admission}}$$

B. The metabolic testing fee for newborns that is paid to the Department of Health will be added to the rate per admission for each birth until the fee is included in the base year allowable operating costs of the hospital.

C. The day and cost outlier rates are in addition to the rate per admission and will be determined by program or specialty group as follows:

(1) The rate per day for day outliers, as classified in item A, is determined as follows:

$$\frac{\text{Outlier Rate Per Day}}{\text{Per Day}} = \frac{\text{Adjusted base year operating cost per day outlier multiplied by the relative value of the diagnostic category and multiplied by the disproportionate population adjustment}}{\text{admission}}$$

(2) The days of outlier status begin after the trim point for the appropriate diagnostic category and continue for the number of days a patient receives covered inpatient hospital services.

(3) Payment for cost outliers is determined according to units (a) to (g).

(a) Add the operating cost for each hospital's admissions in part 9500.1110, subpart 1, item E, subitem (5), and divide that total by the total charges on the corresponding claims to determine the overall operating cost to charge ratio for each hospital.

(b) For out-of-area hospitals and hospitals that do not have medical assistance admissions in the base year, add the operating cost for all admissions at part 9500.1110, subpart 1, item E, subitem (5), and divide that total by the total charges on the corresponding claims to determine the overall operating cost to charge ratio.

(c) Multiply the allowable charges of the admission by the applicable cost to charge ratio of either unit (a) or (b) and round the resulting amount to whole dollars.

(d) Subtract from the amount calculated in unit (c) the cost outlier trim point in part 9500.1110, subpart 1, item L.

(e) Multiply the amount calculated in unit (d) by 90 percent for neonate and burn diagnostic categories. For all other diagnostic categories, multiply the amount by 70 percent or the hospital elected percentage.

(f) For out-of-area hospitals and hospitals that do not have medical assistance admissions in the base year, multiply the amount calculated in unit (d) by the average outlier percent. The average outlier percent is calculated by multiplying each hospital's outlier percent by the number of admissions, excluding neonate and burn diagnostic category admissions. Add the products for all hospitals and divide this total by the total of all admissions.

(g) Multiply the final amount determined in unit (e) or (f) by the disproportionate population adjustment.

(4) If an admission is both a day and cost outlier, the payment will be determined at the higher amount except that a cost outlier shall not be applicable to admissions that are partially denied under parts 9505.0500 to 9505.0540.

D. Except for admissions subject to subpart 3, a transfer rate per day for both the hospital that transfers a patient and the hospital that admits the patient who is transferred will be determined as follows:

$$\frac{\text{Transfer Rate Per Day}}{\text{Day}} = \frac{\text{The rate per admission in item A divided by the arithmetic mean length of stay of the diagnostic category}}{\text{admission}}$$

(1) A hospital will not receive a transfer payment that exceeds the hospital's applicable rate per admission specified in item A unless that admission is a day or cost outlier.

(2) Except as applicable under subpart 4, rehabilitation hospitals and rehabilitation distinct parts are exempt from a transfer payment.

Subp. 3. Rate per day.

A. Admissions resulting from a transfer to a neonatal intensive care unit and classified to a diagnostic category in part 9500.1100, subpart 20f, will have rates determined according to subpart 2, item A, after substituting the word "day" for "admission."

B. Admissions or transfers to a long-term hospital as designated by Medicare for the rate year will have rates determined according to subpart 2, item A, after substituting the word "day" for "admission," without regard to relative values.

Subp. 4. Rebasing adjustment. The difference due to rebasing in part 9500.1131 will be added to each admission.

Subp. 5. Readmissions. An admission and readmission of the same patient to the same or a different hospital within 15 days, excluding the days of discharge and readmission, is eligible for reimbursement according to the criteria in parts 9505.0500 to 9505.0540.

9500.1129 PAYMENT LIMITATIONS.**Subpart 1. Charge limitation.**

A. The department will limit payment, including third party and recipient liability, for services provided by an out-of-area hospital to allowable charges for the admission.

B. Payments, in addition to third party and recipient liability, for discharges occurring during a rate year may not exceed, in aggregate, the allowable charges for the same period of time to the hospital. This limitation will exclude payments made under part 9500.1121 and Medicare crossover claims. The limitation will be calculated separately for general assistance medical care and medical assistance and separately from other services for a rehabilitation distinct part.

Subp. 2. Transfers. A discharging hospital is not eligible for a transfer payment for services provided to a discharged patient if the admission to the discharging hospital was not due to an emergency, as defined in part 9505.0500, subpart 11, and the discharging hospital knew or had reason to know at the time of admission that the inpatient hospital services were outside the scope of the hospital's available services and the transfer to another hospital resulted because of the patient's need for those services.

9500.1130 REIMBURSEMENT PAYMENT PROCEDURES.

Subpart 1. Submittal of claims. Claims may not be submitted to the department until after a recipient patient is discharged or after 30 days after admission and every subsequent 30 days, whichever occurs first. A hospital that submits a claim to the department after 30 days from admission, but before discharge, shall submit a final claim after discharge, but must not submit any other interim claims except as part of an appeal.

Subp. 1a. Payor of last resort. A hospital may not submit a claim to the department until a final determination of the patient's eligibility for potential third party payment has been made by a hospital. Any and all available third party benefits must be exhausted prior to billing medical assistance and the third party liability amounts must be entered on the claim.

Subp. 1b. Third party liability. Payment for patients that are simultaneously covered by medical assistance and a third party will be determined according to a hierarchy of application as set out in items A to E.

A. Medical assistance payment for a Medicare crossover will be determined by subtracting the third party liability from the Medicare deductible and coinsurance due from the patient. A negative difference will not be implemented.

B. Medical assistance payment for a Medicare crossover whose Medicare benefits either exhaust or begin during an admission will be determined by subtracting the Medicare payment and third party liability from the medical assistance rate. A negative difference will not be implemented.

C. Medical assistance payment will not be made for an admission when either charges are paid by a third party or the hospital has an agreement to accept payment for less than charges as payment in full.

D. Medical assistance payment for an admission under item C that requires a deductible or coinsurance will be made at a level equal to the deductible or coinsurance due from the patient.

E. Medical assistance payment for a patient with any third party benefits will be determined as the lesser of the covered charges minus the third party liability, or the medical assistance rate minus the third party liability. A negative difference will not be implemented.

Subp. 1c. Reduction of recipient resources. Recipient resources will also be reduced from the amounts in subpart 1b.

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Proposed Rules

- Subp. 2. [See repealer.]
- Subp. 3. [See repealer.]
- Subp. 4. [See repealer.]
- Subp. 5. [See repealer.]
- Subp. 6. [See repealer.]
- Subp. 7. [See repealer.]
- Subp. 8. [See repealer.]
- Subp. 9. [See repealer.]
- Subp. 10. [See repealer.]
- Subp. 11. [See repealer.]
- Subp. 12. [See repealer.]

9500.1131 DETERMINATION OF DIFFERENCES DUE TO REBASING.

Subpart 1. Operating costs before and after rebasing. The department will determine the difference between the operating costs before rebasing and after rebasing for each Minnesota and local trade area hospital according to items A to D.

A. Determine the operating cost per admission for each hospital using data from the base year in effect on June 30, 1992, according to subitems (1) and (2).

(1) Assign each admission to the medical assistance, aid to families with dependent children, or general assistance medical care program and divide the total operating cost by the total corresponding admissions.

(2) Multiply the quotients of subitem (1) by the hospital cost index that corresponds to each hospital's fiscal year end to June 30, 1993.

B. Determine the operating cost per admission for each hospital using data from the base year in effect on July 1, 1993, according to subitems (1) to (5).

(1) Determine the operating cost for all admissions, including the cost of transfer admissions and part 9500.1116, according to part 9500.1110, subpart 1, items A to E.

(2) Assign each admission at subitem (1) to the medical assistance, aid to families with dependent children, or general assistance medical care program and add the results for each program for each hospital.

(3) Add the admissions and subtract from that total rehabilitation distinct part admissions and newborn admissions that have been separated from another admission.

(4) Divide the results of subitem (2) by subitem (3) for each program.

(5) Multiply the quotients of subitem (4) by the hospital cost index that corresponds to each hospital's fiscal year end to June 30, 1993.

C. Subtract item A, subitem (2), from item B, subitem (5), for each program.

D. Determine the operating cost per admission for hospitals that do not have admissions in a program in a base year by substituting metropolitan statistical area or nonmetropolitan statistical area hospital data in that base year for each hospital's program data under items A and B.

Subp. 2. Effect of rebasing property costs. The department will determine the effect of rebasing the property costs for each Minnesota and local trade area hospital according to items A to E.

A. Determine the property cost for all admissions, including the costs of transfer admissions and neonatal transfers at part 9500.1124, according to part 9500.1122, subpart 1, item A, subitems (1) to (3), and multiply the results by part 9500.1122, subpart 1, item C, subitem (3).

B. Assign each admission at item A to the medical assistance, aid to families with dependent children, or general assistance medical care program and add the results for each program.

C. Add the admissions and subtract from that total rehabilitation distinct part admissions and newborn admissions that have been separated from another admission.

D. Divide the results of item B by item C for each program.

E. Determine the property cost per admission for hospitals that do not have admissions in a program in a base year by

substituting metropolitan statistical area or nonmetropolitan statistical area hospital data in that base year for each hospital's program data under items A to D.

Subp. 3. Cost differences before and after rebasing. The department will determine the difference between the costs, the disproportionate population adjustment, and small rural increase before rebasing and after rebasing for each Minnesota and local trade area hospital according to items A and B.

A. Adjust the medical assistance and aid to families with dependent children costs by the disproportionate population adjustment and the small rural increase according to subitems (1) to (13).

(1) Multiply the result of subpart 1, item A, subitem (2), by the disproportionate population adjustment in effect on July 1, 1992, and add the property rate in effect on July 1, 1992.

(2) Add the results of subpart 1, item A, subitem (2), and the property rate in effect on October 1, 1992, and multiply the result by the disproportionate population adjustment in effect on October 1, 1992.

(3) Multiply the result of subitem (1) by .25 and the result of subitem (2) by .75 and add the two products.

(4) Multiply the result of subpart 1, item B, subitem (5), by the rebased disproportionate population adjustment under the laws in effect on July 1, 1992, and add this amount to the result of subpart 2, item D, for each program.

(5) Add the result of subpart 1, item B, subitem (5), and subpart 2, item D, for each program and multiply the result by the rebased disproportionate population adjustment under the laws in effect on October 1, 1992.

(6) Multiply the result of subitem (4) by .25 and the result of subitem (5) by .75 and add the two products.

(7) Subtract one from the disproportionate population adjustment in effect on October 1, 1992, and subtract the result from the applicable .15 or .20 small rural increase.

(8) Multiply the result of subitem (7), if positive, by .75 and add one.

(9) Multiply the result of subitem (3) by subitem (8).

(10) Subtract one from the rebased disproportionate population adjustment under the laws in effect on October 1, 1992, and subtract the result from the applicable .15 or .20 small rural increase.

(11) Multiply the result of subitem (10), if positive, by .75 and add one.

(12) Multiply the result of subitem (6) by subitem (11).

(13) Subtract subitem (9) from subitem (12).

B. Adjust the general assistance medical care costs by the disproportionate population adjustment according to subitems (1) to (7).

(1) Multiply the result of subpart 1, item A, subitem (2), by the disproportionate population adjustment in effect on July 1, 1992, and add the property rate in effect on July 1, 1992.

(2) Multiply the result of subpart 1, item A, subitem (2), by the disproportionate population adjustment in effect on October 1, 1992, and add the property rate in effect on October 1, 1992.

(3) Multiply the result of subitem (1) by .25 and the result of subitem (2) by .75 and add the two products.

(4) Multiply the result of subpart 1, item B, subitem (5), by the rebased disproportionate population adjustment under the laws in effect on July 1, 1992, and add the result of subpart 2, item D.

(5) Multiply the result of subpart 1, item B, subitem (5), by the rebased disproportionate population adjustment under the laws in effect on October 1, 1992, and add the result of subpart 2, item D.

(6) Multiply the result of subitem (4) by .25 and the result of subitem (5) by .75 and add the two products.

(7) Subtract subitem (3) from subitem (6).

Subp. 4. Rebasing difference. The department will determine the total difference that results from rebasing according to items A and B.

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Proposed Rules

A. Determine the medical assistance and aid to families with dependent children payment adjustment for each admission occurring from July 1, 1993 to June 30, 1994, according to subitems (1) to (4).

(1) Subtract the medical assistance cash flow add-on in effect on July 1, 1992, from subpart 3, item A, subitem (13).

(2) Multiply the result of subitem (1) by the result of subpart 1, item B, subitem (3).

(3) Divide the product of subitem (2) by the result of subpart 1, item B, subitem (2), and round to whole dollars.

(4) A change to the cash flow add-on will result in a change to the subtraction at subitem (1) for the same length of time that it was in effect.

B. Determine the general assistance medical care payment adjustment for each admission occurring from July 1, 1993 to June 30, 1994, according to subitems (1) to (4).

(1) Subtract the general assistance medical care cash flow add-on in effect on July 1, 1992, from subpart 3, item B, subitem (7).

(2) Multiply the result of subitem (1) by the result of subpart 1, item B, subitem (3).

(3) Divide the product of subitem (2) by the result of subpart 1, item B, subitem (2), and round to whole dollars.

(4) A change to the cash flow add-on will result in a change to the subtraction at subitem (1) for the same length of time that it was in effect.

Subp. 5. Adjustments. The department will adjust the results of subparts 1 to 4 in circumstances occurring under items A and B.

A. If the implementation date of the Medicaid management information system is later than July 1, 1993, adjustments will be made according to subitems (1) to (3).

(1) Redetermine the hospital cost index in subpart 1 to the day prior to the implementation date of the Medicaid management information system.

(2) Redetermine the time weights calculated in subpart 3 by dividing three months by the number of months between July 1, 1992, and the implementation date of the Medicaid management information system. Subtract this amount from one.

(3) Redetermine the length of time that the adjustment in subpart 4 is in effect as the same length of time that the implementation date of the Medicaid management information system was delayed from July 1, 1993.

B. If changes are made to a hospital's disproportionate population adjustment or if appeal settlements are made after July 1, 1992, to the implementation date of the Medicaid management information system, adjustments will be made according to subitems (1) and (2).

(1) Redetermine the effect of the change by inserting the revisions and dates of change in subpart 3 after converting the payment to a per admission basis.

(2) Redetermine the time weights in subpart 3 as the number of months that the change was in effect divided by the number of months between July 1, 1992, and the implementation date of the Medicaid management information system.

9500.1140 APPEALS.

Subpart 1. **Scope of appeals board.** The commissioner shall appoint an appeals board to review hospitals' requests for changes in their reimbursement rates. The appeals board shall consist of two public representatives, two representatives of the hospital industry, and one representative of the business or consumer community. Any hospital that desires to have its rate reviewed by the appeals board shall submit to the commissioner a written request which states the rate and reasons for the request. Within 90 days of the request, the appeals board shall meet with persons selected by the hospital and persons from the department. The appeals board shall make a written report and recommendation to the commissioner. The commissioner shall issue a written decision on the request for a change in the hospital's rate within 30 days after receiving the report of the appeals board. A hospital may appeal a decision arising from the application of standards or methods under *Minnesota Statutes*, section 256.9685, 256.9686, or 256.969, if an appeal would result in a change to the hospital's payment rate or payments. The appeals procedure in subparts 2 to 6 shall apply to all appeals filed on or after August 1, 1989.

Subp. 2. **Contested case hearing Filing of appeals.** A hospital may appeal a decision of the commissioner issued pursuant to subpart 1, by filing a written notice of appeal with the commissioner within 30 days of the date of service of the decision appealed. The appeal must be conducted as a contested case hearing under *Minnesota Statutes*, chapter 14 and the rules of the Office of Administrative Hearings. An appeal must be received by the commissioner within the time period specified in subpart 3, 4, or 5. The appeal must include the information required in items A to D:

A. the disputed items;

B. the authority in federal or state statute or rule upon which the hospital relies for each disputed item;

- C. the type of appeal in subpart 3, 4, or 5 that is applicable to each disputed item; and
- D. the name and address of the person to contact regarding the appeal.

Subp. 3. Case mix appeals. A hospital may appeal a payment change that results from a difference in case mix between the base year and rate year. The appeal must be received by the commissioner or postmarked no later than 120 days after the end of the appealed rate year. A case mix appeal will apply to all medical assistance patients that received inpatient hospital services from the hospital and the appeal is effective for the entire rate year. The results of case mix appeals do not automatically carry forward into later rate years. Separate case mix appeals must be submitted for each rate year based on the change in the mix of cases for that particular rate year. An adjustment will be made only to the extent that the need is attributable to circumstances that are separately identified by the hospital. The hospital must demonstrate that the average acuity or length of stay of patients in each rate year appealed has increased or services have been added or discontinued according to items A to C.

A. The change must be measured by use of case mix indices derived using all federal diagnostic related groups.

B. The percentage change, in whole numbers, between the recalculated case mix indices under item A will be reduced by the change in indices as measured using diagnostic groups in part 9500.1100, subparts 20b to 20g.

C. The resulting percentage change in item B, will be multiplied by payments made for admissions occurring during the appealed rate year under part 9500.1128 reduced by property payments made under parts 9500.1129 and 9500.1130.

Subp. 4. Medicare adjustment appeals. To appeal a payment rate or payment change that results from Medicare adjustments of base year information, the appeal must be received by the commissioner or postmarked not later than 60 days after the date the medical assistance determination was mailed to the hospital by the department or within 60 days of the date the Medicare determination was mailed to the hospital by Medicare, whichever is later.

Subp. 5. Rate and payment appeals. To appeal a payment rate or payment determination that is not a case mix or Medicare adjustment appeal, the appeal must be received by the commissioner within 60 days of the date the determination was mailed to the hospital.

Subp. 6. Resolution of appeals. The appeal will be heard by an administrative law judge according to parts 1400.5100 to 1400.8401 and *Minnesota Statutes*, sections 14.57 to 14.62, and according to the requirements of items A to D.

A. The hospital must demonstrate by a preponderance of the evidence that the commissioner's determination is incorrect or not according to law.

B. Both overpayments and underpayments that result from the submission of appeals will be implemented.

C. Facts to be considered in any appeal of base year information are limited to those in existence at the time the payment rates of the first rate year were established from the base year information.

D. Relative values and rates that are based on averages will not be recalculated to reflect the appeal outcome.

REPEALER. *Minnesota Rules*, parts 9500.1100, subparts 4, 4a, 7, 8, 8a, 10, 12, 13, 17, 20, 21, 23, 24, 24a, 28, 30, 30a, 33a, 39, 40, 41, 42, 43, 43a, 44, 46, 47, 47a, 48, 49, and 52; 9500.1110, subpart 3; 9500.1120, subpart 3; 9500.1125; 9500.1130, subparts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; and 9500.1135, are repealed.

CHANGE IN TERMS. The reference to part 9500.1100, subpart 20, in *Minnesota Rules*, part 9505.0500, subpart 10a, shall be changed to part 9500.1100, subpart 20a. The references to part 9500.1130, subpart 7, in *Minnesota Rules*, part 9505.0540, subpart 5, items A to C, shall be changed to part 9500.1128, subpart 2, item D.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Simulcast Wagering

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received, and Notice of Intent to Cancel Hearing on the Proposed Rules is Fewer than 25 Persons Request a Hearing with Respect to the Proposed Rules

The Minnesota Racing Commission intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 (1992). If, however, 25 or more persons submit a

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Proposed Rules

written request for a hearing on the rule by May 12, 1993, a public hearing will be held on June 2, 1993. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after May 12, 1993.

Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Richard G. Krueger
Minnesota Racing Commission
7825 Washington Avenue South, Suite #800
Bloomington, Minnesota 55439
Telephone: 612/341-7555
FAX: 612/341-7563
TDD/Voice Relay Service: 612/297-5353
TDD/Voice Relay Service, MN only: 800-627-3529

The proposed rule amendment deals with a modification to an existing rule by the addition of new language to facilitate Class D (County Fair) pari-mutuel horse racing and simulcasting during county fair race meets. The statutory authority to adopt the rule is contained in *Minnesota Statutes*, section 240.23 (1992). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

You have until 4:30 p.m. on May 12, 1993 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 12, 1993. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change to the proposed rule as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

The hearing scheduled for June 2, 1993 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after May 12, 1993 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on June 2, 1993 in the Hennepin County Government Center, Commissioners' Board Room, 24th Floor, beginning at 1:00 p.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Howard L. Kaibel, Jr. Judge Kaibel can be reached at the Office of Administrative Hearings, 100 Washington Square, Minneapolis, MN 55401-2138 (telephone 612 341-7608).

If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be related to the proposed rule. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1991, Supp. 1992) and *Minnesota Statutes*, sections 14.14 to 14.20 (1992). Questions about procedure may be directed to the Administrative Law Judge.

A Statement of Need and Reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates will be presented at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11 (1992).

The Commission is subject to *Minnesota Statutes*, section 14.115 (1992) regarding small business considerations in rulemaking. The Commission's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2 (1992), for reducing the impact of the proposed rules on small businesses are addressed in the Statement of Need and Reasonableness.

Minnesota Statutes, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 100 Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155 (telephone 612 296-5148).

If no hearing is required after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the proposed rule, submit your request to the agency contact person listed above.

If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified 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 rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 23 March 1993

Richard G. Krueger
Executive Director

Rules as Proposed

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

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

Subp. 5. Horsepersons' simulcast contract. A class D licensee may not conduct simulcasting for wagering purposes unless the licensee has a written contract, permitting the simulcasting, with the horsepersons' organization representing the breed being simulcast and with each horsepersons' organization representing each breed that raced at the most recent live meet conducted at the licensee's facility.

For purposes of this subpart, the horsepersons' organization is the horsepersons' organization referenced in *Minnesota Statutes*, section 240.13, subdivision 5, paragraph (b), that is presently representing the horsepersons of the breed involved or, if there is no live racing in Minnesota for that breed at the time of the simulcast, the organization which represented the horsepersons of that breed at the last live meet conducted by a class B licensee at a class A racing facility. Division of revenue and all other terms and conditions of the agreement must be set forth in a written contract between the class D licensee and the horsepersons' organization and must be filed with the commission before any simulcasting takes place.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste Housekeeping

Notice of Intent to Adopt Rules Without a Public Hearing

The Pollution Control Agency intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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.

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Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Jeanne Eggleston
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-3898
Telephone: (612) 297-8371
FAX: (612) 297-8676

Subject of Rule and Statutory Authority. The proposed rule is about the management of hazardous waste by hazardous waste generators and hazardous waste transport, storage, and disposal facilities. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 116.07, subdivision 4. The proposed rule is published below. A free copy of the rule is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m., May 14, 1993 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and be received by the agency contact person by 4:30 p.m. on May 14, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as printed. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. The provisions of *Minnesota Statutes*, section 14.115, subdivision 4 have been reviewed and it has been determined that this proposed rule will not adversely affect small businesses.

Expenditure of Public Money by Local Public Bodies. The provisions of *Minnesota Statutes*, section 14.11, subdivision 1 have been reviewed and it has been determined that this proposed rule will not require the expenditure of public money by local public bodies of greater than \$100,000 in the two years following rule adoption.

Impact on Agricultural Lands. The provisions of *Minnesota Statutes*, section 14.11, subdivision 2 have been reviewed and it has been determined that this proposed rule will not affect agricultural land.

Adoption and Review of the Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to the legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Charles W. Williams
Commissioner

Rules as Proposed

7001.0620 PART B INFORMATION REQUIREMENTS FOR LANDFILLS.

Except as otherwise provided by part 7045.0538, subpart 1, if the applicant proposes to dispose of hazardous waste in a landfill, the applicant shall furnish the information designated in items A to L in addition to the information required by part 7001.0560:

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

C. Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated, and maintained to comply with the requirements of part 7045.0538, subpart 3. This submission must address the following items as specified in part 7045.0538, subpart 3:

[For text of subitems (1) to (5), see M.R.]

(6) the phased development plan in accordance with the requirements of part 7045.0538, subpart 3, item G I; and

[For text of subitem (7), see M.R.]

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

7001.0712 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.

Subpart 1. **Scope.** This part applies to research, development, or demonstration facilities other than land treatment demonstration facilities governed by part 7001.0710 or facilities meeting the treatability study exemption requirements of part 7045.0121.

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

7045.0020 DEFINITIONS.

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

Subp. 6c. **Burner.** "Burner" means an owner or operator of an industrial furnace, industrial boiler, or utility boiler meeting the definition of industrial furnace in subpart ~~43a~~ 43b or boiler in subpart 6a.

[For text of subps 6d to 12, see M.R.]

Subp. 13. **Control equipment.** "Control equipment" means an "air containment treatment facility" or a "treatment facility" as defined in *Minnesota Statutes*, section 116.06, subdivision ~~6~~ 3.

[For text of subps 13a to 14, see M.R.]

Subp. 15. **Designated facility.** "Designated facility" means a hazardous waste treatment, storage, or disposal facility which:

A. (1) has received interim status;

(2) has received an agency permit;

(3) is subject to the requirements of part 7045.0125, subpart 5, or 6, or 10, or subpart 9, item B, or part 7045.0685; or

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

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

[For text of subps 15a to 30, see M.R.]

Subp. 31. **Generator.** "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in parts ~~7045.0100~~ 7045.0102 to 7045.0143, or whose act first causes a hazardous waste to become subject to regulation. "Generator" means all size generators including large quantity generators, small quantity generators, and very small quantity generators, unless specifically stated otherwise.

[For text of subps 32 and 32a, see M.R.]

Subp. 33. **Hazardous waste.** "Hazardous waste" has the meaning given in *Minnesota Statutes*, section 116.06, subdivision ~~43~~ 11.

[For text of subps 34 to 60, see M.R.]

Subp. 60a. **On-specification used oil.** "On-specification used oil" means used oil fuel that does not exceed the specification levels for the constituents in subpart ~~59b~~ 59c, and has a flash point equal to or greater than 100 degrees Fahrenheit.

[For text of subps 61 to 65, see M.R.]

Subp. 66. **Person.** "Person" has the meaning given in *Minnesota Statutes*, section 116.06, subdivision ~~8~~ 17.

[For text of subps 67 to 70, see M.R.]

Subp. 71. **Point source.** "Point source" has the meaning given in *Minnesota Statutes*, section 115.03, subdivision ~~45~~ 11, but does not include irrigation return flows.

[For text of subp 71a, see M.R.]

Subp. 72. **Pretreatment unit.** "Pretreatment unit" means a device which:

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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts ~~7045.0100~~ 7045.0102

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to 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts ~~7045.0100~~ 7045.0102 to 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts ~~7045.0100~~ 7045.0102 to 7045.0143; and

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

[For text of subs 72a to 73c, see M.R.]

Subp. 73d. **Record or record keeping.** “Record” or “record keeping” means storing information either in printed form or electronically.

Subp. 73e. **Recycle.** “Recycle” means the reclamation, reuse, or use of a hazardous waste.

Subp. 73f. **Regional administrator.** “Regional administrator” means the regional administrator for the United States Environmental Protection Agency, Region V, Chicago, Illinois.

[For text of subs 74 to 80a, see M.R.]

Subp. 81. **Sewage.** “Sewage” has the meaning given in *Minnesota Statutes*, section 115.01, subdivision ~~2~~ 17.

Subp. 82. **Sewer system.** “Sewer system” has the meaning given in *Minnesota Statutes*, section 115.01, subdivision ~~6~~ 18.

Subp. 83. **Shoreland.** “Shoreland” has the meaning given in *Minnesota Statutes*, section ~~105.485~~ 103F.205, subdivision ~~2~~ 4, and rules adopted pursuant to that section.

Subp. 84. **Sludge.** “Sludge” has the meaning given in *Minnesota Statutes*, section 116.06, subdivision 21.

[For text of subs 84a to 101, see M.R.]

Subp. 102. **Waste.** “Waste” has the meaning given in *Minnesota Statutes*, section 116.06, subdivision ~~9a~~ 23.

[For text of subs 102a to 102c, see M.R.]

Subp. 103. **Wastewater treatment unit.** “Wastewater treatment unit” means a device which:

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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts ~~7045.0100~~ 7045.0102 to 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts ~~7045.0100~~ 7045.0102 to 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts ~~7045.0100~~ 7045.0102 to 7045.0143; and

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

[For text of subp 104, see M.R.]

Subp. 105. **Waters of the state.** “Waters of the state” has the meaning given in *Minnesota Statutes*, section 115.01, subdivision ~~9~~ 22.

[For text of subs 106 and 107, see M.R.]

Subp. 108. **Wetland.** “Wetland” has the meaning given to “wetlands” in *Minnesota Statutes*, section 105.37, subdivision ~~15~~ 19.

[For text of subp 109, see M.R.]

7045.0102 MIXTURES OF WASTES.

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

Subp. 2. **Mixtures of hazardous and nonhazardous wastes.** The mixing of a hazardous waste with a nonhazardous waste as described in this subpart constitutes treatment. Generators who mix hazardous and nonhazardous wastes on site must meet the requirements of part 7045.0211 for generators with on-site facilities.

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

D. A mixture is a hazardous waste if it is a sewerage mixture of nonhazardous waste and any waste which is hazardous because it exhibits the characteristics of ~~extraction procedure (EP)~~ extraction procedure (EP) toxicity or ~~toxicity~~ lethality as defined in part 7045.0131 unless:

(1) prior to entering the sewer the resulting mixture no longer exhibits the characteristic of ~~extraction procedure (EP)~~ extraction procedure (EP) toxicity or ~~toxicity~~ lethality; and

(2) the sewerage of the mixture has been approved by the agency pursuant to parts ~~7045.0220~~ 7045.0221 to 7045.0255.

This provision does not apply to those mixtures defined as nonhazardous under item F.

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

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

7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

Subpart 1. **Exempt types of waste.** The following waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

A. household waste except for collected household hazardous waste and collected spent or waste household batteries which must meet the requirements of subpart 2 as specified;

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

N. pulping liquors (for example, black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless they are accumulated speculatively as defined in part 7045.0020, subpart 84a;

O. spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in part 7045.0020, subpart 84a;

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

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

7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.

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

Subp. 4. **Management of specific hazardous wastes.** Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380:

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

F. coke and coal tar from the iron and steel industry that contain EPA Hazardous Waste No. K087 listed under part 7045.0135, subpart 3, item ~~E~~ Q, subitem (2), (decanter tank tar sludge from coking operations) from the iron and steel production process;

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

Subp. 5. Requirements for use of hazardous waste as feedstock.

A. Except as provided in items B to D, hazardous wastes that are shown to be recycled by being used in a manner specified in subitems (1) to (3), are not subject to regulation under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380. This subpart does not apply to wastes being accumulated speculatively as defined in part 7045.0020, subpart 84a, or being managed by use constituting disposal as regulated under part 7045.0665 or burning for energy recovery, as regulated in part 7045.0692. Hazardous wastes are considered to be used as feedstock if they are:

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

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

Subp. 6. Requirements for reclamation of specific hazardous waste.

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

B. This subpart does not apply to hazardous wastes being accumulated speculatively as defined in part 7045.0020, subpart 84a, or being managed by use constituting disposal, as regulated under part 7045.0665 or being burned for energy recovery as regulated by part 7045.0692.

Subp. 7. **Generator requirements.** ~~Except as provided in subpart 3a, 4, 5, or 6, Unless exempted specifically in this part~~ or part 7045.0695, a generator of hazardous waste that is destined for recycling is subject to the requirements of parts 7045.0205 to 7045.0320.

Subp. 8. **Transporter requirements.** ~~Except as provided in subpart 3a, 4, 5, or 6, Unless exempted specifically in this part~~ or part 7045.0695, transporters of hazardous waste destined for recycle are subject to the requirements of parts 7045.0351 to 7045.0397.

Subp. 9. **Facility requirements.** ~~Except as provided in subpart 3a, 4, 5, or 6, Unless exempted specifically in this part~~ or parts 7045.0692 and 7045.0695, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

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

[For text of subp 12, see M.R.]

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7045.0133 EXEMPTION FROM REGULATION DUE TO LETHALITY.

Subpart 1. **In general.** A specific generator's waste that ~~meets any of the lethality~~ exhibits the characteristics of lethality as described in part 7045.0131, subpart 6, may be exempted from regulation under parts ~~7045.0100 7045.0102 to 7045.1030 7045.1380~~ if the generator can demonstrate to the satisfaction of the agency that the waste is not capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed, or managed under routine waste management methods.

Subp. 2. **Factors to be considered.** In demonstrating that a waste should be exempt from regulation under parts ~~7045.0100 7045.0102 to 7045.1030 7045.1380~~, the generator must present information related to the following factors:

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

7045.0206 GENERATOR SIZE DETERMINATION.

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

Subp. 2. **Large quantity generator.** A generator is a large quantity generator if who, in a calendar month, waste is generated in any of the following quantities: generates 1,000 kilograms of hazardous waste or more.

A. ~~greater than or equal to 1,000 kilograms of hazardous waste, excluding acute hazardous waste;~~

B. ~~greater than one kilogram of acute hazardous waste; or~~

C. ~~greater than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste.~~

Subp. 3. **Small quantity generator.** A generator is a small quantity generator if who, in a calendar month, waste is generated in all of the following quantities: generates more than 100 kilograms and less than 1,000 kilograms of hazardous waste.

A. ~~greater than 100 kilograms and less than 1,000 kilograms of hazardous waste, excluding acute hazardous waste;~~

B. ~~less than or equal to one kilogram of acute hazardous waste; and~~

C. ~~less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste.~~

Subp. 4. **Very small quantity generator.** A generator is a very small quantity generator if who, in a calendar month, waste is generated in all of the following quantities: generates 100 kilograms of hazardous waste or less.

A. ~~less than or equal to 100 kilograms of hazardous waste, excluding acute hazardous waste;~~

B. ~~less than or equal to one kilogram of acute hazardous waste; and~~

C. ~~less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste.~~

Subp. 4a. Acute hazardous waste generation and spill cleanup. A generator is a large quantity generator who, in a calendar month, generates:

A. more than one kilogram of acute hazardous waste; or

B. more than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any acute hazardous waste into or on any land or water.

A generator who generates less than the amounts in items A and B of acute hazardous waste in a calendar month shall determine his or her generator size under subparts 2 to 4. Hazardous waste quantity determinations under subparts 2 to 4 shall include the amount of acute hazardous waste generated.

[For text of subs 5 and 6, see M.R.]

7045.0208 HAZARDOUS WASTE MANAGEMENT.

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

Subp. 1a. Abandonment. A generator must not dispose of or abandon hazardous waste or arrange for the disposal of hazardous waste at a location other than as provided under subpart 1.

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

Subp. 3. **Effect on liability.** Nothing in ~~subpart~~ subparts 1 or 2 is intended to restrict, enlarge, or affect, in any way, any liability the generator may have to correct the mismanagement of the hazardous waste or pay for damages or alleviate any pollution caused by the mismanagement of the hazardous waste.

7045.0214 EVALUATION OF WASTES.

Subpart 1. **General requirement.** Any person who produces a waste within the state of Minnesota or any person who produces a waste outside the state of Minnesota that is managed within the state of Minnesota, must evaluate the waste to determine if it is hazardous within 60 days of initially generating the waste. The generation start date must be recorded and available for inspection. Waste that is not evaluated within 60 days of the generation start date must be managed as a hazardous waste and the person who produces the waste must be considered a generator until the waste is determined to be nonhazardous under parts 7045.0214 to 7045.0218. A material is determined to be a waste in accordance with the conditions specified under the definition of other waste material in part 7045.0020. Any waste evaluated and exempted under part 7045.0075 or 7045.0120 does not need to be reevaluated under this part. If the waste is determined to be hazardous, the generator must refer to parts 7045.0075, 7045.0450 to 7045.0685, and 7045.1300 to 7045.1380 for possible exclusions or restrictions relating to management of the specific waste.

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

7045.0215 TIMING OF WASTE EVALUATION.

Subpart 1. **Individual wastes; combined wastes.** Waste evaluation must be of the individual waste prior to any mingling or combining with other wastes. If wastes are subsequently mingled or combined, except for wastes that are mingled or combined in a sewer system, the generator must also evaluate the waste resulting from the mingling or combining within 60 days of the act of mingling or combining. Failure to do so means that the commingled or mixed waste must be managed as a hazardous waste and the person who produces the waste must be considered a generator until the waste is determined to be nonhazardous under parts 7045.0214 to 7045.0218.

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

7045.0230 CONTENT OF LICENSE APPLICATION.

Subpart 1. **Information required.** Except as provided in subpart 1a, an application must be on a form provided by the commissioner and must include the following information:

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

E. a management plan for each hazardous waste and oil produced that includes the following information:

[For text of subitems (1) to (6), see M.R.]

(7) the ~~method(s)~~ methods of treatment and/or disposal proposed for each hazardous waste;

[For text of subitems (8) and (9), see M.R.]

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

[For text of subs 1a and 4, see M.R.]

7045.0240 SUBMITTAL OF LICENSE APPLICATION.

Subp. 3. **License application submittal.** Each generator who is producing hazardous waste in Minnesota must submit a license application to the commissioner within 75 days of first producing a hazardous waste. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the waste until at least 15 days after the application is ~~submitted to~~ received by the commissioner. The date of receipt is the postmark date if mailed or the agency date of receipt if hand delivered. In the period between 15 days after the generator's license application ~~submittal receipt~~ and the commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the hazardous waste as provided in part 7045.0208 until written response to the generator's license application is received under part 7045.0245. After the commissioner acts on the license application, the generator must manage the waste according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has notified the commissioner of the generator's waste under this chapter before April 1, 1992, need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

[For text of subp 4, see M.R.]

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7045.0243 TERM AND CONDITIONS OF LICENSE.

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

Subp. 3. **General conditions.** Each license must include the general conditions described in items A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part.

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

G. If the licensee begins generation of a hazardous waste that was not included on the license application and is therefore not authorized under the existing license, the licensee must submit an amended application providing information required in part 7045.0230 within 75 days of first producing the new hazardous waste. The generator must at all times manage the new waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the new waste until at least 15 days after the amended license application is ~~submitted to~~ received by the commissioner. The date of receipt is the postmark date if mailed or the agency date of receipt if hand delivered. In the period between 15 days after ~~submitting~~ receipt and the commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the new waste as provided in part 7045.0208 until written response to the generator's amended license application is received under part 7045.0245. After the commissioner acts on the amended license application, the generator must manage the new waste according to the amended license conditions and the requirements of this chapter or the generator must cease producing the new waste if the amended license application is denied.

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

7045.0248 LICENSE RENEWAL APPLICATION.

Subpart 1. **Applicability.** A licensed generator must submit a license renewal application to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. Except as provided in subpart 2, the application must contain the following information for each hazardous waste produced during the preceding calendar year:

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

E. for each hazardous waste and oil produced during the reported calendar year the following information:

[For text of subitems (1) to (6), see M.R.]

(7) the ~~method(s)~~ methods of treatment and/or disposal ~~proposed~~ for each hazardous waste; and

[For text of subitem (8), see M.R.]

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

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

Subp. 3. **Recycled waste.** A generator of waste that is recycled according to part 7045.0125, and is exempt from the requirements of parts 7045.0261 and 7045.0265, must include as part of the ~~report~~ application required under subpart 1 or 2:

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

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

7045.0250 LICENSE REVOCATION.

Subpart 1. **Justification to revoke.** Any one of the following ~~constitute~~ constitutes justification for the commissioner to revoke a license:

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

B. licensee failure to disclose fully the facts relevant to issuance of the license or submittal of false or misleading information to the commissioner; ~~and or~~

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

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

Subp. 4. **Revocation without reissuance.** The commissioner shall give notice to the licensee of a proposal to revoke a license without reissuance. The notice must state that within 30 days of the receipt of the notice the licensee may request that a contested case hearing be held on the proposed action. If the licensee requests a contested case hearing, the agency shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts 1400.5100 to ~~1400.8402~~ 1400.8401.

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **Large quantity generator.** A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

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

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; ~~alternatively, containers are so labeled while~~ or a clearly designated and legible log of tank or container, for containers that are never shipped, transactions which includes accumulation start dates, clearly identifying each tank and container, is maintained; ~~all of these dates must be~~ and available for inspection;

D. ~~each container and tank is properly labeled and marked according to part 7045.0270, subparts 4 and 5;~~

E. ~~outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;~~

F. ~~E.~~ containers that hold free liquids are placed on a containment surface that is impermeable to the wastes stored and, if outside, is curbed;

G. ~~containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;~~

H. ~~F.~~ all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

I. ~~G.~~ the requirements of parts 7045.0558; 7045.0562, subparts 1 and 2; 7045.0566 to 7045.0576; and 7045.1315, subpart 1, item D are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness and prevention, and contingency planning, and waste analysis for restricted wastes.

Subp. 2. **Starting Accumulation start date.** A large quantity or small quantity generator's accumulation ~~starting~~ start date begins when the generator initiates accumulation in a container or tank, ~~except as provided in subpart 6 for, A very small quantity generators, subpart 7 generator's accumulation start date begins on the date the accumulated waste exceeds 1,000 kilograms. The accumulation start date for acute hazardous waste is provided for in subpart 7,~~ and subpart 8, item B, ~~subitem (3) C,~~ provides for satellite accumulation.

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

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

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; ~~alternatively, containers are so labeled while~~ or a clearly designated and legible log of tank or container, for containers that are never shipped, transactions which includes accumulation start dates, clearly identifying each tank and container, is maintained; ~~all of these dates must be~~ and available for inspection;

D. ~~each container and tank is properly labeled and marked according to part 7045.0270, subparts 4 and 5;~~

E. ~~outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;~~

F. ~~E.~~ containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

G. ~~containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;~~

H. ~~F.~~ all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

I. ~~G.~~ the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention; ~~and~~; 7045.0568, relating to the arrangements with local authorities for emergencies; and 7045.1315, subpart 1, item D, relating to waste analysis for restricted wastes; and

J. ~~H.~~ the generator complies with the following requirements:

[For text of subitems (1) to (4), see M.R.]

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Proposed Rules

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate up to 1,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status until 1,000 kilograms of hazardous waste that is not acute hazardous waste is accumulated if:

A. all accumulated hazardous waste when disposed of is, within 180 days of the date the 1,000 kilogram limit is reached, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

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

~~C. tanks and containers are clearly labeled with the waste accumulation start date; alternatively, containers are so labeled while a clearly designated and legible log of tank transactions which includes accumulation start dates is maintained; all of these dates must be available for inspection;~~

~~D. each container and tank is properly labeled and marked according to part 7045.0270, subparts 4 and 5;~~

~~E. outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;~~

~~F. D. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;~~

~~G. containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;~~

~~H. E. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and~~

~~I. F. the generator meets the requirements of part 7045.0566, relating to preparedness and prevention, and part 7045.0568, relating to the arrangements with local authorities for emergencies; and~~

G. if the generator accumulates at any one time more than 1,000 kilograms of hazardous waste, the generator is subject to regulation under subpart 5 with the accumulation start date being the date the accumulated waste exceeds 1,000 kilograms.

Subp. 7. **Acute hazardous waste accumulation.** A small quantity generator or a very small quantity generator who generates acute hazardous waste may accumulate that waste on site indefinitely until one kilogram of acute hazardous waste or 100 kilograms of residue, contaminated soil, water, or other debris resulting from the cleanup of a spill of an acute hazardous waste into or on any land or water, is accumulated. From the date the applicable limit is reached (accumulation start date), the entire quantity of waste must be treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208 within 90 days. A generator accumulating wastes under this subpart must meet the requirements in items A and B.

A. For the period preceding the accumulation start date, the generator must comply with subpart 5, items B to ~~J~~ H.

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

Subp. 8. **Satellite accumulation.** Items A to C apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, as applicable, accumulate in a single container at each individual point of generation as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in part 7045.0135, subpart 4, item E, ~~in containers~~ located at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste, provided the generator complies with items B and C.

B. During satellite accumulation, the generator must:

(1) comply with part 7045.0626, subparts 1 to 4; and

(2) clearly label each container with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel; ~~and~~

(3) ~~clearly label each container with the earliest of either the date on which the container became full or the date on which the volume limits prescribed in item A are reached.~~

~~C. A generator of any size who accumulates either hazardous waste or acute hazardous waste listed in part 7045.0135, subpart 4, item E, in excess of the amounts listed in item A at or near any point of generation must, with respect to the amount of excess waste, comply within three days with subparts 4 to 7, as applicable. During the three-day period for compliance, the generator must continue to comply with item B. On the date on which the volume limit prescribed in item A is reached, the generator must:~~

(1) clearly label the container or containers with that date (that date is then the accumulation start date);

(2) within three days thereafter, transfer the entire satellite container's or containers' contents to the hazardous waste storage area and comply with subparts 1 to 7, as applicable; and

(3) during the three-day period for compliance, continue to comply with item B.

[For text of subp 9, see M.R.]

Subp. 10. **Time extension.** One extension may be granted for up to 30 days by the commissioner if hazardous waste must remain on site for longer than the maximum allowable time under subparts 1 to 9, as applicable, due to unforeseen, temporary, and uncontrollable circumstances. A request for an extension must be submitted in writing to the commissioner and must include:

A. the amount and type of waste to be stored over the maximum allowable number of days;

B. the date the stored waste will exceed the maximum allowable number of days;

C. the location of the waste needing an extension;

D. the reason for the extension request; and

E. documentation of the generator's effort to ship the waste off site within the applicable time limit.

[For text of subp 11, see M.R.]

7045.0294 RECORD KEEPING.

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

Subp. 3a. Training records. A generator must keep training records required under part 7045.0292, subparts 1, item G, and 5, item G, on current personnel until closure of the licensed site. Training records on former employees must be kept for at least three years from the date of the employee's termination. Personnel training records may accompany personnel transferred within the same company.

[For text of subp 4, see M.R.]

Subp. 5. **Location of records.** The records required in subparts 1 to 3 3a must be located at the licensed site. The records must be easily available for agency inspection.

7045.0365 TRANSFER FACILITY REQUIREMENTS.

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

Subp. 3. **Storage of 1,000 kilograms or more.** A transporter who stores 1,000 kilograms or more of hazardous waste at any time shall comply with the following requirements:

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

B. part 7045.0292, subpart 1, items D and E ~~to G~~;

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

7045.0464 ARRANGEMENTS WITH LOCAL AUTHORITIES FOR EMERGENCIES.

Subpart 1. **Arrangements required.** The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:

A. arrangements to familiarize the police, fire departments, and emergency response teams with the ~~layout of~~ location of storage and accumulation areas within the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

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

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

Subp. 3. Record keeping. The owner or operator shall document attempts under subpart 1 to make arrangements with local authorities in the operating record.

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Proposed Rules

7045.0468 EMERGENCY PROCEDURES.

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

Subp. 2. **Notification of emergency.** Whenever ~~there is an imminent or actual emergency situation~~ the contingency plan is implemented, the emergency coordinator or designee when the emergency coordinator is on call, shall immediately activate internal facility alarms or communication systems, where applicable, to notify all facility personnel and notify appropriate state or local agencies with designated response roles with at least the information listed in subparts 3 and 4.

Subp. 3. **Identification of released material.** Whenever ~~there is a release, fire, or explosion~~ the contingency plan is implemented, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.

Subp. 4. **Assessment of hazards.** Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the ~~release, fire, or explosion event that required~~ the implementation of the contingency plan. This assessment must consider both direct and indirect effects of the release, fire, or explosion; the effects of any toxic, irritating, or asphyxiating gases that are generated; and the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions.

Subp. 5. **Report on released material.** If the emergency coordinator determines that the ~~facility has had a release, fire, or explosion~~ which effects of an event requiring the contingency plan to be implemented could threaten human health or the environment outside the facility, the findings must be reported as provided in items A and B.

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

B. The agency's ~~emergency response unit~~ duty officer must be immediately notified at the 24-hour telephone number, (612) 296-8100, and ~~notification must also be given to either the governmental official designated as the on-scene coordinator for that geographical area in the applicable regional contingency plan under Code of Federal Regulations, title 40, part 1510 (1983) or~~ notice must be given to the National Response Center using ~~their~~ its 24-hour toll-free telephone number, (800) 424-8802. The report must include:

[For text of subitems (1) to (6), see M.R.]

Subp. 6. **Duty to notify.** The ~~hazardous waste~~ emergency coordinator shall immediately notify the agency if the released hazardous waste may cause pollution of the air, land resources, or waters of the state. The emergency coordinator shall use the agency's 24-hour telephone number (612) 296-8100.

Subp. 7. **Containment measures.** During an ~~emergency event that requires~~ the implementation of the contingency plan, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

Subp. 8. **Facility monitoring.** If the facility stops operations in response to a ~~fire, explosion, or release~~ an event requiring the implementation of the contingency plan, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

7045.0470 POST EMERGENCY REQUIREMENTS.

Subpart 1. **Cleanup.** Immediately after an ~~emergency event~~ requiring the implementation of the contingency plan, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or water, or any other material that results from a release, fire, or explosion at the facility in a manner approved by the commissioner. Unless the owner or operator can demonstrate that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of parts ~~7045.0100~~ 7045.0102 to 7045.0397. The emergency coordinator shall ensure that in the affected area or areas of the facility no waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed, and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

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

7045.0488 CLOSURE ACTIVITIES.

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

Subp. 4. **Certification of closure.** Within 60 days after each hazardous waste ~~surface impoundment, waste pile, land treatment, and landfill~~ management unit is closed, and within 60 days after final closure is completed, the owner or operator shall submit to the commissioner, by registered mail, certification by the owner or operator and by an independent registered professional engineer that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan.

Documentation supporting the independent registered professional engineer's certification must be furnished to the commissioner upon request until the commissioner releases the owner or operator from the financial assurance requirements for closure under part 7045.0504, subpart 10.

7045.0526 USE AND MANAGEMENT OF CONTAINERS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Containment.** Requirements for containment systems are as described in items A to E.

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

C. Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system. If the collected material is a hazardous waste as defined in parts ~~7045.0100~~ 7045.0102 to 7045.0143, it must be managed as a hazardous waste according to all applicable requirements of parts 7045.0205 to 7045.1030. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of the federal Water Pollution Control Act Amendments of 1972, *United States Code*, title 33, section 1342, as amended, through June 30, 1983.

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

[For text of subp 7, see M.R.]

Subp. 8. **Special requirements for incompatible wastes.** Incompatible wastes or incompatible wastes and material must not be placed in the same container, unless compliance with part 7045.0456, subpart 2₁ is achieved.

Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material. As required by part 7045.0458, the waste analysis plan must include analyses needed to comply with these special requirements. Part 7045.0456, subpart 3₁ also requires waste analyses, trial tests, or other documentation to ensure compliance with part 7045.0456, subpart 2. As required by part 7045.0478, the owner or operator shall place the results of each waste analysis, trial test, and any other documented information in the operating record of the facility.

A storage container holding a hazardous waste that is incompatible with any waste or other materials ~~stored~~ located nearby ~~in other containers, piles, open tanks, or surface impoundments~~, must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

[For text of subp 9, see M.R.]

7045.0534 WASTE PILES.

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

Subp. 7. **Closure and postclosure care.** Closure and postclosure requirements are as follows:

A. At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components including liners, contaminated subsoils, and structures and equipment contaminated with waste and leachate; and manage them as hazardous waste unless they are shown to not be hazardous according to parts ~~7045.0100~~ 7045.0102 to 7045.0143.

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

[For text of subp 8, see M.R.]

Subp. 9. **Special requirements for incompatible wastes.** Incompatible wastes, or incompatible wastes and materials, must not be placed in the same pile unless compliance with part 7045.0456, subpart 2₁ is maintained.

A pile of hazardous waste that is incompatible with waste or other material ~~stored~~ located nearby ~~in containers, other piles, open tanks, or surface impoundments~~ must be adequately separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.

Hazardous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with part 7045.0456, subpart 2.

[For text of subp 10, see M.R.]

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Proposed Rules

7045.0568 ARRANGEMENTS WITH LOCAL AUTHORITIES FOR EMERGENCIES.

Subpart 1. **Arrangements required.** The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:

A. arrangements to familiarize the police, fire departments, and emergency response teams with the ~~layout~~ location of storage and accumulation areas within the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

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

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

Subp. 3. Record keeping. The owner or operator shall document attempts under subpart 1 to make arrangements with local authorities in the operating record.

7045.0574 EMERGENCY PROCEDURES.

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

Subp. 2. **Notification of emergency.** Whenever ~~there is an imminent or actual emergency situation~~ the contingency plan is implemented, the emergency coordinator or designee when the emergency coordinator is on call, shall immediately activate internal facility alarms or communication systems, where applicable, to notify all facility personnel and notify appropriate state or local agencies with designated response roles with at least the information listed in subparts 3 and 4.

Subp. 3. **Identification of released material.** Whenever ~~there is a release, fire, or explosion~~ the contingency plan is implemented, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.

Subp. 4. **Assessment of hazards.** Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the ~~release, fire, or explosion event that required the implementation of the contingency plan~~. This assessment must consider both direct and indirect effects of the release, fire, or explosion; the effects of any toxic, irritating, or asphyxiating gases that are generated; and the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions.

Subp. 5. **Report on released material.** If the emergency coordinator determines that the ~~facility has had a release, fire, or explosion which effects of an event requiring the contingency plan to be implemented~~ could threaten human health or the environment outside the facility, the findings must be reported as provided in items A and B:

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

B. The agency's ~~emergency response unit~~ duty officer must be immediately notified at the 24-hour telephone number, (612) 296-8100, and ~~notification must also be given to either the governmental official designated as the on-scene coordinator for that geographical area in the applicable regional contingency plan under Code of Federal Regulations, title 40, part 1510 (1983) or notice must be given~~ to the National Response Center using ~~their~~ its 24-hour toll-free telephone number, (800) 424-8802. The report must include:

[For text of subitems (1) to (6), see M.R.]

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

Subp. 7. **Containment measures.** During an ~~emergency event that requires the implementation of the contingency plan~~, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

Subp. 8. **Facility monitoring.** If the facility stops operations in response to a ~~fire, explosion, or release~~ an event requiring the implementation of the contingency plan, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

7045.0576 POST EMERGENCY REQUIREMENTS.

Subpart 1. **Cleanup.** Immediately after an ~~emergency event~~ requiring the implementation of the contingency plan, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or water, or any other material that results from a release, fire, or explosion at the facility in a manner approved by the commissioner. Unless the owner or operator can demonstrate that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of parts ~~7045.0100~~ 7045.0102 to 7045.0397. The emergency coordinator shall ensure that, in the affected area or areas of the facility, no waste that may be incompatible with the released material is treated,

stored, or disposed of until cleanup procedures are completed, and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

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

7045.0596 CLOSURE ACTIVITIES.

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

Subp. 4. **Certification of closure.** Within 60 days after closure is completed for each hazardous waste ~~surface impoundment, waste pile, land treatment, and landfill~~ management unit and within 60 days after final closure is completed, the owner or operator shall submit to the commissioner, by registered mail, certification by the owner or operator and by an independent registered professional engineer that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. Documentation supporting the independent registered professional engineer's certification must be furnished to the commissioner upon request until he or she releases the owner or operator from the financial assurance requirements for closure under part 7045.0612, subpart 9.

7045.0610 COST ESTIMATE FOR FACILITY CLOSURE.

Subpart 1. **Cost estimate requirements.** The owner or operator shall prepare a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the closure plan in part 7045.0594 and applicable closure requirements in parts 7045.0626, subpart 8; 7045.0628, subpart 5; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and 7045.0642, subpart 5. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan. The closure cost shall be estimated as follows:

A. The closure cost estimate ~~may~~ must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. The owner or operator may use costs for on-site disposal if it can be demonstrated that on-site disposal capacity will exist at all times through the life of the facility.

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

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

7045.0626 USE AND MANAGEMENT OF CONTAINERS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Special requirements for incompatible wastes.** Incompatible wastes or incompatible wastes and materials must not be placed in the same container, unless compliance with part 7045.0562, subpart 2₁ is maintained.

Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material unless compliance with part 7045.0562, subpart 2₁ is maintained.

A storage container holding a hazardous waste that is incompatible with any waste or other materials ~~stored located nearby in other containers, piles, open tanks, or surface impoundments~~ located nearby must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device. The purpose of this requirement is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.

[For text of subps 7 and 8, see M.R.]

7045.0632 WASTE PILES.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Special requirements for incompatible waste.** Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless part 7045.0562, subpart 2 is followed.

A pile of hazardous waste that is incompatible with any waste or other material ~~stored located nearby in other containers, piles, open tanks, or surface impoundments~~ located nearby must be adequately separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. The purpose of this requirement is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents which could result from the contact or mixing of incompatible wastes or materials.

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Proposed Rules

Hazardous wastes must not be piled on the same area where incompatible wastes or materials were previously piled, unless that area has been decontaminated sufficiently to ensure compliance with part 7045.0562, subpart 2.

[For text of subp 7, see M.R.]

7045.1010 COUNTY ORDINANCES.

Subpart 1. **Agency approval.** A county that seeks agency approval of a hazardous waste ordinance under *Minnesota Statutes*, section 400.161, or a metropolitan county which seeks agency approval of a hazardous waste ordinance under *Minnesota Statutes*, section 473.811, subdivision 5b, shall submit a copy of the ordinance to the agency. The commissioner shall, within 30 days of receiving the ordinance, advise the county in writing whether the ordinance or any portion of the ordinance is approved or suspended. If the commissioner suspends a county ordinance or any portion of the ordinance, the commissioner shall follow the procedure described in subpart 2. The commissioner shall approve a county ordinance that embodies and is consistent with the standards and requirements set forth in this chapter.

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

7045.1315 WASTE ANALYSIS FOR RESTRICTED WASTES.

Subpart 1. **Applicability.** Except as provided in part 7045.1330 or 7045.1358, if a waste is listed in part 7045.0135, the generator must test the waste, or test an extract using the test method described in *Code of Federal Regulations*, title 40, part 261, Appendix II, or use knowledge of the waste, to determine if the waste is restricted from land disposal. Except as specified in part 7045.1330, if a generator's waste exhibits one or more of the characteristics in part 7045.0131, the generator must test an extract using the test method in *Code of Federal Regulations*, title 40, part 268, Appendix IX, or use knowledge of the waste to determine if the waste is restricted from land disposal under this part.

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

F. If a generator determines that the generator is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from hazardous waste regulation under *Code of Federal Regulations*, title 40, sections 261.2 to 261.6, subsequent to the point of generation, the generator must place a one-time notice stating the generation, subsequent exclusion from the definition of hazardous or solid waste, or exemption from the hazardous waste regulation, and the disposition of the waste on-site, in the facility's generator's file.

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

Subp. 2. **Testing of wastes.** Treatment facilities must test their wastes according to the frequency specified in their waste analysis plans under part 7045.0458 or 7045.0564. The testing must be performed as provided in items A to C.

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

G. When the wastes are recyclable materials used in a manner constituting disposal subject to part 7045.0665, subpart 1, item B, subitem (3), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility is not required to notify the receiving facility under item D. With each shipment of the wastes, the owner or operator of the recycling facility must submit the certification in item E, and a notice that includes the information in item D, except the manifest number, to the commissioner's delegated representative. The recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

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

7045.1360 TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES.

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

Subp. 9. **Organometallic lab packs.** Hazardous waste with the following EPA Hazardous Waste Nos. may be placed in an organometallic lab pack: P001; P002; P003; P004; P005; P006; P007; P008; P009; P013; P014; P015; P016; P017; P018; P020; P022; P023; P024; P025; P026; P027; P028; P031; P034; P036; P037; P038; P039; P040; P041; P042; P043; P044; P045; P047; P048; P049; P050; P051; P054; P056; P057; P058; P059; P060; P062; P063; P064; P065; P066; P067; P068; P069; P070; P071; P072; P073; P074; P075; P077; P081; P082; P084; P085; P087; P088; P089; P092; P093; P094; P095; P096; P097; P098; P099; P101; P102; P103; P104; P105; P108; P109; P110; P112; P113; P114; P115; P116; P118; P119; P120; P122; P123; U001; U002; U003; U004; U005; U006; U007; U008; U009; U010; U011; U012; U014; U015; U016; U017; U018; U019; U020; U021; U022; U023; U024; U025; U026; U027; U028; U029; U030; U031; U032; U033; U034; U035; U036; U037; U038; U039; U041; U042; U043; U044; U045; U046; U047; U048; U049; U050; U051; U052; U053; U055; U056; U057; U058; U059; U060; U061; U062; U063; U064; U066; U067; U068; U069; U070; U071; U072; U073; U074; U075; U076; U077; U078; U079; U080; U081; U082; U083; U084; U085; U086; U087; U088; U089; U090; U091; U092; U093; U094; U095; U096; U097; U098; U099; U101; U102; U103; U105; U106; U107; U108; U109; U110; U111; U112; U113; U114; U115; U116; U117; U118; U119; U120; U121; U122; U123; U124; U125; U126; U127; U128; U129; U130; U131; U132; U133; U134; U135; U136; U137; U138; U139; U140; U141; U142;

U143; U144; U145; U146; U147; U148; U149; U150; U152; U153; U154; U155; U156; U157; U158; U159; U160; U161; U162; U163; U164; U165; U166; U167; U168; U169; U170; U171; U172; U173; U174; U176; U177; U178; U179; U180; U181; U182; U183; U184; U185; U186; U187; U188; U189; U190; U191; U192; U193; U194; U196; U197; U200; U201; U202; U203; U204; U205; U206; U207; U208; U209; U210; U211; U213; U214; U215; U216; U217; U218; U219; U220; U221; U222; U223; U225; U226; U227; U228; U234; U235; U236; U237; U238; U239; U240; U243; U244; U246; U247; U248; U249; U328; U353; U359; F001; F002; F003; F004; F005; F006; F010; F020; F021; F023; F024; F026; F027; F028; K001; K002; K008; K009; K010; K011; K013; K014; K015; K016; K017; K018; K019; K020; K021; K022; K023; K024; K025; K026; K027; K028; K029; K030; K031; K032; K033; K034; K035; K036; K037; K038; K039; K040; K041; K042; K043; K044; K045; K046; K047; K048; K049; K050; K051; K052; K054; K060; K061; K064; K065; K066; K069; K071; K073; K083; K084; K085; K086; K087; K093; K094; K095; K096; K097; K098; K099; K101; K102; K103; K104; K105; K111; K112; K113; K114; K115; K116; K117; K118; K123; K124; K125; K126; K136; D001; D002; D003; D004; D005; D006; D007; D008; D010; D011; D012; D013; D014; D015; D016; and D017.

Subp. 10. **Organic lab packs.** Hazardous wastes with the following EPA Hazardous Waste Nos. may be placed in an organic lab pack: P001; P002; P003; P004; P005; P006; P007; P008; P009; P013; P014; P015; P016; P017; P018; P020; P022; P023; P024; P025; P026; P027; P028; P031; P034; P036; P037; P038; P039; P040; P041; P042; P043; P044; P045; P046; P047; P048; P049; P050; P051; P054; P057; P058; P059; P060; P062; P063; P064; P065; P066; P067; P068; P069; P070; P071; P072; P073; P074; P075; P077; P081; P082; P084; P085; P087; P088; P089; P092; P093; P094; P095; P096; P097; P098; P099; P101; P102; P103; P104; P105; P108; P109; P110; P111; P112; P113; P114; P115; P116; P118; P119; P120; P122; P123; U001; U002; U003; U004; U005; U006; U007; U008; U009; U010; U011; U012; U014; U015; U016; U017; U018; U019; U020; U021; U022; U023; U024; U025; U026; U027; U028; U029; U030; U031; U033; U034; U035; U036; U037; U038; U039; U041; U042; U043; U044; U045; U046; U047; U048; U049; U050; U051; U052; U053; U055; U056; U057; U058; U059; U060; U061; U062; U063; U064; U066; U067; U068; U069; U070; U071; U072; U073; U074; U075; U076; U077; U078; U079; U080; U081; U082; U083; U084; U085; U086; U087; U088; U089; U090; U091; U092; U093; U094; U095; U096; U097; U098; U099; U101; U102; U103; U105; U106; U107; U108; U109; U110; U111; U112; U113; U114; U115; U116; U117; U118; U119; U120; U121; U122; U123; U124; U125; U126; U127; U128; U129; U130; U131; U132; U133; U135; U137; U138; ~~U139~~; U140; U141; U142; U143; U147; U148; U149; U150; U153; U154; U155; U156; U157; U158; U159; U160; U161; U162; U163; U164; U165; U166; U167; U168; U169; U170; U171; U172; U173; U174; U176; U177; U178; U179; U180; U181; U182; U183; U184; U185; U186; U187; U188; U189; U190; U191; U192; U193; U194; U196; U197; U200; U201; U202; U203; U205; U206; U207; U208; U209; U210; U211; U213; U214; U218; U219; U220; U221; U222; U223; U225; U226; U227; U228; U234; U235; U236; U237; U238; U239; U240; U243; U244; U246; U247; U248; U249; U328; U353; U359; F001; F002; F003; F004; F005; F010; F020; F021; F023; F024; F026; F027; F028; K001; K009; K010; K011; K013; K014; K015; K016; K017; K018; K019; K020; K021; K022; K023; K024; K025; K026; K027; K028; K029; K030; K031; K032; K033; K034; K035; K036; K037; K038; K039; K040; K041; K042; K043; K044; K045; K046; K047; K048; K049; K050; K051; K052; K054; K060; K065; K073; K083; K084; K085; K086; K087; K093; K094; K095; K096; K097; K098; K099; K101; K102; K103; K104; K105; K111; K112; K113; K114; K115; K116; K117; K118; K123; K124; K125; K126; K136; D001; D012; D013; D014; D015; D016; and D017.

[For text of subp 11, see M.R.]

RENUMBERER. Re number part 7045.0100 as part 7045.0102 in the following parts: 7001.0530, subpart 3; 7001.0550, item E; 7001.0710, subpart 1; 7045.0075, subpart 1; 7045.0121, subparts 1 and 3; 7045.0127, subpart 1; 7045.0261, subpart 7; 7045.0300; 7045.0450, subpart 1; 7045.0458, subpart 1; 7045.0532, subpart 7; 7045.0564, subpart 1; 7045.0655, subparts 6 and 7; 7045.1300, subpart 1; 7047.0020, subpart 7; and 9205.0110, subpart 10.

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.

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 Home Care Licensure

The rules proposed and published at *State Register*, Volume 15, Number 52, pages 2668-2698, June 24, 1991 (15 SR 2668) and Volume 17, Number 11, pages 530-552, September 14, 1992 (17 SR 530), are adopted with the following modifications:

Rules as Adopted

4668.0003 DEFINITIONS.

Subp. 3. **Assisted living services.** "Assisted living services" means individualized home care aide tasks or home management tasks provided to ~~residents~~ clients of a residential center in their living units, and provided either by the management of the residential center or by providers under contract with the management. In this subpart, "individualized" means chosen and designed specifically for each ~~resident's~~ client's needs, rather than provided or offered to all ~~residents~~ clients regardless of their illnesses, disabilities, or physical conditions.

Subp. 35. **Residential center.** "Residential center" means a building or complex of buildings in which ~~residents~~ clients rent or own distinct living units.

4668.0012 LICENSURE.

Subp. 3. **Classes of licenses.** In issuing a license under this part, the commissioner shall assign a license classification according to items A and B. A provider performing only home management tasks shall be registered pursuant to *Minnesota Statutes*, section 144A.461, and need not obtain a home care license.

A. A provider shall apply for one of the classes of the home care license listed in subitems (1) to (5).

(1) Class A, or professional home care agency license. Under this license, a provider may provide all home care services in a place of residence, including a residential center, at least one of which is nursing, physical therapy, speech therapy, respiratory therapy, occupational therapy, nutritional services, medical social services, home health aide tasks, or the provision of medical supplies and equipment when accompanied by the provision of a home care service.

(5) Class E, or assisted living programs license. Under this license, a provider may only provide assisted living services to residents of a residential center.

4668.0020 CRIMINAL DISQUALIFICATIONS OF APPLICANTS, LICENSEES AND STAFF.

Subpart 1. **Definition Definitions.**

A. In this part, "employ" includes engaging unpaid services of a volunteer; "employed" includes providing unpaid services as a volunteer under the control and direction of a licensee; "employee" includes a volunteer who provides unpaid services under the control and direction of the licensee.

B. In this part, "reasonable cause" means that information or circumstances exist which provide the commissioner or the licensee with an articulable suspicion that further pertinent information may exist concerning the employee or applicant.

Subp. 10. **Criminal conviction history search.** If the commissioner or the licensee has reasonable cause to believe that an employee or prospective employee has not disclosed all convictions of crimes, the commissioner or licensee shall require the employee or prospective employee to sign a notarized release statement, on a form provided by the commissioner, that authorizes local law enforcement agencies and the Minnesota Bureau of Criminal Apprehension to provide the commissioner a history of criminal convictions. ~~Examples of reasonable cause include, but are not limited to, information about criminal background on an individual from another provider, an employee, or a member of the public.~~ The release statement must include the person's:

Subp. 15. **Rehabilitation.** Except as provided by subpart 16, a license that otherwise would have been denied under subpart 2, will be granted if the person or persons who have been convicted of crimes listed in subpart 14, meet the requirements of items A and B.

Except as provided by subpart 16, a person who is disqualified from employment with a licensee under subpart 3 may be employed if the employer, or in the case of individual licensees, the commissioner, determines that:

B. the person meets the requirements of subitems (1) to (4):

(2) If on probation, parole, or other conditional release, the person submits a report from the person's probation or parole agent ~~that is satisfactory to the commissioner.~~

Subp. 17. **Reporting undisclosed and new criminal information.** If a licensee learns of any criminal conviction of an employee that was not revealed to the licensee as required by subpart 8, and was not discovered by the criminal history search required by subpart 10, and is verified by a law enforcement agency, the licensee shall:

4668.0060 ADMINISTRATION.

~~Subpart 1. Referrals. The licensee shall notify another home care provider, inpatient facility, or other health care practitioner or provider to whom the licensee transfers a client, of any contagious disease to which the client is known to have been exposed or which the client is known to have contracted.~~

~~Subp. 2. Subpart 1. Services by contract.~~ The licensee may contract for services to be provided to its clients. Personnel providing services under contract must meet the same requirements required by this chapter of personnel employed by the licensee.

~~Subp. 3. 2. Responsibility of licensee for contractors.~~ A violation of this chapter by a contractor of the licensee will be considered to be a violation by the licensee.

~~Subp. 4. 3. Fulfillment of services.~~ The licensee shall provide all services required by the client's service agreement, required by part 4668.0140.

~~Subp. 5. 4. Scheduled appointments for nonessential services.~~ If a licensee, contractor, or employee of a licensee is unable, for any reason, to keep a scheduled appointment for a service that is not essential for medical or safety reasons, the licensee shall:

~~Subp. 6. 5. Scheduled appointments for essential services.~~ If, for medical or safety reasons, a service to be provided must be completed at the scheduled time, and the licensee, contractor, or employee of a licensee is unable, for any reason, to keep the scheduled appointment, the licensee shall make arrangements to complete the service through a contract with another provider or through other reasonable means.

~~Subp. 7. 6. Availability of contact person.~~ Every class A, class B, class D, or class E licensee that provides home health aide or home care aide tasks, must have a contact person available for consultation whenever a paraprofessional is performing home health aide or home care aide tasks for a client. The contact person must be available to the paraprofessional in person, by telephone, or by other means.

4668.0065 INFECTION CONTROL.

Subpart 1. **Tuberculosis screening.** No person who is contagious with tuberculosis may provide services that require direct contact with clients. All individual licensees and employees and contractors of licensees must document the following before providing services that require direct contact with clients:

A. the person must provide documentation of having received a negative reaction to a Mantoux test administered within the 12 months before working in a position involving direct client contact, and no later than every 24 months after the ~~first~~ most recent Mantoux test; or

B. if the person has had a positive reaction to a Mantoux test upon employment or within the two years before working in a position involving direct client contact, or has a positive reaction to a Mantoux test in repeat testing during the course of employment, the person must provide:

(1) documentation of a negative chest x-ray administered within the three months before working in a position involving direct client contact; ~~and~~ or

4668.0100 HOME HEALTH AIDE TASKS.

Subpart 1. **Home health aide tasks.** For a class A, C, or D licensee, a registered nurse may delegate medical or nursing services as tasks or a therapist may assign therapy services as tasks only to a person who satisfies the requirements of subpart 5. These delegated or assigned tasks, as set forth in this part, include home care aide tasks as set forth in part 4668.0110. Class A or D licensees providing home care aide tasks must satisfy the training and supervision requirements of this part, and not part 4668.0110. These tasks include:

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Adopted Rules

B. performing routine delegated medical or nursing or assigned therapy procedures, as provided by subpart 4, except items C to H;

Subp. 5. **Qualifications for persons who perform home health aide tasks.** No A person may only offer or perform home health aide tasks, or be employed to perform home health aide tasks, unless if the person has:

4668.0110 HOME CARE AIDE TASKS.

Subp. 6. **Class E visits.** A class E licensee must visit the resident client and observe the provision of home care services every 60 days after initiation of home care aide tasks to verify that the work is being performed adequately and to identify problems.

4668.0140 SERVICE AGREEMENTS.

Subpart 1. **Service agreements.** No later than the second visit to a client, a licensee shall enter into a written service agreement with the client or the client's responsible person. Any modifications of the service agreement must be in writing and be signed agreed to by the client or the client's responsible person no later than the next visit to the client.

4668.0160 CLIENT RECORDS.

Subp. 4. **Transfer of client.** If a client transfers to another home care provider, other health care practitioner or provider, or is admitted to an inpatient facility, the licensee, upon request of the client, shall send a copy or summary of the client's record to the new provider or facility or to the client.

Subp. 7. **Confidentiality.** The licensee shall not disclose to any other person any personal, financial, medical, or other information about the client, except:

B. to staff ~~or~~ contractors of the licensee, another home care provider, other health care practitioner or provider, or inpatient facility who require information in order to provide services to the client, but only such information that is necessary to the provision of services;

4668.0180 CLASS A PROVIDER, PROFESSIONAL HOME CARE AGENCY.

Subp. 10. **Equivalent requirements for certified providers.** A class A licensee that is certified for participation in Medicare as a home health agency under *Code of Federal Regulations*, title 42, part 484, need not comply with this part, or with the following items, if the Medicare certification is based on compliance with the federal conditions of participation, and on survey and enforcement by the Minnesota Department of Health as agent for the United States Department of Health and Human Services:

C. part 4668.0060, subparts 1, 2, 3, 4, and 7 6;

4668.0230 FINES FOR UNCORRECTED VIOLATIONS.

Subp. 5. **Schedule of fines for violations of rules.** For each violation of a rule provision subject to a fine under *Minnesota Statutes*, section 144.653, subdivision 6, the following fines shall be assessed for the respective rule that was violated:

~~CC.~~ ~~part 4668.0060, subpart 1, \$350;~~

~~DD.~~ part 4668.0060, subpart 2 1, \$50;

~~EE.~~ ~~DD.~~ part 4668.0060, subpart 4 3, \$350;

~~FF.~~ ~~EE.~~ part 4668.0060, subpart 5 4, \$350;

~~GG.~~ ~~FF.~~ part 4668.0060, subpart 6 5, \$500;

~~HH.~~ ~~GG.~~ part 4668.0060, subpart 7 6, \$300;

~~H.~~ ~~HH.~~ part 4668.0065, subpart 1, \$500;

~~JJ.~~ ~~II.~~ part 4668.0065, subpart 2, \$500;

~~KK.~~ ~~JJ.~~ part 4668.0065, subpart 3, \$300;

~~LL.~~ ~~KK.~~ part 4668.0070, subpart 2, \$50;

~~MM.~~ ~~LL.~~ part 4668.0070, subpart 3, \$50;

~~NN.~~ ~~MM.~~ part 4668.0070, subpart 4, \$50;

~~OO.~~ ~~NN.~~ part 4668.0075, subpart 1, \$300;

~~PP.~~ ~~OO.~~ part 4668.0075, subpart 2, \$100;

~~QQ.~~ ~~PP.~~ part 4668.0075, subpart 4, \$50;

~~RR.~~ ~~QQ.~~ part 4668.0080, subpart 1, \$300;

~~SS-~~ RR. part 4668.0080, subpart 2, \$300;
~~TT-~~ SS. part 4668.0080, subpart 3, \$300;
~~UU-~~ TT. part 4668.0080, subpart 4, \$300;
~~VV-~~ UU. part 4668.0080, subpart 5, \$300;
~~WW-~~ VV. part 4668.0100, subpart 1, \$350;
~~XX-~~ WW. part 4668.0100, subpart 2, \$350;
~~YY-~~ XX. part 4668.0100, subpart 3, \$500;
~~ZZ-~~ YY. part 4668.0100, subpart 4, \$350;
~~AAA-~~ ZZ. part 4668.0100, subpart 5, \$300;
~~BBB-~~ AAA. part 4668.0100, subpart 6, \$300;
~~CCC-~~ BBB. part 4668.0100, subpart 7, \$50;
~~DDD-~~ CCC. part 4668.0100, subpart 8, \$350;
~~EEE-~~ DDD. part 4668.0100, subpart 9, \$350;
~~FFF-~~ EEE. part 4668.0110, subpart 1, \$350;
~~GGG-~~ FFF. part 4668.0110, subpart 2, \$300;
~~HHH-~~ GGG. part 4668.0110, subpart 3, \$50;
~~HH-~~ HHH. part 4668.0110, subpart 4, \$300;
~~JJ-~~ III. part 4668.0110, subpart 5, \$350;
~~KKK-~~ JJ. part 4668.0110, subpart 6, \$350;
~~LLL-~~ KKK. part 4668.0120, subpart 2, \$50;
~~MMM-~~ LLL. part 4668.0130, subpart 1, \$300;
~~NNN-~~ MMM. part 4668.0130, subpart 2, \$300;
~~OOO-~~ NNN. part 4668.0130, subpart 3, \$300;
~~PPP-~~ OOO. part 4668.0130, subpart 4, \$50;
~~QQQ-~~ PPP. part 4668.0140, subpart 1, \$250;
~~RRR-~~ QQQ. part 4668.0140, subpart 2, \$50;
~~SSS-~~ RRR. part 4668.0150, subpart 2, \$350;
~~TTT-~~ SSS. part 4668.0150, subpart 3, \$350;
~~UUU-~~ TTT. part 4668.0150, subpart 4, \$350;
~~VVV-~~ UUU. part 4668.0150, subpart 5, \$350;
~~WWW-~~ VVV. part 4668.0150, subpart 6, \$350;
~~XXX-~~ WWW. part 4668.0160, subpart 1, \$100;
~~YYY-~~ XXX. part 4668.0160, subpart 2, \$100;
~~ZZZ-~~ YYY. part 4668.0160, subpart 3, \$50;
~~AAAA-~~ ZZZ. part 4668.0160, subpart 4, \$100;
~~BBBB-~~ AAAA. part 4668.0160, subpart 5, \$50;
~~CCCC-~~ BBBB. part 4668.0160, subpart 6, \$100;
~~DDDD-~~ CCCC. part 4668.0160, subpart 7, ~~\$250~~ \$350;

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Adopted Rules

~~EEEE- DDDD.~~ part 4668.0170, subpart 1, \$500;
~~FFFF- EEEE.~~ part 4668.0170, subpart 2, \$500;
~~GGGG- FFFF.~~ part 4668.0180, subpart 3, \$500;
~~HHHH- GGGG.~~ part 4668.0180, subpart 4, \$300;
~~III- HHHH.~~ part 4668.0180, subpart 5, \$300;
~~JJJ- IIII.~~ part 4668.0180, subpart 6, \$300;
~~KKKK- JJJJ.~~ part 4668.0180, subpart 8, \$200;
~~LLLL- KKKK.~~ part 4668.0180, subpart 9, \$100;
~~MMMM- LLLL.~~ part 4668.0190, \$500;
~~NNNN- MMMM.~~ part 4668.0200, subpart 2, \$500;
~~OOOO- NNNN.~~ part 4668.0200, subpart 4, \$100;
~~PPPP- OOOO.~~ part 4668.0200, subpart 5, \$50;
~~QQQQ- PPPP.~~ part 4668.0200, subpart 6, \$500;
~~RRRR- QQQQ.~~ part 4668.0210, subpart 3, \$100;
~~SSSS- RRRR.~~ part 4668.0210, subpart 4, \$100;
~~TTTT- SSSS.~~ part 4668.0210, subpart 5, \$100;
~~UUUU- TTTT.~~ part 4668.0210, subpart 6, \$100;
~~VVVV- UUUU.~~ part 4668.0210, subpart 7, \$100;
~~WWWW- VVVV.~~ part 4668.0210, subpart 8, \$350;
~~XXXX- WWWW.~~ part 4668.0210, subpart 9, \$300;
~~YYYY- XXXX.~~ part 4668.0210, subpart 10, \$300;
~~ZZZZ- YYYY.~~ part 4668.0210, subpart 11, \$300;
~~AAAAA- ZZZZ.~~ part 4668.0210, subpart 12, \$350;
~~BBBBB- AAAAA.~~ part 4668.0210, subpart 13, \$100;
~~CCCCC- BBBBB.~~ part 4668.0210, subpart 15, \$350;
~~DDDDD- CCCCC.~~ part 4668.0210, subpart 16, \$50;
~~EEEE- DDDDD.~~ part 4668.0210, subpart 17, \$300;
~~FFFFF- EEEEE.~~ part 4668.0210, subpart 18, \$300;
~~GGGGG- FFFFF.~~ part 4668.0210, subpart 20, \$350;
~~HHHHH- GGGGG.~~ part 4668.0210, subpart 21, the first sentence, \$350;
~~III- HHHHH.~~ part 4668.0210, subpart 21, the second sentence, \$50;
~~JJJJ- IIII.~~ part 4668.0220, subpart 6, \$500; and
~~KKKKK- JJJJ.~~ part 4668.0220, subpart 8, \$500.

4669.0030 PROCEDURE FOR PAYING LICENSE FEE.

Subp. 2. **Verification of revenues.** Under a circumstance listed in item A or B, the commissioner shall require each applicant to verify its revenues by providing a copy of an income tax return; informational tax return, such as an Internal Revenue Service form 1065 partnership return or form 990 tax-exempt organization return; Medicare cost report; certified financial statement; or other documentation that verifies the accuracy of the revenues derived from the provision of home care services for the reporting period on which the fee is based if either:

4669.0040 FEE LIMITATION.

A provider is subject to one license fee, regardless of the number of distinct programs through which home care services are provided unless the provider operates under multiple units as set forth in part 4668.0012, subpart 2. A provider issued a class A and class D license under part 4668.0012, subpart 3, item B, shall pay one license fee. The fee shall be based on the total revenue of all home care services.

4669.0050 FEE SCHEDULE.

Subp. 4. **Fees for medical equipment vendors.** Regardless of the class under which it is licensed, a provider of whose principal business is medical supplies and equipment shall pay a an annual fee of \$500.

Department of Labor and Industry

Adopted Permanent Rules Relating to OSHA; Standard Industrial Classification List

The rules proposed and published at *State Register*, Volume 17, Number 26, pages 1660-1669, December 28, 1992 (17 SR 1660), are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Manufacturers and Distributors of Gambling Devices

The rules proposed and published at *State Register*, Volume 17, Number 24, pages 1439-1446, December 14, 1992 (17 SR 1439), are adopted with the following modifications:

Rules as Adopted

7570.0010 DEFINITIONS.

Subp. 7. **Used gambling device.** "Used gambling device" means a gambling device five or more years old from the date of manufacture.

7570.0020 LICENSE APPLICATION, ISSUANCE, AND RENEWAL.

Subpart 1. **Contents of application.** An initial or renewal license application must be on a form provided by the commissioner and must meet the requirements in items A to T.

E. The application must contain a history of gambling licensure of each person, partnership, and corporation listed under item A, B, or D. The history must be of each gambling license applied for or issued by a federal, state, or local agency and must include the issuance and expiration dates of the license. If a gambling license application was denied, or a gambling license was suspended, canceled, revoked, or subject to any other ~~negative~~ licensing action other than issuance or renewal, the history must give the date and a full explanation of the basis for the ~~license~~ licensing action.

G. The application must contain the following information with respect to each person, partnership, and corporation listed under item A, B, or D:

(2) whether the person, partnership, or corporation has been ~~accused a party~~ alleging a violation of a statute or rule relating to unfair labor practices, discrimination, or gambling;

(4) whether the person, partnership, or corporation has been ~~the subject of a party other than a creditor in~~ a voluntary or involuntary bankruptcy proceeding;

J. The application must be accompanied by the applicant's most recent financial information that shows the ownership and control of the applicant. ~~Statements submitted to state and federal income tax agencies as part of~~ The most recent state and federal income tax returns are acceptable.

~~Subp. 4. Issuing or denying a license; basis for determination. The commissioner shall issue a license if the commissioner determines that the applicant will conduct the business in a manner that will not adversely affect the public health, welfare, and safety or be detrimental to the effective regulation and control of gambling. The commissioner shall deny the license application if the commissioner makes a contrary determination. In making the determination, the commissioner shall consider:~~

~~A. whether the applicant has concealed, failed to disclose, or otherwise attempted to mislead the commissioner with respect to a material fact contained in the application or in the investigation of the applicant or the material contained in the application;~~

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.

Adopted Rules

- B. whether the applicant has been convicted of a felony or a crime involving gambling;
- C. whether the applicant has been placed in or remains in actual or constructive custody of any federal, state, or local law enforcement authority or court for a felony or a crime involving gambling;
- D. whether the applicant has been prohibited by any governmental authority from being present upon the premises of any gambling establishment or any premises where pari-mutuel wagering is conducted for any reason related to improper gambling activities or any illegal acts;
- E. whether the applicant has had a gambling license suspended, canceled, revoked, or subject to any other negative licensing action by any jurisdiction based on a violation of law or rule or a conviction for a violation of law or rule;
- F. whether the applicant meets the qualifications for licensure in *Minnesota Statutes*, section 299L.07;
- G. whether the applicant has had a gambling license denied for other than technical defects in the application;
- H. whether the application meets the requirements of subpart 1; and
- I. whether the commissioner has been notified under *Minnesota Statutes*, section 270.72, that the applicant owes the state delinquent taxes, penalties, or interest.

Subp. 5. **4. Licensing year; partial refund of fee if initial license issued after June 30.** The licensing year is a calendar year. A license issued under this chapter expires on December 31 of the year for which application is made. If an initial license is issued after June 30 of the year for which application is made, the commissioner shall refund one-half of the first annual fee.

Subp. 6. **5. Investigation fee.** An applicant for an initial license must submit to the director at the time of application an investigation fee to cover the costs of the investigation authorized by *Minnesota Statutes*, section 299L.07, subdivision 5. The investigation fee is \$1,500 if the applicant's main business location is in Minnesota and \$5,000 if the applicant's main business location is outside of Minnesota. When the director determines that the costs of an investigation have exceeded or will likely exceed the amounts deposited under this part, the director shall send a written notice to the applicant containing a reasonable estimate of the additional costs of the investigation. The applicant shall remit the estimated amount to the director within ten days of receipt of the notice. If the applicant does not remit the amount within this time, the director shall discontinue the investigation until the applicant remits the amount. The commissioner shall not issue a license to an applicant who fails to remit an investigation fee required under this subpart. Upon completion of the investigation, the director shall promptly refund to the applicant any amount by which the investigation fees submitted by the applicant exceed the actual costs of the investigation. A person who applies for a manufacturer license and a distributor license at the same time must submit only one investigation fee.

Subp. 7. **6. License classes.** There are six license classes, as follows:

Subp. 8. **7. Appropriate class of license required.** An appropriate class of license is required for each marketing level.

Subp. 9. **8. Notice of change.** A licensee shall notify the commissioner of a change in any information concerning the licensee that is required to be contained in a license application. The notice must be on a form provided by the commissioner. One owner, partner, officer, director, or shareholder shall sign the notice, verifying that the information on the notice is true. The signature must be notarized. The licensee shall submit the notice so that it is received by the commissioner before the change occurs, unless this is not possible, in which case, the licensee shall give notice as soon as reasonable.

7570.0050 SUSPENSION AND REVOCATION OF LICENSE:

~~Subpart 1. **Grounds for suspension or revocation.** The commissioner may suspend a license for a violation of law or rule. The commissioner may revoke a license for a violation of law or rule when a condition applies that is listed in *Minnesota Statutes*, section 299L.07, subdivision 8, paragraph (a), clause (1), (2), or (3). In making the determination to suspend or revoke and in determining the penalty or the length of the penalty, the commissioner shall consider:~~

- ~~A. the factors in part 7570.0020, subpart 4, for issuance or denial of a license application;~~
- ~~B. the severity of the conduct as indicated by the potential harm to person, property, or the integrity of gambling;~~
- ~~C. the actual harm to person, property, or the integrity of gambling;~~
- ~~D. the culpability of the violator and the frequency of the violator's failure to comply with law or rule;~~
- ~~E. any other factors related to the seriousness of violations that the commissioner considers crucial as long as the same factors are considered with regard to all violators; and~~
- ~~F. the number of factors applicable to a violation and the degree to which each applies.~~

~~Subp. 2. **Grounds for summary suspension.** The commissioner may summarily suspend a license before a contested case hearing if the commissioner determines that a summary suspension is necessary to ensure the integrity of gambling. In making the determination to summarily suspend, the commissioner shall consider:~~

A. whether grounds exist for the revocation of the license;

B. whether there is a significant risk of irreparable harm to the integrity of gambling if the licensee is allowed to continue licensed activities; and

C. whether the risk of harm to the integrity of gambling outweighs the harm to the licensee of discontinuing licensed activities during the pendency of a hearing.

Subp. 3. **Procedures for suspension or revocation.** All procedures for revocation or suspension not set out or referred to in this part are governed by chapter 1400 and *Minnesota Statutes*, chapters 14 and 299L. A summary suspension order is effective upon service of the notice of the summary suspension on the licensee.

Commissioners' Orders

Department of Transportation

Commissioner's Order No. 79241

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under *Minnesota Statutes* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 72156, dated April 8, 1987, which order has been amended by Orders No's. 73139, 74653, 74846, 75024, 75110, 75193, 75314, 75451, 76384, 76518, 76589, 76042, 78058, 78710, 78789, and 79241 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 72156 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS

BLUE EARTH COUNTY

C.S.A.H. 15 from T.H. 83 to 700 feet North in St. Clair (12 mo.).

C.S.A.H. 53 from T.H. 83 to 400 feet North in Pemberton (12 mo.).

C.S.A.H. 42 from T.H. 68 to 1,400 feet North in Judson (12 mo.).

C.S.A.H. 10 from T.H. 169 to 1,500 feet North in Vernon Center (12 mo.).

Dated this 5th day of April, 1993.

James N. Denn
Commissioner

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.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Public Safety

Bureau of Criminal Apprehension

Notice of Continuation of Emergency Rules Relating to Firearms Dealers Security Standards, Minnesota Rules, Parts 7504.0100 to 7504.0600

NOTICE IS HEREBY GIVEN that the Department of Public Safety is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published in *State Register*, Volume 17, Number 19, pages 1167 and 1168, November 9, 1992 (17 S.R. 1167). The rules became effective October 22, 1992, and are scheduled to expire at 12:01 a.m. on April 20, 1993. This notice of continuation will extend the effective life of the above-entitled rules through October 16, 1993.

Dated: 1 April 1993

Michael S. Jordan, Commissioner
Department of Public Safety

Department of Labor and Industry

Notice of Continuation of Emergency Rules Governing Workers' Compensation; Managed Care

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published in *State Register*, Volume 17, Number 17, pages 923-928 on October 26, 1992 (17 S.R. 923). The rules became effective October 19, 1992 and are scheduled to expire April 17, 1993. This notice of continuation will extend the effective life of the above-entitled rules through October 14, 1993.

Dated: 1 April 1993

John B. Lennes, Jr.
Commissioner

Official Notices

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.

Labor and Industry Department

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective April 12, 1993 prevailing wage rates are certified for commercial construction projects in: Anoka county: Coon Rapids Sr High Remodel upper IMC, Anoka Sr High/Coon Rapids Sr High/Roosevelt Middle School Asphalt repair and new construction of Tennis Courts, Upgrade electrical transfer line and equipment-93C053-Anoka. Blue Earth county: Crawford Residence Hall Wing "A" and "B" shower room remodel-Mankato, Gage "A" Shower Room Remodel-Mankato. Carlton county: Cromwell School Asbestos Abatement Removal-Cromwell. Fillmore county: Chosen Valley Public School Remodeling-Chatfield. Hennepin county: Pilot City Health Center 0031324-Minneapolis, 1993 Reroofing Robbinsdale Area Schools 930120-03, Park Center/Birch Grove School Boiler Burner Replacement-Brooklyn Park. Kanabec county: Lakes and Pines Community Action Center Remodeling-Mora. Olmsted county: Chosen Valley Jr/Sr High Remodeling-Chatfield. Ramsey county: Adams Spanish Immersion Magnet Library Improvement-St. Paul, Webster Magnet School EBD Remodeling-St. Paul. St. Louis county: Colvin Town Hall and Grounds Remodeling. Stearns county: Hill/Case Halls Reroofing SSU-St. Cloud, Holdingford Elementary and Jr/Sr High Schools Fire Code Update-Holdingford. Wabasha county: 1993 Reroofing Lincoln Jr/Sr High School-Lake City. Washington county: Washington County Park Maintenance Building-Lake Elmo.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Intent to Solicit Outside Opinion Regarding Obligatory Charges Considered to be Gratuities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry, Labor Standards Division, is seeking information or opinions from sources outside the agency in preparing proposed amendments to *Minnesota Rules* Part 5200.0080—Gratuities/Tip Credits—regarding the disposition of obligatory charges considered to be gratuities.

The amendments to this rule are authorized by *Minnesota Statute*, section 177.28 which permits the Department to make rules to carry out the purposes of the Minnesota Fair Labor Standards Act, *Minnesota Statutes*, sections 177.21. to 177.35.

The Minnesota Department of Labor and Industry, Labor Standards Division, requests information and comments concerning the subject matter of this rule. Interested or affected persons or groups may submit written or oral information. Written statements should be addressed to:

Don Jackman
Director of Labor Standards
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155-4306

Oral statements will be received during regular business hours over the telephone at (612) 296-2282, and in person at the above address.

All statements of information and opinions will be accepted until May 19, 1993. All written material received by the Department of Labor and Industry, Labor Standards Division will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the amended rules are adopted.

John B. Lennes, Jr.
Commissioner of Labor and Industry

Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Governing Workers' Compensation Managed Care

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose the adoption of permanent rules governing workers' compensation managed care. The adoption of the rules is authorized by *Minnesota Statutes*, section 176.1351, subd. 6.

The State Department of Labor and Industry requests information and opinions concerning the subject matter of the rules. 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:

Gloria Gebhard
Acting Director
Rehabilitation and Medical Affairs
Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155-4316
Telephone: (612) 282-2570

All statements of information and opinions shall be accepted until April 30, 1993. Any written material received by State Department of Labor and Industry shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 April 1993

John B. Lennes, Jr.
Commissioner

Minnesota Comprehensive Health Association

Notice of Nominating Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Nominating Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:30 p.m. on Monday, April 19, 1993 at the Minnesota Club, 317 Washington Street, St. Paul, Minnesota. The meeting will be in the Homer Clark room.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Early Childhood Care and Education Council (ECCE)

Notice of Meetings

NOTICE IS HEREBY GIVEN that the Minnesota Early Childhood Care and Education Council (ECCE) has scheduled the following meetings. Both meetings will be held at the Administration Building, Capitol Complex, Room 116 B, 50 Sherburne Avenue, St. Paul, MN. Direct inquiries to Executive Director, Minnesota Early Childhood Care and Education Council, Third Floor, Ford Building, 117 University Avenue, St. Paul, MN 55155; Phone: 612/296-1400; TDD MRS 612/297-5353 (metro) or TDD MRS 800/627-3529 (Greater Minnesota).

PROGRAM COMMITTEE MEETING—April 19, 1993, 10:30 a.m. to 10:45 a.m., to elect Program Committee Chair.

ECCE REGULAR FULL COUNCIL MEETING—April 19, 1993, 11 a.m. to 3 p.m. Learning Readiness, Resource and Referral Services and the structure of the Council will be among the topics to be discussed. Contact the Council for additional meeting agenda details.

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

Building Codes and Standards Division

Request for Proposals to Contract for Inspection Services

NOTICE IS HEREBY GIVEN that proposals are being solicited to provide Contract Inspection Services for public buildings in jurisdictions that do not have inspection agreements with the Department of Administration, Building Codes and Standards Division. Inspections are to be conducted in accordance with the Minnesota State Building Code. (*Minnesota Statute* 16B.61 Subd. 1A and 16B.62 Subd. 1.) This Request for Proposals does not obligate the state to complete the contracts. Multiple contracts will be awarded. This will be a three year contract with a possible two year extension.

A. Proposals will be accepted from individuals only. Any firm or corporation submitting a proposal must stipulate a specific person to perform service(s) and his/her experience.

B. Public buildings for this contract means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its costs, and a school district building project the cost of which is \$100,000 or more. (*Minnesota Statute* 16B.60 Subd. 6).

For complete details and application information contact this Division at the address listed below:

Margaret White
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4626 or 297-5353 (TDD-Minnesota Relay Service)
800-657-3529 (TDD-Greater Minnesota Relay Service)

PLEASE NOTE ONLY MS. WHITE IS AUTHORIZED TO ANSWER QUESTIONS. Responses to this request are due in the Building Codes and Standards Division offices by 4:30 p.m. on May 3, 1993.

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Catholic Priest

NOTICE IS HEREBY GIVEN to request proposals for the provision of hiring a Catholic priest to conduct services and to offer counseling to specific Catholic inmates. Proposals shall be based on services to be provided at the Minnesota Correctional Facility at Shakopee. Proposals shall cover the period of July 1, 1993 to June 30, 1995. Proposals must be submitted by 4:00 p.m. on April 23, 1993.

To submit proposals or for additional information, contact:

Catherine McDonald, Chaplain
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4482

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Chemical Health Treatment

NOTICE IS HEREBY GIVEN to request proposals for the provision of facilitating a chemical health treatment group for MCF-

Professional, Technical & Consulting Contracts

Shakopee, as it relates to inmates who are behaviorally challenged by their antisocial attitudes/beliefs and the consequences of their addictions. Proposals shall be based on services to be provided at the Minnesota Correctional Facility for approximately 200 hours a year. Proposal shall cover the period of July 1, 1993 to June 30, 1995 and shall be submitted on a per hour basis. Proposals must be submitted by 4:00 p.m. on April 23, 1993.

To submit proposals or for information, contact:

Barb Landoe, Chemical Dependency Counselor
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4484

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Dental Hygiene Services

NOTICE IS HEREBY GIVEN to request proposals for the provision of Dental Hygiene services for the inmates of the Minnesota Correctional Facility in Shakopee, as referred by the medical staff of that facility. Proposals shall be based on services to be provided at the Minnesota Correctional Facility for approximately sixteen (16) hours per week for the period of July 1, 1993 to June 30, 1994 and twenty-four (24) hours per week for the period of July 1, 1994 to June 30, 1995. Proposal shall cover the period of July 1, 1993 to June 30, 1995 and shall be submitted on a per hour basis. Proposals must be submitted by 4:00 p.m. on April 23, 1993.

Connie Hammer, R.N.
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4469

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Dentist Services

NOTICE IS HEREBY GIVEN to request proposals for the provision of Dentist services for the inmates of the Minnesota Correctional Facility in Shakopee, as referred by the medical staff of that facility. Proposals shall be based on services to be provided at the Minnesota Correctional Facility for approximately sixteen (16) hours per week for the period of July 1, 1993 to June 30, 1994 and twenty-four (24) hours per week for the period of July 1, 1994 to June 30, 1995. Proposal shall cover the period of July 1, 1993 to June 30, 1995 and shall be submitted on a per hour basis. Proposals must be submitted by 4:00 p.m. on April 23, 1993.

Connie Hammer, R.N.
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4469

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Horticulture Program Instructor

NOTICE IS HEREBY GIVEN to request proposals to provide/accommodate the training of students as identified by the Minnesota Correctional Facility in Shakopee through its offering of a horticultural program. This program is to be operated at the MCF-Shakopee facility greenhouse and classrooms. Proposals shall include provision of all civilian personnel to operate the program. Proposal shall cover the period of July 1, 1993 to June 30, 1994 at an approximate cost of \$58,500 for a 52-week program. Proposals must be received at MCF-Shakopee by 4:00 p.m. on April 23, 1993.

To submit proposals or for additional information, contact:

Lynwood Watson, Jr., Business Manager
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4456

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Occupational Therapist Services

NOTICE IS HEREBY GIVEN to request proposals to provide Occupational Therapist services to female inmates incarcerated at the Minnesota Correctional Facility in Shakopee. Candidates must be licensed in the State of Minnesota and be available to work at the institution Tuesdays and Thursdays for eight hours per day. Candidates must be able to facilitate Occupational Therapy group, provide one-to-one occupational therapy, assess inmates needs and establish occupational therapy goals. The proposal shall approximately cover the period of July 1, 1993, through June 30, 1995. Proposals shall be based on services to be provided at the Minnesota Correctional Facility at Shakopee for approximately sixteen (16) hours per week from July 1, 1993 to June 30, 1994 and thirty (30) hours per week from July 1, 1994 to June 30, 1995 and shall be submitted on a per hour basis. Proposals must be submitted by 4:00 p.m. on April 23, 1993. To submit a proposal or for additional information, contact:

Barb Hilleren
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4472

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Pre-Employment and Employment Extension Physical Exams

NOTICE IS HEREBY GIVEN to request proposals for the provision of providing pre-employment and employment extension physical exams to employees referred by MCF-Shakopee. Proposals shall cover the period of July 1, 1993 to June 30, 1995. Proposals must be submitted by 4:00 p.m. on April 23, 1993.

To submit proposals or for additional information, contact:

Angie Dressen, Personnel Officer, Sr.
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4457

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Psychiatric Services

NOTICE IS HEREBY GIVEN to request proposals to provide psychiatric services to female inmates incarcerated at the Minnesota Correctional Facility in Shakopee. Candidates duties involve testing and evaluating all new inmates, screen and evaluate inmates at the request of MCF-Shakopee staff, consult with staff on treatment plans and give direct treatment as needed. Proposals shall be based on services to be provided at the Minnesota Correctional Facility for approximately ten (10) hours per week from July 1, 1993 to June 30, 1994 and twenty (20) hours per week from July 1, 1994 to June 30, 1995 and shall be submitted on a per hour basis. Proposals must be submitted by 4:00 p.m. on April 23, 1993.

Professional, Technical & Consulting Contracts

To submit proposals for additional information, contact:

Connie Hammer, R.N.
Minnesota Correctional Facility—Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4469

Department of Human Services

Notice of Request for Proposals to Maintain and Enhance the Community Services Information System (CSIS)

The Minnesota Department of Human Services (DHS), Quality Services Division, is soliciting proposals from qualified vendors to maintain and enhance the Community Services Information System (CSIS) for state fiscal year 1994. The services to be provided by the selected vendor include systems analysis, preparing design proposals and cost estimates, and basic maintenance of the COBOL code to ensure user agencies a continuing capability to comply with state record keeping and reporting requirements through CSIS; preparation and distribution of scheduled release software including revisions to the user manuals and system documentation; operation of a technical helpline for users; training of users; and receipt and security of data diskettes and electronic transmission of data to or from the State. These services will be used on an as needed basis.

Respondents must demonstrate successful experience in all aspects of maintaining and enhancing a major software package in county and state social service environments. A minimum of five years experience within the last seven calendar years is required. Respondent staff must have proven experience in maintaining IBM system 36 and AS/400 COBOL code. Respondent staff must have detailed knowledge of the administration of social services in Minnesota, as described in *Minnesota Statutes*, Chapter 256E, including programmatic, administrative, and fiscal issues. Respondent staff must have proven experience in providing training in information systems, writing user documentation, and in operating a technical help line.

The formal Request for Proposals is available from the Department of Human Services by contacting:

Ms. Terry A. Johns
Quality Services Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3839
Phone 612/297-3959

The deadline for submitting proposals is 4:00 p.m., Monday, May 3, 1993.

Please direct all inquiries and proposal responses to Ms. Johns at the above phone number or address.

Department of Human Services

Home and Community Based Services Division

Request for Proposal: 1994 National Home and Community Based Services Conference

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services, Home and Community Based Services Division, is seeking proposals for the planning, coordination and management of the National Home and Community Based Services Conference to be held in the fall of 1994 in Minnesota. The national conference focuses on a variety of issues surrounding home and community based services which include: providing education, training and technical assistance on the development of home and community based services, programs and policies. Participants include federal, state and local government officials, administrators and representatives from throughout the nation.

Proposals must include documentation of the applicant's experience and capabilities in the following areas: planning, coordinating and managing state or national conferences for 300-500 participants, ability to work with exclusive and steering committees, conference budget management, national speaker coordination, hospitality coordination (i.e. hotel, meals, receptions, etc.), site selection, marketing, understanding and knowledge of health and human services issues relating to people with chronic physical or mental impairments and other areas discussed in the Request for Proposal (RFP).

Qualified applicants should contact Cindy Imsdahl at (612) 297-4112 for a copy of the RFP. All proposals are due by Monday, May 3, 1993, at 4:30 p.m.

Department of Human Services

Anoka-Metro Regional Treatment Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Anoka-Metro Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of Anoka-Metro Regional Treatment Center. Contracts will be written for the period beginning July 1, 1993, and ending June 30, 1994.

1. **Neurological Services:** Responsibilities will include furnishing of computerized tomography (CT Scans) and interpretation of results, neurological consultation at Anoka-Metro Regional Treatment Center. The total will not exceed \$8,000.00 annually.
2. **Podiatry Services:** Responsibilities will include providing proper podiatry services in relation to Medical Assistance and Medicare guidelines, at times arranged by the Medical Director or his designee. Total estimated amount of contract will not exceed \$3,500.00 annually.
3. **Optometry Services:** Responsibilities will include eye exams and referrals, dispensing of eyewear, and consultation with medical staff. Total amount of contract will not exceed \$4,800.00 annually.
4. **Radiology Services:** Responsibilities will include the interpretation of all X-Rays, conducting fluoroscopy examinations, and provide consultation of medical staff. Total amount of contract will not exceed \$10,000.00 annually.
5. **Electroencephalogram (EEG) Testing:** Responsibilities will include conducting the EEG tests with a tracing for each test. Equipment will be furnished by Anoka-Metro Regional Treatment Center. Total amount of contract will not exceed \$900.00 annually.
6. **Family Practice Services:** Responsibilities will include specialized medical care for mentally ill and chemically dependent patients. Total estimated amount of contract will not exceed \$4,000.00 annually.

Responses must be received by May 3, 1993. Direct inquiries to Jon Gilmore, Chief Administrative Officer, Anoka-Metro Regional Treatment Center, 3300 - 4th Avenue North, Anoka, MN 55303-1119. Telephone: (612) 422-4300.

Department of Human Services

Moose Lake Regional Treatment Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services for the period July 1, 1993 - June 30, 1994.

These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

- (1) Services of a Psychiatrist to perform consultation services in Psychiatry at the Moose Lake Regional Treatment Center one day per week and to serve in an "On Call" capacity one night per month. The estimated amount of contract is \$47,400.00.
- (2) Services of a Psychiatrist to perform consultation services in Psychiatry at the Moose Lake Regional Treatment Center 12 days each month. The estimated amount of contact is \$132,000.00.
- (3) The services of a Radiologist to interpret x-ray films taken by the hospital's X-Ray Technician. The estimated amount of contract is \$19,925.00.
- (4) Services of a Psychiatrist to perform consultation services in Psychiatry at the Moose Lake Regional Treatment Center fifteen days each month, and to serve in an "On Call" capacity four nights each month. The estimated amount of contract is \$170,600.00
- (5) Services of a specialist in Physical and Internal Medicine to perform consultation services at the Moose Lake Regional Treatment Center. The estimated amount of contract is \$41,993.00.
- (6) Physical Therapy and Occupational Therapy services performed by a Registered Physical Therapist and Registered Occupational Therapist. Services include consultation, evaluation, direct therapy inservice, and program writing as needed. The estimated amount of contract is \$57,600.00.
- (7) Anesthesiology Services performed by a Registered Nurse Anesthetist for dental work performed on unmanageable Mentally Retarded clients, and for Electroconvulsive Therapy. The estimated amount of the contract is \$39,960.00.
- (8) Services of a Psychiatrist to perform consultation services in Psychiatry four months per year. Estimated amount of contract is \$58,400.00.

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(9) Services of Psychologist to provide behavioral support to our reviewing process at the Facility Review Committee level and behavioral consultation to the DD Program. The estimated amount of the contract is \$10,304.46.

(10) Services of a Pharm-D to provide clinical pharmacology consultations, drug utilization program for the Moose Lake Regional Treatment Center. The estimated amount of contract is \$36,480.00.

Responses to the above services must be received by May 10, 1993.

Direct inquiries to:

Frank R. Milezark
Chief Executive Officer
Moose Lake Regional Treatment Center
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-4411, Ext. 242

Department of Jobs and Training

Request for Information: Dislocated Worker Unit Rapid Response Equipment

USE OF INFORMATION

To determine the sources of optical mark reading (OMR) scanner equipment, survey related technology and pertinent services that will meet the needs of the Dislocated Worker Unit in its statutorily mandated rapid response activities. The Dislocated Worker Unit, Department of Jobs and Training conducts surveys of workers impacted by plant closings and substantial mass layoffs.

PURPOSE FOR EQUIPMENT

To gather information used in making decisions on employment and training services and activities to be offered to those affected by business closings and mass layoffs. Questionnaires are distributed in meetings to groups of 50 to 1,000 workers in the aggregate. There are less than 50 questions in the questionnaire we usually use. The survey population is typically about 200 workers. The survey information is subsequently compiled, analyzed, and utilized to develop a plan of services for the affected workers.

In addition, the system would be used to conduct "customer satisfaction" surveys of participants in the Dislocated Worker Program. Results of such surveys would provide the Department valuable feedback on ways to improve the program.

NEEDS

The Dislocated Worker Unit needs a cost efficient survey system. It needs to be capable of handling large quantities of surveys. It needs to be portable so that it can be carried and used at various locations around the state of Minnesota. The system needs to include:

- Portable scanner—Optical Mark Reader—able to read at least 5 pages per minute;
- Survey development services or software that would allow the survey form to be customized (copy of sample survey form may be obtained from Jodi Swenson at (612) 297-2056);
- Ability to connect with DOS based laptop computer and printer; and
- DOS based software that would be used to analyze data and prepare reports.

INFORMATION NEEDED

1. How will the supplier address the needs identified?
2. What is the per unit cost, and the multiple unit cost?
3. Describe the technical assistance which will be available?
4. Describe any maintenance agreement which would be available?
5. Provide at least 3 references in the Twin Cities area?

THE INFORMATION PROVIDED BY THE SUPPLIER WILL BE USED IN THE DESIGN AND DEVELOPMENT OF A REQUEST FOR PROPOSALS. COMPANIES THAT SUBMIT INFORMATION WILL NOT BE ASSURED OF A CONTRACT HOWEVER MAY BE INVITED TO SUBMIT PROPOSALS.

DEADLINE FOR SUBMISSION OF INFORMATION: April 29, 1993

For additional information call Filiberto Chairez at (612) 296-7335.

Minnesota Department of Agriculture

Agronomy Services Division

Minnesota Pollution Control Agency

Ground Water and Solid Waste Division

Notice of Proposed Update of the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Agriculture (MDA), are publishing for public comment proposed additions and deletions to the Permanent List of Priorities (PLP) among releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA or the MDA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B. The statutory basis for, and explanation of, the PLP is discussed below.

Pursuant to *Minnesota Statutes* § 115B.17 (1992), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health, welfare, or the environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility.

Where the hazardous substance or pollutant or contaminant is an agricultural chemical, as defined in *Minnesota Statutes* § 18D.01, subd. 3, the Commissioner of Agriculture is authorized under MERLA to take any removal or remedial action deemed necessary with regard to such releases or threatened releases, *Minnesota Statutes* §§ 115B.17; 115B.20; and 18D.1051 (1992).

Minnesota Statutes § 115B.17, subd. 13 (1984), required the MPCA to establish priority rules regarding releases or threatened releases of hazardous substances, and pollutants or contaminants. The revised priority rules, *Minnesota Rules* ch. 7044, became effective on April 5, 1993.

Minnesota Statutes § 115B.17, subd. 13 also requires the MPCA to adopt the PLP and to update the list annually according to the criteria set forth in the priority rules. Before any update of the PLP is adopted by the MPCA, it must be published in the *State Register* and a 30-day public comment period must be provided. This notice is, therefore, published to inform the public that the MPCA and MDA propose to update the PLP and to solicit public comment on the proposed additions and deletions.

The proposed additions to the PLP have been ranked using the Hazard Ranking System (HRS) method as required by *Minnesota Rules* pt. 7044.0350 (1993). The HRS is based on the revised HRS scoring system adopted by the U.S. Environmental Protection Agency (EPA), as published in the *Federal Register* on December 14, 1990.

The following 5 MPCA sites are proposed for addition to the PLP, with HRS scores for each site in parentheses: Voss Scrapyard, Belle Plain (48); Old Freeway Dump, Burnsville (66); Former Stillwater City Dump, Stillwater (27); Bemidji Gas Mfg., Bemidji (14); Former White House Restaurant, Golden Valley (39).

The MDA is not proposing to add sites to the PLP at this time.

The numerical scores generated by the HRS scoring process should not be interpreted as exact number priorities. The scores shown indicate the relative ranking and general classification of sites, but sites with scores within approximately ten points of each other may be considered roughly equivalent in terms of a known or possible public health or environmental threat. Generally, the cleanup of a hazardous waste site involves a three-phase program:

1. Remedial Investigation/Feasibility Study—investigation of the extent, magnitude, and nature of the release or threatened release, and identification, evaluation, and selection of appropriate removal or remedial action(s);
2. Remedial Design—detailed design of the selected removal or remedial action(s); and
3. Response Action—implementation of the selected removal or remedial action(s).

Minnesota Rules pt. 7044.0450 (1993) requires that sites with a release or threatened release be assigned to response action classes. The four response action classes are defined as follows:

CLASS A—Declared Emergencies. This class includes all sites at which an emergency has been declared by the MPCA Commissioner or Commissioner of Agriculture pursuant to MERLA. According to *Minnesota Rules* pt. 7044.0200, subp. 4 (1993), an “emergency” means that “there is an imminent risk of fire or explosion, that a temporary water supply is needed where an advisory has been issued, or that immediate adverse human health effects may be anticipated due to direct contact or inhalation and an advisory

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has been issued." An "advisory" is defined in *Minnesota Rules* pt. 7044.0200, subp. 3 to mean a warning by the MPCA Commissioner, Commissioner of the Minnesota Department of Health, Minnesota Department of Natural Resources, or the Minnesota Department of Agriculture issued to the public concerning a hazardous substance or pollutant or contaminant at or near a site.

CLASS B—Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing. This class includes all sites where response actions have been completed and long-term monitoring of these completed response actions is in progress. This class also includes all sites where activities are necessary to operate and maintain response actions that have previously been completed. Examples include continued operation of a ground water pump out system, long-term monitoring, and work necessary to maintain the integrity of the site such as maintaining cover or closure.

CLASS C—Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site. This class includes all sites where remedial design and implementation of response actions, such as barrel removal, soil decontamination, first year ground water pump out or monitoring, are necessary to effect a permanent remedy or cleanup of a site.

CLASS D—Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress. This class includes all sites which require a remedial investigation (RI) to determine the extent, magnitude, and nature of the release or threatened release, and a feasibility study (FS) to evaluate and select response action(s).

The terms "response action", "removal action", and "remedial action" are defined in *Minnesota Statutes* § 115B.02. Each of the sites proposed for addition to the PLP have been assigned to response action classes C and D.

The MPCA is also proposing to delete the following 9 MPCA sites from the PLP, as specified under *Minnesota Rules* pt. 7044.0950 (1993): Adrian Municipal Well Field, Adrian; Atwater Municipal Well Field, Atwater; DM&IR Car and Locomotive Shops, Proctor; DNR—Duxbury Pesticide Site, Pine County; Ford—Twin Cities Assembly Plant, St. Paul; Fritz Craig Salvage Operation, Park Rapids; HWK Enterprises/Meeker Mfg./Design Classics/Litchfield Municipal Well Site, Litchfield; Jackson Municipal Well Field, Jackson; Owatonna City Dump, Owatonna.

In addition, the Commissioner of Agriculture is proposing to delete the following MDA site from the PLP: Lund's Farmer Seed and Nursery, St. Cloud.

The MPCA and MDA invite members of the public to submit written comments on these proposed additions and deletions to the PLP only. All written comments with regard to these proposed additions and deletions must be received no later than 4:30 p.m., May 13, 1993.

Written comments regarding the proposed MPCA site additions or deletions should be submitted to: Gary L. Krueger, Program Development Section, Ground Water and Solid Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155-4194.

Written comments regarding the proposed MDA site deletion should be submitted to: Teresa L. McDill, Agronomy Services Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, Minnesota 55107.

Requests for a complete updated PLP or information on a specific site currently listed on the PLP can be directed to the MPCA's Public Information Office at the above address, or by telephoning 612/296-7283.

The MDA is the administering state agency for the following 6 PLP Sites: Castle Rock Ground Water Contamination, Castle Rock; Cedar Services, Minneapolis; Central Cooperative Oil Association, Medford; Howe Chemical Soil Contamination, Martin County; Lewiston Ground Water Contamination, Lewiston; Perham Municipal Airfield, Perham. Any questions regarding these sites should be directed to the above MDA address.

All written comments received by the above deadline will be considered by the MPCA and the MDA in establishing the updated PLP.

Charles W. Williams
Commissioner-MPCA
Elton Redalen
Commissioner-MDA

Minnesota Pollution Control Agency

Project Delta

Environmental Compliance Management Systems

Request for Information Hardware and Software

The Minnesota Pollution Control Agency (Agency) has completed the Conceptual Design for a technical architecture to support

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PROJECT DELTA, a set of systems which primarily focus on improving compliance management activities in the Agency.

Contingent on Legislative approval the Agency intends to begin detailed design, development and implementation of PROJECT DELTA in July. The Agency will need to purchase both hardware and software over the next two years.

The Agency is requesting pricing information from vendors for hardware and software that will enable the Agency to more accurately determine costs for various components of the technical architecture and associated software.

Vendors interested in providing information to the Agency can obtain a copy of the request for information (RFI) and the Conceptual Design Document by contacting:

Janet Cain
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
(612) 296-7339

Responses to the RFI should be submitted to Janet Cain at the Agency by May 4, 1993.

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for Archaeological Survey of Prehistoric and Historic Sites, Historical Research, Geomorphological Studies, and/or Archaeological Data Recovery

Responses to this advertisement become public information under the Freedom of Information Act.

The Minnesota Department of Transportation (Mn/DOT) is soliciting general proposals for the survey and/or assessment of properties known or suspected to be impacted by current and pending Trunk Highway and County/Municipal Highway projects eligible for federal aid, in order to allow the determination of the most advantageous location of highways and associated facilities in the State of Minnesota. These services will be used on an as-needed basis by Mn/DOT to assist in the delivery of its varied construction and maintenance programs.

The proposed term of this contract will be from about June 1, 1993 to June 30, 1996. The Minnesota Department of Transportation has estimated that the cost of all work under the three (3) year program should not exceed \$500,000.00 for professional services and expenses. This is only an estimate of the maximum price that will be expended and Mn/DOT does not commit itself to spending this entire amount. A Contractor may be awarded all or only a portion of the total dollar amount estimated. The State reserves the right to make multiple awards based on this Request For Proposal. Responders are not required to commit to the entire \$500,000.00.

The proposer must have an office within three hundred (300) miles distance of St. Paul, Minnesota, and must have a [Federally certified (36 CFR Part 61)] Principal Investigator and technical staff headquartered in said office who meet qualifications established in 36 CFR Part 61. In performing these cultural resource operations, the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" as published in the *Federal Register* on September 29, 1983, Vol. 48, No. 190, Part IV (48 FR 44716-740), the State Historic Preservation Office (SHPO) Guidelines for Archaeological Projects in Minnesota (when approved), the Manual for Standing Structures, the Minnesota State Comprehensive Plan and the Association of Iowa Archaeologist's Guidelines for Geomorphological Investigations In Support of Archaeological Investigations (1992) shall be adhered to.

Indicate if your firm is:

a. Certified by the Department of Human Rights for Affirmative Action as follows: In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. **Your proposal will be rejected unless it includes one of the following:**

- 1.) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- 2.) A letter from Human Rights certifying that your firm has a current certificate of compliance; or
- 3.) A notarized letter certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

b. Certified as a Disadvantaged Business Enterprise (DBE) by Mn/DOT's EEO Office.

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c. Qualified as a Small Business—*Minnesota Statutes* 645.445 or, a Small Targeted Business (STB)—*Minnesota Statutes* 16B.19 Note: Registration or qualification as a DBE or STB is **NOT** a requirement for the contract.

d. Providing appropriate safety training to all personnel in such areas as Excavations, Confined Space, Personal Protective Equipment and other Occupational Safety and Health Administration (OSHA) requirements applicable to Cultural Resource Personnel.

e. Certified and/or able to be licensed to conduct archaeological investigations on property under the jurisdiction of the State of Minnesota or its subdivisions, in accordance with *Minnesota Statutes* 138.33 and 138.36.

This program has a commitment of 10% DBE/TGB.

Prospective responders who have any questions regarding this Request for Proposal may call or write:

Technical Information:

G. Joseph Hudak
Room 704, Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155
(612) 296-6116
FAX: (612) 296-1805

PLEASE NOTE: Other State personnel cannot discuss the project concerns with responders prior to submittal of proposal.

Request for Proposal (RFP) is available by mail or fax (612) 282-5127. Please submit, in writing, a request for the RFP. Requests must be received before April 26, 1993. Requests made after this date must be in person. Send requests to:

Consultant Services Unit, Mn/DOT
Room 720S, Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155

This request for proposal does not obligate the State to complete this project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for Highway Related Technical Activity

Responses to this advertisement become public information under the Freedom of Information Act.

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for a Survey and Analysis of Advertisement Results. The State has allocated \$25,000.00 for this endeavor.

This project proposes to evaluate the effectiveness of the communications strategies. It includes a survey sampling of qualified I-94/I-35W corridor users to determine if they were aware of the construction project before it started, how did they learn about it (T.V., newspaper, radio, word-of-mouth, etc.)?

If they are aware of Highway Advisory Radio (HAR), did they use HAR, did they use alternate routes, what prompted them to select an alternate route, do they recall hearing or seeing safety messages related to this project, etc. This survey should be completed immediately following completion of the highway construction. Suggested sample size is 500. Sampling could be random within defined geographic area or by recording and tracing license plates of both daytime and event traffic. These results are to assist in determining the appropriate communications efforts for future projects.

Survey should include motorist who drove through the construction site, residents and businesses in the area, and workers who were on the site during construction.

Consultant would be responsible for creating the surveys, obtaining the license numbers from the vehicles, tracing the license numbers to motorists, obtaining lists of potential survey participants, mailing the surveys, performing person-to-person, phone and focus group surveys, collecting and evaluating the information and making a final report of results. An advertising consultant may need to collaborate with a technical consultant to perform subjective and objective analysis.

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.
2. Identify and describe the deliverables to be provided by the responder.

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3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.

4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing. Submit the cost estimate separately, as it will not be a consideration of qualifications.

5. Identify the level of the Department's participation in the project as well as any other services to be provided by the Department.

Qualifications will be rated on the basis of:

Project team

Project Manager.

Key people.

Subconsultants, if any.

Indicate in which fields your key personnel hold Minnesota Professional Registration or have related certification.

Location

Which office location will perform the work for both the Prime and Subconsultants.

Management plan

Organization of team and Key personnel and work load projections for 1992 and 1993. Describe company's accounting system, any recent audits, by whom, covering what period, and including your established overhead rate.

Experience

Past projects or other related types of work. Familiarity with Mn/DOT procedures and standards.

Examples

Quality and professionalism of sample similar projects. Samples to be 8½" x 11", not to exceed 20 pages.

Equipment

Type of equipment to be used, including computer hardware and software.

Project understanding

Expressed understanding of project objectives.

Project Work Plan

Provide company name, business address, the contact person's name, telephone number, fax number, Federal tax I.D. number, and Minnesota tax I.D. number (if applicable).

Federal Forms 254 and 255 and your company brochure, if you have one. Detail Minnesota office separately, including the capabilities of Minnesota office. To receive forms, call the General Services Administration at (612) 725-3015.

Indicate the category of activity in which you are qualified and wish to be considered on a company basis. Detail Minnesota office separately.

All expressions of interest and qualifications shall be delivered to the address indicated below not later than two o'clock in the afternoon (2:00 p.m.) on Thursday, May 6, 1993. Submittals received after this time will not be accepted. Send responses to:

Consultant Agreements Unit
Transportation Building, Room 720-S
395 John Ireland Boulevard
St. Paul, MN 55155

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Professional, Technical & Consulting Contracts

Housing Finance Agency

Request for Proposals for the Publicly Owned Neighborhood Land Trust Program

The Minnesota Housing Finance Agency (MHFA) announces the availability of \$2,000,000 in no interest deferred loan funds to assist Eligible Applicants in financing the capital costs of the development, construction, acquisition, improvement, or rehabilitation of affordable housing which is part of a neighborhood land trust.

In 1992, the Minnesota Legislature appropriated \$2 million from the proceeds of state general obligation bonds to MHFA for publicly-owned neighborhood land trusts. The purpose of the land trust is to preserve the affordability of the housing and the investment of public funds.

The funds for this program are from state general obligation bonds. Therefore certain restrictions apply as to the eligibility of applicants and activities. The Application For Funding contains more complete information on these restrictions.

ELIGIBLE APPLICANTS: Eligible Applicants are cities and housing and redevelopment authorities (as defined in *Minnesota Statutes*, section 462C.02, subdivision 6) which, by resolution, have determined to perform land trust activities in accord with *Minnesota Statutes*, section 462A.31, subdivisions 1 to 5.

ELIGIBLE NONPROFIT ORGANIZATION: An Eligible Nonprofit Organization must meet the requirements of chapter 317A, qualify for tax exempt status under the *United States Code*, title 26, section 501 (c) (3), and meet the requirements of being a neighborhood land trust as specified in *Minnesota Statutes*, sections 462A.30 and 462A.31.

ELIGIBLE USES OF LOAN FUNDS: Loan funds must be used only for capital costs in developing, acquiring, constructing, improving, or rehabilitating housing (land and buildings). General administrative or operating expenses are not eligible.

ELIGIBLE PROPOSALS: Eligible Applicants must complete an Application For Funding, and are encouraged to do so in cooperation with an Eligible Nonprofit Organization. The MHFA will take steps to ensure distribution of the funds around the state.

The use of loan funds is restricted to certain types of activities. Applicants are encouraged to discuss the feasibility of their proposal with MHFA staff prior to submitting an Application for Funding.

The ability to develop and operate the proposed housing as a land trust for the term of the loan must be demonstrated by the applicant either directly or through their selected eligible nonprofit organization.

It is the desire of MHFA to encourage and support the innovative use of land trusts in providing affordable housing, especially where there is strong local support. It is expected that these funds will be used in combination with funds from other sources. These funds may be used in conjunction with other MHFA, State or Federal programs as appropriate.

TERMS OF FINANCING: The funding will be in the form of a deferred loan. No interest rate will be charged.

PARTICIPATION PROCESS: An Eligible Applicant which is selected for an award will enter into a loan agreement with MHFA which will explain certain performance requirements necessary to receive the loan funds. These performance requirements are dependent on the type of proposed eligible activities.

After disbursement of the loan funds, the applicant will be required to own and manage the property in accordance with the agreement for twenty (20) years, at which time the loan will be deemed paid in full, and all required of the financing will cease. Any terms and conditions of the ground lease shall continue to remain in force until such time the ground lease is modified or terminated.

The property may be sold prior to the expiration of the twenty period provided the Eligible Applicant sells the property at fair market value, and repays the lesser of the net proceeds of the sale or the amount of the loan balance owed to MHFA.

APPLICATION PROCESS: Applicants should request an Application For Funding by calling 612-297-3123, or (toll-free) at 1-800-657-3960, or in writing at:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101
Attn: Greg Baron

THE ORIGINAL AND TWO (2) COPIES OF THE APPLICATION ARE DUE BY 4:30 P.M., ON FRIDAY, MAY 28, 1993. MHFA staff will review the applications, and make funding recommendations to the MHFA Board. Selections will be announced at the MHFA Board meeting on June 24, 1993. MHFA reserves all rights in the selection of eligible applications. Late applications may be considered if funds remain after the initial awards.

The formal adoption of rules for the Publicly Owned Neighborhood Land Trust Program has not yet been completed. The adoption of rules is anticipated prior to the selection of applications. Therefore, MHFA reserves the right to modify or withdraw the RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications. This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations.

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3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.

4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing. Submit the cost estimate separately, as it will not be a consideration of qualifications.

5. Identify the level of the Department's participation in the project as well as any other services to be provided by the Department.

Qualifications will be rated on the basis of:

Project team

Project Manager.

Key people.

Subconsultants, if any.

Indicate in which fields your key personnel hold Minnesota Professional Registration or have related certification.

Location

Which office location will perform the work for both the Prime and Subconsultants.

Management plan

Organization of team and Key personnel and work load projections for 1992 and 1993. Describe company's accounting system, any recent audits, by whom, covering what period, and including your established overhead rate.

Experience

Past projects or other related types of work. Familiarity with Mn/DOT procedures and standards.

Examples

Quality and professionalism of sample similar projects. Samples to be 8½" x 11", not to exceed 20 pages.

Equipment

Type of equipment to be used, including computer hardware and software.

Project understanding

Expressed understanding of project objectives.

Project Work Plan

Provide company name, business address, the contact person's name, telephone number, fax number, Federal tax I.D. number, and Minnesota tax I.D. number (if applicable).

Federal Forms 254 and 255 and your company brochure, if you have one. Detail Minnesota office separately, including the capabilities of Minnesota office. To receive forms, call the General Services Administration at (612) 725-3015.

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Consultant Agreements Unit
Transportation Building, Room 720-S
395 John Ireland Boulevard
St. Paul, MN 55155

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Housing Finance Agency

Request for Proposals for the Publicly Owned Neighborhood Land Trust Program

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The funds for this program are from state general obligation bonds. Therefore certain restrictions apply as to the eligibility of applicants and activities. The Application For Funding contains more complete information on these restrictions.

ELIGIBLE APPLICANTS: Eligible Applicants are cities and housing and redevelopment authorities (as defined in *Minnesota Statutes*, section 462C.02, subdivision 6) which, by resolution, have determined to perform land trust activities in accord with *Minnesota Statutes*, section 462A.31, subdivisions 1 to 5.

ELIGIBLE NONPROFIT ORGANIZATION: An Eligible Nonprofit Organization must meet the requirements of chapter 317A, qualify for tax exempt status under the *United States Code*, title 26, section 501 (c) (3), and meet the requirements of being a neighborhood land trust as specified in *Minnesota Statutes*, sections 462A.30 and 462A.31.

ELIGIBLE USES OF LOAN FUNDS: Loan funds must be used only for capital costs in developing, acquiring, constructing, improving, or rehabilitating housing (land and buildings). General administrative or operating expenses are not eligible.

ELIGIBLE PROPOSALS: Eligible Applicants must complete an Application For Funding, and are encouraged to do so in cooperation with an Eligible Nonprofit Organization. The MHFA will take steps to ensure distribution of the funds around the state.

The use of loan funds is restricted to certain types of activities. Applicants are encouraged to discuss the feasibility of their proposal with MHFA staff prior to submitting an Application for Funding.

The ability to develop and operate the proposed housing as a land trust for the term of the loan must be demonstrated by the applicant either directly or through their selected eligible nonprofit organization.

It is the desire of MHFA to encourage and support the innovative use of land trusts in providing affordable housing, especially where there is strong local support. It is expected that these funds will be used in combination with funds from other sources. These funds may be used in conjunction with other MHFA, State or Federal programs as appropriate.

TERMS OF FINANCING: The funding will be in the form of a deferred loan. No interest rate will be charged.

PARTICIPATION PROCESS: An Eligible Applicant which is selected for an award will enter into a loan agreement with MHFA which will explain certain performance requirements necessary to receive the loan funds. These performance requirements are dependent on the type of proposed eligible activities.

After disbursement of the loan funds, the applicant will be required to own and manage the property in accordance with the agreement for twenty (20) years, at which time the loan will be deemed paid in full, and all required of the financing will cease. Any terms and conditions of the ground lease shall continue to remain in force until such time the ground lease is modified or terminated.

The property may be sold prior to the expiration of the twenty period provided the Eligible Applicant sells the property at fair market value, and repays the lesser of the net proceeds of the sale or the amount of the loan balance owed to MHFA.

APPLICATION PROCESS: Applicants should request an Application For Funding by calling 612-297-3123, or (toll-free) at 1-800-657-3960, or in writing at:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101
Attn: Greg Baron

THE ORIGINAL AND TWO (2) COPIES OF THE APPLICATION ARE DUE BY 4:30 P.M., ON FRIDAY, MAY 28, 1993. MHFA staff will review the applications, and make funding recommendations to the MHFA Board. Selections will be announced at the MHFA Board meeting on June 24, 1993. MHFA reserves all rights in the selection of eligible applications. Late applications may be considered if funds remain after the initial awards.

The formal adoption of rules for the Publicly Owned Neighborhood Land Trust Program has not yet been completed. The adoption of rules is anticipated prior to the selection of applications. Therefore, MHFA reserves the right to modify or withdraw the RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications. This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations.

Awards of 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.

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 CODE KEY

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		O = Insurance or Bonding Required

Materials Management Division: Commodities and Requisitions Awarded

Item: Micrographic Supplies
Req. #: 02443-30296-01
Awarded to: Abaci, Inc., St. Paul, MN
Awarded amount: \$948.47
Awarded date: April 1, 1993
Expir/deliv date: April 1, 1993
Shipped to: Various Locations

Item: Laboratory/Science Equipment,
Miscellaneous
Req. #: 04661-32055-01
Awarded to: Amsco, Wooddale, IL
Awarded amount: \$529.74
Awarded date: April 1, 1993
Expir/deliv date: April 15, 1993
Shipped to: Minnesota Department of
Agriculture

Item: Telephone Parts and Accessories
Req. #: 06000-12340-01
Awarded to: Tel Control, Inc.,
Huntsville, AL
Awarded amount: \$1,330.00
Awarded date: April 1, 1993
Expir/deliv date: April 26, 1993
Shipped to: Various Locations

Item: Shirt, Promotional
Req. #: 07500-42186-01
Awarded to: Advertising Incentives,
Minnetonka, MN

Awarded amount: \$19,390.00
Awarded date: April 1, 1993
Expir/deliv date: April 30, 1993
Shipped to: Department of Public Safety

Item: Computer, Personal, Portable
Req. #: 10000-05047-01
Awarded to: Computerland, Plymouth,
MN

Awarded amount: \$31,832.50
Awarded date: April 1, 1993
Expir/deliv date: April 15, 1993
Shipped to: Department of Finance

Item: Service, Lawn and Grounds
Maintenance
Req. #: 26071-91082-01
Awarded to: Mechanical Soil Tech.,
Galesburg, IL

Awarded amount: \$3,100.00
Awarded date: April 1, 1993
Expir/deliv date: April 15, 1993
Shipped to: Mankato State University

Item: Marine Supplies
Req. #: 26073-24584-01
Awarded to: Handymans Inc., St.
Cloud, MN
Awarded amount: \$1,101.00
Awarded date: April 1, 1993
Expir/deliv date: April 18, 1993
Shipped to: St. Cloud State University

Item: Dental Instruments
Req. #: 27156-11096-01
Awarded to: Dentsply Int. Inc., York, PA
Awarded amount: \$2,910.00
Awarded date: April 1, 1993
Expir/deliv date: April 26, 1993
Shipped to: Normandale Community
College

Item: Seed
Req. #: 29004-18655-01
Awarded to: Mohn Seed, Cottonwood,
MN
Awarded amount: \$7,956.15
Awarded date: April 1, 1993
Expir/deliv date: May 1, 1993
Shipped to: Department of Natural
Resources—Wildlife

Item: Software, Personal Computer
Req. #: 42702-18912-01
Awarded to: Intercomputer, Cincinnati,
OH
Awarded amount: \$495.00
Awarded date: April 1, 1993
Expir/deliv date: May 1, 1993
Shipped to: Department of Labor &
Industry

Awards of State Contracts and Advertised Bids

Item: Van, (Contract)
Req.#: 55304-09497-01
Awarded to: Coon Rapids Chrysler,
Coon Rapids, MN
Awarded amount: \$30,250.00
Awarded date: April 1, 1993
Expir/deliv date: April 29, 1993
Shipped to: Brainerd Regional Human
Services Center

Item: Auto, (Contract)
Req.#: 55303-93595-01
Awarded to: Coon Rapids Chrysler,
Coon Rapids, MN
Awarded amount: \$9,068.00
Awarded date: April 1, 1993
Expir/deliv date: April 30, 1993
Shipped to: Faribault Regional Center

Item: Furniture & Accessories, Mail
Room
Req.#: 78550-93395-01
Awarded to: Central Lock & Safe Co.,
Minneapolis, MN
Awarded amount: \$5,549.37
Awarded date: April 1, 1993
Expir/deliv date: May 5, 1993
Shipped to: Minnesota Correctional
Facility

Item: Medical/Surgical Equipment
Req.#: 78760-03779-01
Awarded to: James Phillips Company,
Minneapolis, MN
Awarded amount: \$644.00
Awarded date: April 1, 1993
Expir/deliv date: April 26, 1993
Shipped to: Minnesota Correctional
Facility

Item: Saw, Chain
Req.#: 78760-03268-01
Awarded to: Carlson Repair Inc.,
Jacobson, MN
Awarded amount: \$2,664.00
Awarded date: April 1, 1993
Expir/deliv date: April 16, 1993
Shipped to: Minnesota Correctional
Facility

Item: Heating Equipment, Gas
Req.#: 79000-33172-01
Awarded to: Little Falls Plumbing &
Heating, Little Falls, MN

Awarded amount: \$1849.00
Awarded date: April 1, 1993
Expir/deliv date: April 12, 1993
Shipped to: Various Locations

Item: Truck, Snowplow
Req.#: 79382-02587-01
Awarded to: Mack Trucks Inc., St. Paul,
MN
Awarded amount: \$190,285.00
Awarded date: April 1, 1993
Expir/deliv date: July 15, 1993
Shipped to: Minnesota Department of
Transportation

Item: Snowplow Attachment, Truck
Req.#: 79382-02593-01
Awarded to: Wotco Inc., Casper, WY
Awarded amount: \$6,200.00
Awarded date: April 1, 1993
Expir/deliv date: April 15, 1993
Shipped to: Various Locations

Item: Copy Machine, Engrg, Plain
Paper
Req.#: 79100-09367-01
Awarded to: Oce Bruning Inc., Eagan,
MN
Awarded amount: \$2,295.00
Awarded date: April 1, 1993
Expir/deliv date: April 1, 1993
Shipped to: Minnesota Department of
Transportation

Item: Bit, Core Drill, Diamond
Req.#: 79800-04142-01
Awarded to: Parsons Elec. Company,
Minneapolis, MN
Awarded amount: \$2,031.84
Awarded date: April 1, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Department of
Transportation

Item: Computer, Personal
Req.#: 26073-24501-01
Awarded to: Equus Computer Systems,
St. Paul, MN
Awarded amount: \$982.00
Awarded date: March 31, 1993
Expir/deliv date: April 10, 1993
Shipped to: St. Cloud State University

Item: Audio/Video Equipment,
Miscellaneous
Req.#: 26073-24565-01
Awarded to: Audio Visual Wholesalers,
Plymouth, MN
Awarded amount: \$525.00
Awarded date: March 31, 1993
Expir/deliv date: April 15, 1993
Shipped to: St. Cloud State University

Item: Concrete Mix
Req.#: 26073-24583-01
Awarded to: Hardrives Inc., St. Cloud,
MN
Awarded amount: \$5,000.00
Awarded date: March 31, 1993
Expir/deliv date: April 18, 1993
Shipped to: St. Cloud State University

Item: Fuel, Liquefied Petroleum
Req.#: 26073-24583-02
Awarded to: Skelgas Inc., Sauk Rapids,
MN
Awarded amount: \$1,895.00
Awarded date: March 31, 1993
Expir/deliv date: April 18, 1993
Shipped to: St. Cloud State University

Item: Tool, Measuring, Precision
Req.#: 26073-24573-01
Awarded to: Machine Tool Supply Inc.,
Eagan, MN
Awarded amount: \$10,490.00
Awarded date: March 31, 1993
Expir/deliv date: April 30, 1993
Shipped to: St. Cloud State University

Item: Cabinet, Biohazardous
Req.#: 27151-93152-01
Awarded to: Nuair Inc., Hopkins, MN
Awarded amount: \$4,701.50
Awarded date: March 31, 1993
Expir/deliv date: April 1, 1993
Shipped to: Minneapolis Community
College

Item: Life Saving & Preserving
Equipment, Marine
Req.#: 29002-22533-01
Awarded to: Machovecs The Boat Store,
St. Paul, MN
Awarded amount: \$1,319.40
Awarded date: March 31, 1993
Expir/deliv date: April 15, 1993
Shipped to: Department of Natural
Resources—Northern Service Center

Awards of State Contracts and Advertised Bids

Item: Packaging Supplies
Req.#: 29000-60342-01
Awarded to: Jesco Industrial,
Minneapolis, MN
Awarded amount: \$2,187.50
Awarded date: March 31, 1993
Expir/deliv date: April 30, 1993
Shipped to: Department of Natural
Resources—License Bureau

Item: Lights and Sirens, Vehicle
Req.#: 07500-42169-01
Awarded to: Streicher Don Guns,
Minneapolis, MN
Awarded amount: \$13,500.00
Awarded date: March 31, 1993
Expir/deliv date: April 2, 1993
Shipped to: Various Locations

Item: Flare, Signal/Warning
Req.#: 07500-42187-01
Awarded to: Riordan Safety Inc.,
Virginia, MN
Awarded amount: \$8,328.00
Awarded date: March 31, 1993
Expir/deliv date: April 30, 1993
Shipped to: Department of Public Safety
Warehouse

Item: Computer, Personal
Req.#: 10000-05067-01
Awarded to: Unique Software
Corporation, Eagan, MN
Awarded amount: \$2,429.00
Awarded date: March 31, 1993
Expir/deliv date: April 15, 1993
Shipped to: Department of Finance

Item: Computer, Personal
Req.#: 21605-05611-01
Awarded to: PC Tailors, Roseville, MN
Awarded amount: \$2,427.00
Awarded date: March 31, 1993
Expir/deliv date: April 15, 1993
Shipped to: Various Locations

Item: Furniture, Office, Miscellaneous
Req.#: 22900-00299-02
Awarded to: General Office Products,
Minneapolis, MN
Awarded amount: \$5,522.00
Awarded date: March 31, 1993
Expir/deliv date: April 7, 1993
Shipped to: Trade & Economic
Development

Item: Chiller Equipment
Req.#: 26137-07446-01
Awarded to: Cramer Building Service,
Minneapolis, MN
Awarded amount: \$66,112.00
Awarded date: March 31, 1993
Expir/deliv date: June 1, 1993
Shipped to: Mankato State University

Item: Hardware, Door Lock & Hinging
Req.#: 26071-01048-01
Awarded to: Stans Door Service Inc.,
Blaine, MN
Awarded amount: \$1,553.65
Awarded date: March 31, 1993
Expir/deliv date: April 30, 1993
Shipped to: Mankato State University

Item: Hardware, Door Lock & Hinging
Req.#: 26071-01011-01
Awarded to: Kendell Doors & Hardware
Inc., Winona, MN
Awarded amount: \$1,685.00
Awarded date: March 31, 1993
Expir/deliv date: May 30, 1993
Shipped to: Mankato State University

Item: Contractor, Doors (Furnish/Install)
Req.#: 01000-07267-01
Awarded to: Gladstone Construction
Inc., St. Paul, MN
Awarded amount: \$2,818.00
Awarded date: March 31, 1993
Expir/deliv date: April 15, 1993
Shipped to: Various Locations

Item: Modem, Data Communications
Req.#: 02310-33957-01
Awarded to: EF Data Corporation,
Tempe, AR
Awarded amount: \$9,600.00
Awarded date: March 31, 1993
Expir/deliv date: April 9, 1993
Shipped to: Rochester Community
College

Item: Drive, Disk or Tape, Computer
Req.#: 02420-34586-01
Awarded to: On Sync, Minneapolis,
MN
Awarded amount: \$16,100.00
Awarded date: March 31, 1993
Expir/deliv date: April 26, 1993
Shipped to: Department of
Administration

Item: Contractor, Flooring, (Furnish/
Install)
Req.#: 02410-32480-01
Awarded to: Access Floors MN, Eden
Prairie, MN
Awarded amount: \$10,734.00
Awarded date: March 31, 1993
Expir/deliv date: March 31, 1993
Shipped to: Intertechologies Group

Item: Laboratory/Science Supplies
Req.#: 04121-32206-01
Awarded to: Canvas Products, Dothan,
AL
Awarded amount: \$1,725.00
Awarded date: March 31, 1993
Expir/deliv date: April 1, 1993
Shipped to: Minnesota Department of
Agriculture

Item: Computer, Personal, Portable
Req.#: 06000-12339-01
Awarded to: IBM Direct, Tucson, AZ
Awarded amount: \$4,517.94
Awarded date: March 31, 1993
Expir/deliv date: April 6, 1993
Shipped to: Various Locations

Item: Radio, 2-Way, Mobile Equipment
(Over \$500)
Req.#: 07500-42182-01
Awarded to: Motorola C & E Inc.,
Bloomington, MN
Awarded amount: \$8,340.00
Awarded date: March 31, 1993
Expir/deliv date: June 30, 1993
Shipped to: Various Locations

Item: Engine, Gas
Req.#: 07500-53102-01
Awarded to: Central Chevrolet, North
Branch, MN
Awarded amount: \$1,554.95
Awarded date: March 31, 1993
Expir/deliv date: April 30, 1993
Shipped to: Department of Public Safety

Item: Tag/Seal, Animal
Req.#: 29000-60551-01
Awarded to: Dickey Manufacturing
Company, St. Charles, IL
Awarded amount: \$2,945.31
Awarded date: March 31, 1993
Expir/deliv date: April 30, 1993
Shipped to: Department of Natural
Resources—License Bureau

Awards of State Contracts and Advertised Bids

Item: Truck, Hand, Material Handling
Req.#: 55304-09490-01
Awarded to: Metro Forklift Inc., Osseo, MN
Awarded amount: \$1,305.90
Awarded date: March 31, 1993
Expir/deliv date: April 16, 1993
Shipped to: Brainerd Regional Human Services Center

Item: Truck, Forklift
Req.#: 55304-09489-01
Awarded to: Herc U Lift, Grand Rapids, MN
Awarded amount: \$900.00
Awarded date: March 31, 1993
Expir/deliv date: April 14, 1993
Shipped to: Brainerd Regional Human Services Center

Item: Telecommunication Equipment, Miscellaneous
Req.#: 67450-53628-01
Awarded to: Wygant Scientific Inc., Portland, OR
Awarded amount: \$3,043.00
Awarded date: March 31, 1993
Expir/deliv date: April 9, 1993
Shipped to: Department of Revenue, Support

Item: Drive, Disk or Tape, Computer
Req.#: 67120-53603-01
Awarded to: Aspen Micro, Savage, MN
Awarded amount: \$12,270.00
Awarded date: March 31, 1993
Expir/deliv date: April 15, 1993
Shipped to: Department of Revenue, Support

Item: Board, White, Dry Erase
Req.#: 69000-30060-01
Awarded to: Business Essentials Inc., Minneapolis, MN
Awarded amount: \$398.00
Awarded date: March 31, 1993
Expir/deliv date: May 3, 1993
Shipped to: Teachers Retirement Association

Item: Mower, Commercial
Req.#: 78550-93349-01
Awarded to: MTI Distributing Company, Minneapolis, MN

Awarded amount: \$10,495.00
Awarded date: March 31, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Correctional Facility

Item: Video Equipment, Parts & Accessories
Req.#: 79000-33330-01
Awarded to: Audio Visual Inc., Eden Prairie, MN
Awarded amount: \$4,153.00
Awarded date: March 31, 1993
Expir/deliv date: May 1, 1993
Shipped to: Minnesota Department of Transportation

Item: Sawing Machine, Woodwork
Req.#: 79000-33158-01
Awarded to: Paxton Patterson Company, Chicago, IL
Awarded amount: \$2,853.23
Awarded date: March 31, 1993
Expir/deliv date: May 1, 1993
Shipped to: Various Locations

Item: Measuring Equipment, Distance, Electronic
Req.#: 79450-00802-01
Awarded to: Traffic & Parking, Wauwatosa, WI
Awarded amount: \$2,350.00
Awarded date: March 31, 1993
Expir/deliv date: April 20, 1993
Shipped to: Minnesota Department of Transportation

Item: Computer, Personal
Req.#: 79000-33492-01
Awarded to: Intergraph Corporation, Mendota Heights, MN
Awarded amount: \$8,170.00
Awarded date: March 31, 1993
Expir/deliv date: April 23, 1993
Shipped to: Minnesota Department of Transportation

Item: Truck Parts & Supplies, Miscellaneous
Req.#: 79990-00389-01
Awarded to: Pioneer Rim & Wheel Company, Minneapolis, MN
Awarded amount: \$7,229.30
Awarded date: March 31, 1993
Expir/deliv date: April 15, 1993
Shipped to: Minnesota Department of Transportation

Item: Truck, Medium Duty; 11,001 to 26,000 GVW;
Req.#: 29000-60609-01
Awarded to: Thane Hawkins Polar Chevrolet, White Bear Lake, MN
Awarded amount: \$22,267.00
Awarded date: April 5, 1993
Expir/deliv date: July 6, 1993
Shipped to: Department of Natural Resources Regional Headquarters

Item: Lumber, Treated
Req.#: 29002-23153-01
Awarded to: Itasca Lumber Company, Grand Rapids, MN
Awarded amount: \$2,700.00
Awarded date: April 5, 1993
Expir/deliv date: May 1, 1993
Shipped to: Department of Natural Resources

Item: Plywood
Req.#: 78550-93391-01
Awarded to: Shaw Lumber Company, St. Paul, MN
Awarded amount: \$3,688.70
Awarded date: April 5, 1993
Expir/deliv date: April 15, 1993
Shipped to: Minnesota Correctional Facility

Item: Detector, Metal
Req.#: 78550-93374-01
Awarded to: Streicher Don Guns, Minneapolis, MN
Awarded amount: \$4,470.00
Awarded date: April 5, 1993
Expir/deliv date: April 15, 1993
Shipped to: Minnesota Correctional Facility

Item: Tiles & Panels, Ceiling
Req.#: 78760-03266-01
Awarded to: Armcom Distributing Company, St. Paul, MN
Awarded amount: \$1,889.80
Awarded date: April 5, 1993
Expir/deliv date: April 9, 1993
Shipped to: Minnesota Correctional Facility

Item: Compressor, Air
Req.#: 79000-33609-01
Awarded to: GT Parts Company, St. Paul, MN

Awards of State Contracts and Advertised Bids

Awarded amount: \$565.25
Awarded date: April 5, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Department of Transportation

Item: Video Equipment, Parts & Accessories
Req.#: 26071-72066-01
Awarded to: Audio Visual Wholesalers, Plymouth, MN
Awarded amount: \$3,569.20
Awarded date: April 5, 1993
Expir/deliv date: April 15, 1993
Shipped to: Mankato State University

Item: Audio/Video Supplies
Req.#: 26073-24559-01
Awarded to: Als Music, St. Cloud, MN
Awarded amount: \$1,020.00
Awarded date: April 5, 1993
Expir/deliv date: April 10, 1993
Shipped to: St. Cloud State University

Item: Security System
Req.#: 26073-24560-01
Awarded to: EECI, Faribault, MN
Awarded amount: \$1,130.00
Awarded date: April 5, 1993
Expir/deliv date: April 10, 1993
Shipped to: St. Cloud State University

Item: Hardware, Miscellaneous
Req.#: 26073-24566-01
Awarded to: Wheeler Hardware Company, St. Paul, MN
Awarded amount: \$2,021.80
Awarded date: April 5, 1993
Expir/deliv date: May 30, 1993
Shipped to: St. Cloud State University

Item: Recorder, Video Tape/Disc
Req.#: 26074-14864-01
Awarded to: EPA Audio Visual, Rockford, MN
Awarded amount: \$3,094.44
Awarded date: April 5, 1993
Expir/deliv date: April 9, 1993
Shipped to: Winona State University

Item: Audio/Video Equipment, Miscellaneous
Req.#: 26074-14866-01
Awarded to: Computerland, Plymouth, MN

Awarded amount: \$1,559.00
Awarded date: April 5, 1993
Expir/deliv date: April 9, 1993
Shipped to: Winona State University

Item: Video Equipment, Parts & Accessories
Req.#: 27156-11118-01
Awarded to: Audio Visual Wholesalers, Plymouth, MN
Awarded amount: \$6,250.00
Awarded date: April 5, 1993
Expir/deliv date: April 9, 1993
Shipped to: Normandale Community College

Item: Surveying, Instrument/Equipment
Req.#: 29000-60603-01
Awarded to: Sokkia Measuring Systems, Bloomington, MN
Awarded amount: \$14,812.00
Awarded date: April 5, 1993
Expir/deliv date: April 15, 1993
Shipped to: Department of Natural Resources—Engineering

Item: Tool, Hand, Carpenters, Electric Powered
Req.#: 02310-36692-01
Awarded to: Carlson Systems, Eden Prairie, MN
Awarded amount: \$2,844.89
Awarded date: April 5, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Correctional Facility—FAR

Item: Testing Equipment, Non Destructive
Req.#: 02307-34360-01
Awarded to: Locator & Monitor Sales, Minneapolis, MN
Awarded amount: \$2,550.00
Awarded date: April 5, 1993
Expir/deliv date: April 5, 1993
Shipped to: Plant Management Grounds

Item: Scanner/Optical Reader, Computer
Req.#: 07500-42147-01
Awarded to: Perceptics, Knoxville, TN
Awarded amount: \$149,382.00
Awarded date: April 5, 1993
Expir/deliv date: June 1, 1993
Shipped to: Department of Public Safety/State Patrol District 4700

Item: Van, Modification, Handicap
Req.#: 21605-05634-01
Awarded to: Assoc. Leasing, Burnsville, MN
Awarded amount: \$10,000.00
Awarded date: April 5, 1993
Expir/deliv date: April 19, 1993
Shipped to: Various Locations

Item: Van, Modification, Handicap
Req.#: 21605-04193-01
Awarded to: Complete Mobility Systems, Roseville, MN
Awarded amount: \$2,846.00
Awarded date: April 5, 1993
Expir/deliv date: April 29, 1993
Shipped to: Various Locations

Item: Surveillance System
Req.#: 21200-53924-01
Awarded to: General Security, Minneapolis, MN
Awarded amount: \$1,977.00
Awarded date: April 5, 1993
Expir/deliv date: April 15, 1993
Shipped to: Various Locations

Item: Handicapped Device, Visual
Req.#: 21701-53947-01
Awarded to: Telesensory Systems Inc., Mountain View, CA
Awarded amount: \$15,330.00
Awarded date: April 5, 1993
Expir/deliv date: April 23, 1993
Shipped to: Minnesota Department of Jobs & Training

Item: Laboratory/Science Equipment, Miscellaneous
Req.#: 24500-30658-01
Awarded to: Continental Safety Equipment, Eagan, MN
Awarded amount: \$590.00
Awarded date: April 5, 1993
Expir/deliv date: April 20, 1993
Shipped to: Minnesota Department of Employee Relations

Item: Handicapped Device, Visual
Req.#: 21701-53934-01
Awarded to: Howe Press of Perkins, Watertown, MA
Awarded amount: \$6,840.00
Awarded date: April 2, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Department of Jobs & Training

Awards of State Contracts and Advertised Bids

Item: Handicapped Device, Visual
Req.#: 21701-53953-01
Awarded to: Telesensory Systems, Inc.,
 Mountain View, CA
Awarded amount: \$3,570.00
Awarded date: April 2, 1993
Expir/deliv date: April 23, 1993
Shipped to: Minnesota Department of
 Jobs & Training

Item: Modem, Data Communications
Req.#: 26072-04133-01
Awarded to: Parker Associates,
 Wayzata, MN
Awarded amount: \$6,276.00
Awarded date: April 2, 1993
Expir/deliv date: April 15, 1993
Shipped to: Moorhead State University

Item: Tool, Hand, Miscellaneous, Non
 Powered
Req.#: 26073-24571-01
Awarded to: American Tool Supply Co.,
 St. Paul, MN
Awarded amount: \$3,453.80
Awarded date: April 2, 1993
Expir/deliv date: April 30, 1993
Shipped to: St. Cloud State University

Item: Meter, Laboratory/Science
Req.#: 29006-30453-01
Awarded to: Curtin Matheson Scientific,
 Eden Prairie, MN
Awarded amount: \$701.50
Awarded date: April 2, 1993
Expir/deliv date: April 16, 1993
Shipped to: Department of Natural
 Resources—Regional Headquarters

Item: Service, Facility Rent
Req.#: 55000-32584-01
Awarded to: West River Point, Eden
 Prairie, MN
Awarded amount: \$7,500.00
Awarded date: April 2, 1993
Expir/deliv date: April 9, 1993
Shipped to: Department of Human
 Services

Item: Cooking Equipment,
 Miscellaneous
Req.#: 55100-05120-01
Awarded to: Horizon Equipment, St.
 Paul, MN
Awarded amount: \$5,677.67
Awarded date: April 2, 1993
Expir/deliv date: April 11, 1993
Shipped to: Anoka-Metro Regional
 Treatment Center

Item: Sports Supplies, Miscellaneous
Req.#: 78780-06018-01
Awarded to: BSN Sports, Dallas, TX
Awarded amount: \$1,010.92
Awarded date: April 2, 1993
Expir/deliv date: April 30, 1993
Shipped to: Thistledeu Youth Camp

Item: Sports Supplies, Miscellaneous
Req.#: 78780-06018-03
Awarded to: Larson Greg Sports,
 Brainerd, MN
Awarded amount: \$385.23
Awarded date: April 2, 1993
Expir/deliv date: April 30, 1993
Shipped to: Thistledeu Youth Camp

Item: Sports Supplies, Miscellaneous
Req.#: 78780-06018-02
Awarded to: L & L Sports, Woodbury,
 MN
Awarded amount: \$123.30
Awarded date: April 2, 1993
Expir/deliv date:
Shipped to: Thistledeu Youth Camp

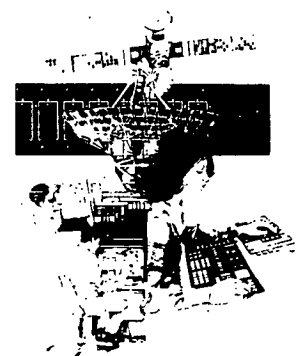
Item: Meter, Flow, Liquid
Req.#: 79000-33547-01
Awarded to: Isco Inc., Minneapolis, MN
Awarded amount: \$3,625.00
Awarded date: April 2, 1993
Expir/deliv date: May 1, 1993
Shipped to: Minnesota Department of
 Transportation

Minnesota Manufacturer's Directory 1993



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2-SR. \$95.00.

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101 Ways to Promote Academic Excellence. A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting the public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

1989 Pollution Control Laws. Laws dealing with water pollution, disposal facilities, solid waste management, the Minnesota Environmental Rights Act, recycling, and more. Code #2-21, \$24.95.

1992 Hazardous Waste Rules. Governs the production, storage, transportation and disposal of hazardous waste. *Minnesota Rules* Chapter 7001, 7045 and 7046. Code #3-71, \$16.95.

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Police Report Writing Style Manual 1989. A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms and introduces the Data Practices Law. Code #14-13, \$15.00.

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