

The Minnesota  
**State  
 Register**

Department of Administration—Print Communications Division



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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-consulting contracts, non-state bids and public contracts and grants.

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

### Printing Schedule and Submission Deadlines

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14	Monday 3 October	Monday 19 September	Monday 26 September
15	Monday 10 October	Monday 26 September	Monday 3 October
16	Monday 17 October	Monday 3 October	Monday 10 October
17	Monday 24 October	Monday 10 October	Monday 17 October

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- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
- *Contracts Supplement* (published every Tuesday, Wednesday, Friday) One year subscription: \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400. By purchasing the On-Line access you are agreeing to not redistribute without authorization.
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- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* 50¢. Add shipping charge of \$3.00 per order.
- "*Commodity Contract Awards Reports*," – lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" – published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 – a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
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## FOR LEGISLATIVE NEWS

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

### SENATE

### HOUSE

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

**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 (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

**Volume 19-Issue #14**

**Chiropractic Examiners Board**

2500.0500; .0510; .0550; .0700; .0730; .0750; .1150; .1420; .2050; .2100; .2110; .2500; .2530 (adopted)..... 734

**Optometry Board**

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**Human Services Department**

9505.2160; .2165; .2180; .2185; .2190; .2195; .2200; .2205; .2210; .2215; .2220; .2225; .2230; .2235; .2236; .2240; .2245 (proposed)..... 721

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**Attention Builders, Architects, Designers, Property Owners...**

**Accessible and Usable Buildings and Facilities  
CABO/ANSI, A117.1**

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. **19-2 SR \$35.00**



Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of building code publications.

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

## Proposed Rules

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

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

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

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

## Department of Human Services

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

#### 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 4:30 p.m., November 3, 1994, a public hearing will be held on Monday, November 21, 1994. 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 November 3, 1994 and before November 21, 1994.

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

Robert Klukas  
Minnesota Department of Human Services  
Rules and Bulletins Section  
444 Lafayette Road  
St. Paul, Minnesota, 55155-3816  
(612) 296-2794  
Fax (612) 297-3173

**Subject of Rule and Statutory Authority.** The proposed rule is about the SIRS program standards and procedures used by the Department to: monitor compliance with medical assistance, general assistance medical care, consolidated chemical dependency treatment, MinnesotaCare, and catastrophic health expense protection program requirements; identify fraud, theft, or abuse by providers or recipients of health services; establish administrative and legal sanctions in cases of fraud, theft or abuse; and investigate and monitor compliance with federal and state laws and regulations related to the medical assistance program. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 256B.04, subdivisions 2, 4, and 10, and 256D.03, subdivision 7, and 42 *Code of Federal Regulations*, 456.3 and 455. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**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 November 3, 1994 to submit written comment in support of or in opposition to the pro-

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

## Proposed Rules

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posed 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 November 3, 1994. 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 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.

**Cancellation of Hearing.** The hearing scheduled for November 21, 1994 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 Robert Klukas at (612) 296-2794 after November 3, 1994 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 Monday, November 21, 1994 in rooms 5B & C, Department of Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155 beginning at 9:30 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 Allan Klein. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7609.

**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 Hearing 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 are exempt from these requirements according to the exemption given in section 14.115, subdivision 7, clause (3).

**Expenditure of Public Money by Local Public Bodies.** A copy of the fiscal impact document is available from the agency contact person at the address and telephone number listed above. The Department estimates that the proposed rule will not result in additional state and local costs.

**Impact of Agriculture Lands.** The Department has determined in the review required under *Minnesota Statutes*, section 14.11, subdivision 2 that the proposed rule 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 form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or to be noti-

fied of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person at the address listed above.

**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.

Maria R. Gomez  
Commissioner

### Rules as Proposed

#### 9505.2160 SCOPE AND APPLICABILITY.

Subpart 1. **Scope.** Parts 9505.2160 to 9505.2245 govern procedures to be used by the department in identifying and investigating fraud, theft, or abuse by ~~providers~~ vendors or recipients of health services through the medical assistance, general assistance medical care, consolidated chemical dependency treatment, ~~children's health plan MinnesotaCare~~, catastrophic health expense protection programs, prepaid medical assistance programs, home and community-based services under a waiver from the Health Care Financing Administration of the United States Department of Health and Human Services, or any other health service program administered by the department, and for the imposition of sanctions against ~~providers~~ vendors and recipients of health services. Additionally, parts 9505.2160 to 9505.2245 establish standards applicable to the health service and financial records of ~~providers~~ vendors of health services through medical assistance, general assistance medical care, consolidated chemical dependency treatment, ~~children's health plan MinnesotaCare~~, or catastrophic health expense protection programs.

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

Subp. 2. **Applicability.** Parts 9505.2160 to 9505.2245 apply to local agencies, ~~providers~~ vendors participating in a program, and recipients of health services through a program.

#### 9505.2165 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) continuing to engage in practices that are abusive of the program after receiving the department's written warning that the conduct must cease;

(4) altering or duplicating the medical identification card for the purpose of obtaining additional health services billed to the program or aiding another person to obtain such services;

(5) using a medical identification card that belongs to another person;

(6) using the medical identification card to assist an unauthorized individual in obtaining a health service for which a program is billed;

(7) duplicating or altering prescriptions;

(8) misrepresenting material facts as to physical symptoms for the purpose of obtaining equipment, supplies, health services, or drugs;

(9) furnishing incorrect eligibility status or information to a ~~provider~~ vendor;

(10) furnishing false information to a ~~provider~~ vendor in connection with health services previously rendered to the recipient which were billed to a program; ~~or~~

(11) obtaining health ~~service~~ services by false pretenses;

(12) repeatedly obtaining health services that are potentially harmful to the recipient;

(13) repeatedly obtaining health services for self-inflicted injuries or trauma;

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

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## Proposed Rules

(15) repeatedly using medical transportation to obtain health services from providers located outside the local trade area for health services that can be provided inside the local trade area. For purposes of this subitem, "local trade area" has the meaning given in part 9505.0175, subpart 22.

Subp. 2a. Electronically stored data. "Electronically stored data" means data stored in a typewriter, word processor, computer, existing or preexisting computer system or computer network, magnetic tape, or computer disk.

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

Subp. 4. Fraud. "Fraud" means medical assistance fraud as defined in Minnesota Statutes, section 609.466.:

A. acts which constitute a crime against any program, or attempts or conspiracies to commit those crimes, including the following:

(1) theft in violation of Minnesota Statutes, section 609.52;

(2) perjury in violation of Minnesota Statutes, section 609.48;

(3) aggravated forgery and forgery in violation of Minnesota Statutes, sections 609.625 and 609.63;

(4) medical assistance fraud in violation of Minnesota Statutes, section 609.466; and

(5) financial transaction card fraud in violation of Minnesota Statutes, section 609.821;

B. any false statement, false claim, or false representation made to a program; and

C. a felony listed in United States Code, title 42, section 1320a-7b(b)(3)(D), subject to any safe harbors established in Code of Federal Regulations, title 42, part 1001, section 952.

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

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

Subp. 6a. [See repealer.]

Subp. 6b. [See repealer.]

Subp. 6c. Investigative costs. "Investigative costs" are subject to the provisions of Minnesota Statutes, section 256B.064, subdivision 1d, and means the sum of the following expenses incurred by the department's investigator on a particular case:

A. hourly wage multiplied by the number of hours spent on the case;

B. employee benefits;

C. travel;

D. lodging;

E. meals; and

F. photocopying costs, paper, computer data storage or diskettes, and computer records and printouts.

Subp. 6d. Medically necessary or medical necessity. "Medically necessary" or "medical necessity" has the meaning given in part 9505.0175, subpart 25.

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

Subp. 6f. Pattern. "Pattern" means an identifiable series of more than one event or activity.

Subp. 7. Primary care case manager. "Primary care case manager" means a provider designated by the department who is a physician or a group of physicians, who is employed by or under contract with the Department of Human Services, and nurse practitioner, or physician assistant practicing within the scope of the provider's practice, who is responsible for the direct care of a recipient, and for coordinating and controlling access to or initiating or supervising other health care services needed by the recipient.

Subp. 8. Program. "Program" means the Minnesota medical assistance program, the general assistance medical care program,

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catastrophic health expense protection program, ~~children's health plan~~ MinnesotaCare, consolidated chemical dependency program, prepaid medical assistance programs, home and community-based services under a waiver from the Health Care Financing Administration of the United States Department of Health and Human Services, or any other health service program administered by the department.

Subp. 9. **Provider.** "Provider" has the meaning given in part 9505.0175, subpart 38, and also includes a personal care provider.

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

Subp. 10a. Responsible party. "Responsible party" has the meaning given in Minnesota Statutes, section 256B.0627, subdivision 1, paragraph (d).

Subp. 11. **Restriction.** "Restriction" means:

A. in the case of a provider vendor, excluding or limiting the scope of the health services for which a provider vendor may receive a payment through a program for a reasonable time; or

B. in the case of a recipient, limiting the recipient's participation in a program for a period of 24 months; ~~to only health services which have been prior authorized;~~ or to health services from a designated primary care case manager or other designated health service providers. The restriction of a recipient must be indicated ~~on the recipient's medical identification card or other form of program identification, under part 9505.0145, subpart 4 in an eligibility verification system.~~ For purposes of restriction, designated health service providers do not include long-term care facilities.

Subp. 12. **Suspending participation or suspension.** "Suspending participation" or "suspension" means making a provider vendor ineligible for reimbursement ~~by a through program funds~~ for a stated period of time.

[For text of subp 13, see M.R.]

Subp. 14. **Terminating participation or termination.** "Terminating participation" or "termination" means making a provider vendor ineligible for reimbursement ~~by a through program funds.~~

[For text of subps 15 and 16, see M.R.]

Subp. 16a. Vendor. "Vendor" has the meaning given to "vendor of medical care" in Minnesota Statutes, section 256B.02, subdivision 7. The term "vendor" includes a provider and also a personal care assistant.

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

### 9505.2175 HEALTH SERVICE RECORDS.

Subpart 1. **Documentation requirement.** As a condition for payment by a program, a provider vendor must document each occurrence of a health service provided to a recipient. The health service must be documented in the recipient's health service record as specified in subpart 2 and, when applicable, subparts 3 to 6 7. Program funds paid for a health service not documented in a recipient's health service record shall be recovered.

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

A. The record must be legible at a minimum to the individual providing care.

B. The recipient's name must be on each page of the recipient's record.

C. Each entry in the health service record must contain:

(1) the date on which the entry is made;

(2) the date or dates on which the health service is provided;

(3) the length of time spent with the recipient if the amount paid for the service depends on time spent;

(4) the signature and title of the person from whom the recipient received the service; and

(5) when applicable, the countersignature of the provider vendor or the supervisor as required under parts 9505.0170 to 9505.0475.

D. The record must state:

(1) the recipient's case history and health condition as determined by the ~~provider's~~ vendor's examination or assessment;

(2) the results of all diagnostic tests and examinations; and

(3) the diagnosis resulting from the examination.

E. The record must show the quantity, dosage, and name of prescribed drugs ordered for or administered to the recipient.

F. The record must contain reports of consultations that are ordered for the recipient.

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

H. The record must report the recipient's progress or response to treatment, and changes in the treatment or diagnosis.

I. The record of a laboratory or X-ray service must document the ~~provider's~~ vendor's order for service.

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

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

A. must document that the medical supply or equipment meets the criteria in parts 9505.0210 and 9505.0310; and

B. except as provided in part 9505.2190, subpart 1, must contain a hard copy of the ~~provider's~~ vendor's order or prescription for the medical supply or equipment and the name and amount of the medical supply or equipment provided for the recipient.

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

**Subp. 7. Requirements for personal care provider service records.** A personal care provider record must meet the requirements of subparts 1 and 2 and must document:

A. the physician's initial order for personal care services and documentation that the physician's order has been reviewed by the physician at least once every 365 days;

B. the Department of Human Services care plan completed by the supervising registered nurse which details the nurse's instruction to the personal care assistant;

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

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

E. the following daily documentation requirements:

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

(a) the recipient's name;

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

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

(d) the site where personal care services were provided;

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

(f) the time of arrival and the time of departure of the personal care assistant at the site where services were provided;

(g) the personal care services provided;

(h) the amount of time spent providing services in the recipient's residence;

(i) the amount of time spent providing services outside of the recipient's residence;

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

(k) the personal care assistant's signature; and

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

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(2) in a shared care arrangement, the following separate documentation must be made by each personal care assistant of services provided to each recipient:

- (a) the recipient's name;
- (b) the names of the other recipients sharing personal care services;
- (c) the name of the personal care assistant providing services;
- (d) the day, month, and year the personal care services were provided;
- (e) the site where personal care services were provided;
- (f) the total number of hours spent providing personal care services to each recipient;
- (g) the time of arrival and the time of departure of the personal care assistant at the site where services were provided;
- (h) the personal care services provided;
- (i) the amount of time spent in the provision of services at the shared care residence;
- (j) the amount of time spent in the provision of services outside of the shared care residence;
- (k) notes by the personal care assistant regarding changes in a recipient's condition, documentation of calls to the supervising nurse, and other notes as required by the supervising nurse;
- (l) the personal care assistant's signature; and
- (m) each recipient's signature, stamp, or mark, or the responsible party's signature if the recipient requires a responsible party;

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

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

H. supervision by the supervising nurse, including the date and time of day of the provision of supervision of personal care services as specified in part 9505.0335, subpart 4.

### 9505.2180 FINANCIAL RECORDS.

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

- A. payroll ledgers, canceled checks, bank deposit slips and any other accounting records prepared for the provider vendor;
- B. contracts for services or supplies that relate to the provider's vendor's costs and billings to a program for the recipient's health services;
- C. evidence of the provider's vendor's charges to recipients and to persons who are not recipients, consistent with the requirements of Minnesota Statutes, chapter 13;
- D. evidence of claims for reimbursement, payments, settlements, or denials resulting from claims submitted to third-party payers or programs;
- E. the provider's vendor's appointment books for patient appointments and the provider's schedules for patient supervision, if applicable;
- F. billing transmittal forms;
- G. records showing all persons, corporations, partnerships, and entities with an ownership or control interest in the provider as defined in Code of Federal Regulations, title 42, section 455.101 vendor; and
- H. employee records for those persons currently employed by the provider vendor or who have been employed by the provider vendor at any time within the previous five years which under the Minnesota Government Data Practices Act Minnesota Statutes, chapter 13, would be considered public data for a public employee such as employee name, salary, qualifications, position description, job title, and dates of employment; and in addition employee records shall include the current home address of the employee or the last known address of any former employee.

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

**9505.2185 ACCESS TO RECORDS.**

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

Subp. 2. **Department access to ~~provider~~ records.** A provider vendor shall grant the department access during the provider's vendor's regular business hours to examine health service and financial records related to a health service billed to a program. Access to a recipient's health service record shall be for the purposes in part 9505.2200, subpart 1. The department shall notify the provider vendor no less than 24 hours before obtaining access to a health service or financial record, unless the provider vendor waives notice.

**9505.2190 RETENTION OF RECORDS.**

Subpart 1. **Retention required; general.** A provider vendor shall retain ~~a~~ all health service and financial ~~record~~ records related to a health service for which payment under a program was received or billed for at least five years after the initial date of billing. Microfilm records satisfy the record keeping requirements of this subpart and part 9505.2175, subpart 3, in the fourth and fifth years after the date of billing.

Subp. 2. **Record retention after ~~provider vendor~~ withdrawal or termination.** A provider vendor who withdraws or is terminated from a program must retain or make available to the department on demand the health service and financial records as required under subpart 1.

Subp. 3. **Record retention under change of ownership.** If the ownership of a long-term care facility or provider vendor service changes, the transferor, unless otherwise provided by law or written agreement with the transferee, is responsible for maintaining, preserving, and making available to the department on demand the health service and financial records related to services generated before the date of the transfer as required under subpart 1 and part 9505.2185, subpart 2.

Subp. 4. **Record retention in contested cases.** In the event of a contested case, the provider vendor must retain health service and financial records as required by subpart 1 or for the duration of the contested case proceedings, whichever period is longer.

**9505.2195 COPYING RECORDS.**

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

**9505.2200 IDENTIFICATION AND INVESTIGATION OF SUSPECTED FRAUD AND ABUSE.**

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

Subp. 2. **Contacts to obtain information.** The department may contact any person, agency, organization, or other entity that is necessary to an investigation under subpart 1. Among those who may be contacted are:

- A. government agencies;
- B. third-party payers, including Medicare;
- C. professional review organizations as defined in *Minnesota Statutes*, section 145.61, subdivision 5, or their representatives;
- D. ~~a professional services advisory committee established~~ consultants under contract in part 9505.0185 ~~or its representative~~;
- E. recipients and their responsible relatives;
- F. providers vendors and persons employed by or under contract to providers vendors;

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- G. professional associations of ~~providers~~ vendors and their peers;
- H. recipients and recipient advocacy organizations; and
- I. members of the public.

Subp. 3. **Activities included in department's investigation.** The department's authority to investigate extends to the examination of any person, document, or thing which is likely to lead to information relevant to the expenditure of funds, provision of services, or purchase of items ~~identified in part 9505.2160, subpart 1~~, provided that the information sought is not privileged against such an investigation by operation of any state or federal law. Among the activities which the department's investigation may include are as follows:

- A. examination of health service and financial records;
- B. examination of equipment, materials, prescribed drugs, or other items used in or for a recipient's health service under a program;
- C. examination of prescriptions for recipients;
- D. interviews of contacts specified in subpart 2;
- E. verification of the professional credentials of a ~~provider~~ vendor, the ~~provider's~~ vendor's employees, and entities under contract with the ~~provider~~ vendor to provide health services or maintain health service and financial records related to a program;
- F. consultation with the department's peer review mechanisms; and
- G. determination of whether a health service provided to a recipient meets the criteria of parts 9505.0210 and 9505.0215.

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

- A. the ~~provider~~ vendor or the recipient is in compliance with the requirements of a program;
- B. insufficient evidence exists that fraud, theft, or abuse has occurred; or
- C. the evidence of fraud, theft, or abuse supports administrative, civil, or criminal action.

Subp. 5. **Postinvestigation ~~action~~ actions.**

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

- ~~A.~~ (1) close the investigation when no further action is warranted;
- ~~B.~~ (2) impose administrative sanctions according to part 9505.2210;
- ~~C.~~ (3) seek monetary recovery according to part 9505.2215;
- ~~D.~~ (4) refer the investigation to the appropriate state regulatory agency;
- ~~E.~~ (5) refer the investigation to the attorney general or, if appropriate, to a county attorney for possible civil or criminal legal action; or
- ~~F.~~ (6) issue a warning that states the practices are potentially in violation of program laws or regulations.

B. After completing the determination required under subpart 4, the department may seek recovery of investigative costs from a vendor under Minnesota Statutes, section 256B.064, subdivision 1d.

### 9505.2205 COMMISSIONER TO DECIDE IMPOSITION OF SANCTION.

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

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

**9505.2210 IMPOSITION OF ADMINISTRATIVE SANCTIONS.**

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

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

A. For a ~~provider~~ any vendor, the actions are:

- (1) referral to the appropriate peer review mechanism or licensing board;
- (2) ~~transfer to~~ suspending or terminating the vendor's participation;
- (3) suspending or terminating the participation of any person or corporation with whom the vendor has any ownership or control interest;
- (4) requiring attendance at education sessions provided by the department;
- (5) requiring prior authorization of services; and
- (6) restricting the vendor's participation in a program.

B. For a provider, the actions also include:

- (1) requiring a provider agreement of limited duration;
- (2) ~~transfer to~~ (2) requiring a provider agreement which stipulates specific conditions of participation; and
- (4) ~~suspending or terminating the provider's participation~~;
- (5) requiring attendance at provider education sessions provided by the department;
- (6) requiring prior authorization of the provider's services;
- (7) (3) review of the provider's claims before payment; and
- (8) restricting the provider's participation in a program.

B. C. For a recipient, except as provided in subpart 3, the actions are:

- (1) referral for appropriate health counseling to correct inappropriate or dangerous use of health care services;
- (2) restriction of the recipient; and
- (3) referral to the appropriate adult or child protection agency.

Subp. 3. **Emergency health services excepted from restrictions.** Emergency health services provided to a restricted recipient by a ~~provider~~ vendor shall be eligible for payment by a program if the service provided is otherwise eligible for payment by a program. The department may require the ~~provider~~ vendor to provide documentation of the emergency circumstance with the emergency service payment claim.

**9505.2215 MONETARY RECOVERY.**

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

A. from a ~~provider~~ vendor, if payment for a recipient's health service under a program was the result of fraud, theft, or abuse, or error on the part of the ~~provider~~ vendor, department, or local agency; or

B. from a recipient, if payment for a health service provided under a program was the result of fraud, theft, or abuse, or error on the part of the recipient absent a showing that recovery would, in that particular case, be unreasonable or unfair.

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

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

Subpart 1. **Authorization.** For the purpose of part 9505.2215, the commissioner shall be authorized to calculate the amount of

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monetary recovery from a ~~provider~~ vendor of money erroneously paid based upon extrapolation from systematic random samples of claims submitted by the provider and paid by the program or programs. The department's random sample extrapolation shall constitute a rebuttable presumption regarding the calculation of monetary recovery. If the presumption is not rebutted by the ~~provider~~ vendor in the appeal process, the department shall use the extrapolation as the monetary recovery figure specified in subpart 3.

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

### 9505.2225 SUSPENSION OF PROVIDER OR VENDOR CONVICTED OF CRIME RELATED TO MEDICARE OR MEDICAL ASSISTANCE.

The commissioner shall suspend a ~~provider~~ vendor who has been convicted of a crime related to Medicare or medical assistance as provided in *Minnesota Statutes*, sections 256B.064 and 256D.03, subdivision 7, clause (b). The procedures in part 9505.0475 shall be followed in the suspension process.

### 9505.2230 NOTICE OF AGENCY ACTION.

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

A. In all cases, the notice shall state:

- A- (1) the factual basis for the department's determination according to part 9505.2200, subpart 4;
- B- (2) the actions the department plans to take;
- C- (3) the dollar amount of the monetary recovery, if any;
- D- (4) how the dollar amount was computed;
- E- (5) the right to dispute the department's determinations and to provide evidence; and
- F- (6) the right to appeal the department's proposed action under part 9505.2245.

B. In cases of vendor suspension or termination under part 9505.2235, in addition to the requirements of item A, the notice shall state:

- (1) the length of the suspension or termination;
- (2) the effect of the suspension or termination;
- (3) the earliest date on which the department shall consider a request for reinstatement;
- (4) the requirements and procedures for reinstatement; and
- (5) the vendor's right to submit documents and written argument against the suspension for review by the commissioner before the effective date of suspension or termination.

The submission of documents and written argument for review by the commissioner under subitem (5) does not stay the deadline for filing a formal appeal under part 9505.2245.

Subp. 2. **Effective date of recovery or sanction.** For ~~providers~~ vendors, the effective date of the proposed monetary recovery or sanction shall be the first day after the last day for requesting an appeal as provided in part 9505.2245, subpart 1, item B. For recipients, the effective date of the proposed action shall be 30 days after the recipient's receipt of the notice required under subpart 1. If an appeal is made under part 9505.2245, the proposed action shall be delayed pending the final outcome of the appeal, except as provided by part 9505.2231. Implementation of a proposed action following the resolution of an appeal may be postponed if in the opinion of the commissioner the delay of action is necessary to protect the health or safety of the recipient or recipients.

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

### 9505.2235 SUSPENSION OR TERMINATION OF PROVIDER VENDOR PARTICIPATION.

Subpart 1. **Effect of suspension or termination as provider.** The provider agreement of a vendor who is under suspension or terminated from participation shall be void from the date of the suspension or termination. A suspension or termination from medical assistance does not mean suspension or termination from another program unless the suspension or termination is extended to that program. The vendor who is under suspension or terminated from participation shall not submit a claim for payment under a program, either through a claim as an individual or through a claim submitted by a clinic, group, corporation, or professional association except in the case of claims for payment for health services provided before the ~~vendor's~~ suspension or termination from participation. No payments shall be made to a vendor, either directly or indirectly, for services provided under a program from which the vendor had been suspended or terminated.

Subp. 2. **Reinstatement of vendor as provider.** A vendor who is under suspension or terminated from participation is eligible to apply for reinstatement as a provider or vendor at the end of the period of suspension or when the basis for termination no longer exists. The department shall review a vendor's application to determine whether the vendor is qualified to participate as specified by the ~~provider~~ participation requirements of part 9505.0195 and *Code of Federal Regulations*, title 42, ~~sections 1002.230 to 1002.234~~ section 1002.215.

Subp. 3. **Prohibited submission of vendor's claims.** A ~~clinic, group, corporation, or other professional association~~ provider shall not submit a claim for a health service under a program provided by a vendor who is under suspension or terminated from participation unless the health service was provided before the vendor's suspension or termination. If a ~~clinic, group, corporation, or other professional association~~ provider receives payment under a program for a health service provided by a vendor after the vendor's suspension or termination from participation, the department shall recover the amount of the payment and may impose administrative sanctions against the ~~clinic, group, corporation, or other professional association~~ provider if the commissioner determines that the provider knew or had reason to know of the suspension or termination.

#### **9505.2236 RESTRICTION OF PROVIDER OR VENDOR PARTICIPATION.**

Subpart 1. **Effect of restriction on a provider or vendor.** The provider agreement of a ~~provider~~ vendor who is restricted from participation shall be amended by the restriction specified in the notice of action to the vendor provided under part 9505.2230. ~~The provider~~ A vendor who is restricted from participation shall not submit a claim for payment under a program for services or charges specified in the notice of action, either through a claim as an individual or through a claim submitted by a clinic, group, corporation, or professional association, except in the case of claims for payment for health services otherwise eligible for payment and provided before the restriction. No payments shall be made to a ~~provider~~ vendor, either directly or indirectly, for restricted services or charges specified in the notice of action.

Subp. 2. **Reinstatement of restricted provider or vendor.** A ~~provider~~ vendor who is restricted from participation is eligible to apply for reinstatement as an unrestricted provider or vendor at the end of the period of restriction. The department shall review a ~~provider's~~ vendor's application to determine whether the ~~provider~~ vendor is qualified to participate without restrictions as specified by the ~~provider~~ participation requirements of part 9505.0195 and *Code of Federal Regulations*, title 42, ~~sections 1002.230 to 1002.234~~ section 1002.215.

Subp. 3. **Prohibited submission of restricted provider's vendor's claims.** A ~~clinic, group, corporation, or other professional association~~ provider shall not submit a claim for a health service furnished under a program by a ~~provider~~ vendor who is restricted from furnishing the health service or submitting a charge or claim, unless the health service was provided before the ~~provider's~~ vendor's restriction. If a ~~clinic, group, corporation, or other professional association~~ provider receives payment for a health service furnished under a program by a ~~provider~~ vendor restricted from furnishing the health service or submitting a charge or claim, the department shall recover the amount of the payment and may impose administrative sanctions against the ~~clinic, group, corporation, or other professional association~~ provider if the commissioner determines that the ~~clinic, group, corporation, or other professional association~~ provider knew or had reason to know of the restriction.

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

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

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

B. The department shall notify the general public about action taken under part 9505.2210, subpart 2, item A, subitem ~~(4)~~ (2), ~~(3)~~, or ~~(8)~~ (5), by publishing the notice in a general circulation newspaper in the geographic area of Minnesota generally served by the ~~provider~~ vendor in the majority of its health services to Minnesota program recipients. The notice shall include the ~~provider's~~ vendor's name and service type, the action taken by the department, and the effective date or dates of the action.

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

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

**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

### 9505.2245 APPEAL OF DEPARTMENT ACTION.

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

A. The appeal request shall specify:

- (1) each disputed item, the reason for the dispute, and estimate of the dollar amount involved for each disputed item;
- (2) the computation that the provider vendor believes is correct;
- (3) the authority in the statute or rule upon which the provider vendor relies for each disputed item; and
- (4) the name and address of the person or entity with whom contacts may be made regarding the appeal.

B. An appeal shall be considered timely if written notice of appeal is received by the commissioner as provided by statute.

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

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

**REPEALER.** Minnesota Rules, part 9505.2165, subparts 6a and 6b, are repealed.

## 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 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.

## Board of Chiropractic Examiners

### Adopted Permanent Rules Relating to Retired Licenses, Examinations, and Advertising

The rules proposed and published at *State Register*, Volume 18, Number 31, pages 1773-1776, January 31, 1994 (18 SR 1773), are adopted with the following modifications:

#### Rules as Adopted

#### ~~2500.0550 PROFESSIONAL DESIGNATIONS.~~

~~A licensee must in all forms of professional reference include one or more of the following designations: doctor of chiropractic, D.C., chiropractor, and chiropractic physician. The designation shall be in an emphasis, whether written or verbal, equal to the emphasis of the written or verbal material which contains the designation.~~

## Board of Optometry

### Adopted Permanent Rules Relating to Fee Changes

The rules proposed and published at *State Register*, Volume 18, Number 46, pages 2422-2423, May 16, 1994 (18 SR 2422), are adopted as proposed.

**Office of the Governor****Executive Order #94-7: Providing for the Establishment of the Governor's Task Force on the Glass Ceiling**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, *Minnesota Milestones*, the state's 30-year plan developed in 1992, calls for a future in which people of all cultures, races, and ethnic backgrounds are valued and respected; communities are safe, friendly, and caring; all citizens have the economic means to maintain a reasonable standard of living; and people with disabilities have the opportunity to participate in society; and

**WHEREAS**, *Tomorrow's Labor Force - The Next 30 Years*, a report prepared by Minnesota Planning officials, shows that the days of rapid labor force growth are over in Minnesota with the growth rate decreasing to two percent between the years 2010 and 2020 and with people of color and women making up a larger share of the state's labor force; and

**WHEREAS**, impediments to progress in the workforce for women, people of color, and people with disabilities are partly due to what has become known as the "glass ceiling;" and

**WHEREAS**, the U.S. Department of Labor defines the "glass ceiling" as the artificial barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organizations; and

**WHEREAS**, Minnesota's economic and competitive strength in the international marketplace will be enhanced by a commitment to examine and break through the barriers that prevent all people from achieving their potential;

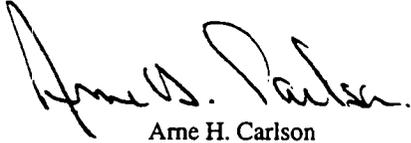
**NOW, THEREFORE**, I hereby order that:

The Governor's Task Force on the Glass Ceiling be established. The task force shall consist of a chair and nine members to be appointed by the Governor. The task force shall deliver a report and recommendations to the Governor and the Legislature by January 1, 1995. Minnesota Planning will provide staff support for the task force.

The Glass Ceiling Task Force shall study the manner in which organizations in Minnesota fill management decision-making positions, the practices used to foster the necessary qualifications for advancement, and the compensation and reward programs currently used in the workplace.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

**IN TESTIMONY WHEREOF**, I have set my hand this fourteenth day of September 1994.



Arne H. Carlson  
Governor

Filed According to Law:



Joan Anderson Growe  
Secretary of State

# Official Notices

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

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

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## Department of Administration

### Plant Management Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Amendments to Proposed Rules Governing Public Rallies within the State Capitol Complex

NOTICE IS HEREBY GIVEN that the State Department of Administration, Plant Management Division is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing public rallies in the State Capitol Complex. The adoption of the rule is authorized by *Minnesota Statutes*, section 16B.04 subd. 1 and 16B.25 subd. 1 which requires the agency to review and authorize permits for public rallies within the State Capitol Complex.

The State Plant Management Division requests information and opinions concerning the subject matter of the rule. The agency may consider the restriction of alcoholic beverages at certain rallies, rally cleanup and cost for cleanup, the days required for processing rally permission forms, changes of address, and other housekeeping items when the rule is proposed. The agency may, if deemed necessary, form an advisory task force pursuant to *Minnesota Statutes*, section 15.014, for the purpose of soliciting and receiving advice from members of the public on the subject matter of the rule.

The agency anticipates the entire rulemaking process will take six months to complete.

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:

Mr. Bernie Steele  
Capitol Complex Support Services Supervisor  
Plant Management Division - Dept. of Administration  
625 North Robert Street  
St. Paul, MN 55101  
(612) 296-0797  
FAX: (612) 297-5158  
TTY/TDD: (612) 297-4407

Oral statement will be received during regular business hours 7:00 a.m. - 3:30 p.m. over the telephone and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m. Tuesday, October 31, 1994. Any written material received by the State Plant Management Division shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 26 September 1994

Bernie Steele  
Capitol Complex Support Services Supervisor

## Administration Department

### Print Communications Division

#### State Register Index Available for Volume 18

An index to rules, and official notices soliciting outside information relating to rules, for volume 18, July 1993-June 1994, is now available. The index also includes, Executive Orders of the Governor, Commissioner's Orders and Revenue Notices.

Subscribers who wish to receive a copy of the index need to contact Minnesota's Bookstore, ask for a copy, and leave your name and address. There will be no charge to subscribers. Call (612) 297-3000, or toll-free: 1-800-657-3757, or FAX to (612) 297-8260, or write to Minnesota's Bookstore, 117 University Ave., St. Paul, MN 55155.

Copies of the index will be mailed to *State Register* subscribers who are designated as "State Depository Libraries," or who are designated in *Minnesota Statutes*, Sec. 14.46 subd. 4 as a recipient of a subscription at no charge.

Those wishing to purchase a copy will be charged the same rate applied to an issue of the *State Register*, \$3.50, with a shipping charge of \$3.00 if processed for mailing.

## Department of Administration

### Print Communication Division

#### "Contract Awards Reports" Available

Individual copies of "Contract Awards Reports" are available, as well as six-month trial subscriptions, as part of an improved service to subscribers tracking commodity and service contracts and bids, as well as professional, technical and consulting contracts.

This information is especially useful in the competitive bidding process used by the state's purchasing office, the Materials Management Division.

- "*Commodity Contract Awards Reports*," — lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" — published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 — a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "*Professional-Technical-Consulting Award Reports*," — published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$7.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$50.00, a savings of about \$15.00 over the cost of purchasing them individually. Appear monthly. Order stock number # 90-15. Available in hard copy format only.

To order the appropriate "Awards Reports" for your business or organization, contact Minnesota's Bookstore at (612) 297-3000, or toll-free nationwide: 1-800-657-3757. Credit card orders can be taken over the phone, mailed in, or FAXED to (612) 297-8260.

## Department of Agriculture

### Agronomy Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Private Applicator (*Minnesota Rules* part 1505.0980) and Restricted Use Pesticides Displayed for Sale (*Minnesota Rules* part 1505.1100)

**NOTICE IS HEREBY GIVEN** that the State Department of Agriculture is seeking information or opinions from sources outside the department in preparing to propose adoption of amendments to rules governing private applicator (*Minnesota Rules* part 1505.0980) and restricted use pesticides displayed for sale (*Minnesota Rules* part 1505.1100). The adoption is authorized by *Minnesota Statutes*, section 18B.06, which requires the department to adopt rules to implement and enforce *Minnesota Statutes*, chapter 18B.

Currently, *Minnesota Statutes*, section 18B.31, PESTICIDE DEALERS LICENSE, allows a licensed pesticide dealer to sell restricted use pesticides (RUP) only to an applicator certified by the commissioner unless a sale is allowed by rule. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), section 12, does not allow a person to sell or make available for use a RUP to any person who is not properly certified, except that a RUP may be sold to a person who is not certified for application by a certified applicator. The *Code of Federal Regulations* [(CFR), 40 CFR 171.11 (g)(2)(ii)(G), pesticide dealer reporting and record keeping requirements, availability of records, section (ii), uncertified person] specifies requirements for sale of a RUP to non-certified persons for application by certified persons.

*Minnesota Statutes*, section 18B.36, PRIVATE APPLICATOR CERTIFICATION, does not allow a private applicator to purchase a RUP without presenting a private applicator card or the card number. *Minnesota Statutes*, section 18B.30, PESTICIDE USE LICENSE REQUIREMENT, does not allow a person to use a RUP without a license or certification required under *Minnesota Statutes*, sections 18B.29 through 18B.35.

The intent of both the state and federal law is to strictly control the sale and purchase of RUPs, so that they are only available to those persons who have demonstrated a continuing level of competency and ability to use pesticides properly and safely.

## Official Notices

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The department wishes to amend the rules to allow sale and distribution of RUPs to persons who are not certified as private pesticide applicators or commercial pesticide control applicators for application by certified private pesticide applicators or commercial pesticide control applicators. Specifically the department wishes to allow licensed pesticide dealers to sell RUPs to non-certified or licensed persons, businesses, landlords or their immediate family members or employees for application by a certified private pesticide applicator or commercial pesticide applicator.

The intent of the amendments is to strictly control and legitimize a practice which the department knows is occurring. The department believes this will result in greater efficiency for applicators and dealers and better protection of human health and the environment. It is the intent of the department to allow these activities only when the pesticide dealer can document that the RUP will be made available only to a certified private pesticide applicator or commercial pesticide applicator.

The department intends to form an advisory task force on the rule. The following associations will be invited to serve on the task force: two representatives of the department's agricultural chemical investigation field staff; two representatives of the agricultural chemical distribution and commercial application industry; two representatives of the University of Minnesota Extension Agricultural Education Service; and two representatives of farm groups.

The department intends to form the task force by November 1, 1994. The task force should complete its work by March 1, 1995. The rulemaking process should take approximately 11 months.

The State Department of Agriculture requests information and opinions concerning the subject matter of the amendments. 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: Carol Milligan, Agriculture Planning Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107; fax number 612/297-7678. Oral statements will be received during regular business hours over the telephone by John Peckham at 612/297-2614 and in person at the above address.

All statements of information and opinions shall be accepted until a Notice of Intent to Adopt a Rule without a Public Hearing or a Notice of Hearing for this rule is published in the *State Register*. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general in the event that the amendments are adopted.

Dated: 7 September 1994

Elton Redalen  
Commissioner

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C*

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on **October 19, 1994, at 9 A.M.** in **Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 117 acres of farmland** located in **section 3, T104N, R16W, Mower County, Minnesota** on behalf of **Darel James Ness and Connie Abernathy-Ness** a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$90,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 7 September 1994

LaVonne Nicolai  
RFA Executive Director

## **Department of Agriculture**

### **Minnesota Rural Finance Authority**

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C***

NOTICE IS HEREBY GIVEN that a public hearing will be held on **October 19, 1994**, at 9 A.M. in **Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 192 acres of farmland** located in **Section 29, T103N, R34W, Jackson County, Minnesota** on behalf of **Paul M. Jones**, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is **\$200,000**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 7 September 1994

LaVonne Nicolai  
RFA Executive Director

## **Department of Agriculture**

### **Minnesota Rural Finance Authority**

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C***

NOTICE IS HEREBY GIVEN that a public hearing will be held on **October 19, 1994**, at 9 A.M. in **Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 155 acres of farmland** located in **Section 30, Young America Tnshp; Carver County, Minnesota** on behalf of **Dale & Lisa Menden-Smith**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$201,500.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 7 September 1994

LaVonne Nicolai  
RFA Executive Director

## **Department of Agriculture**

### **Minnesota Rural Finance Authority**

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C***

NOTICE IS HEREBY GIVEN that a public hearing will be held on **October 19, 1994**, at 9 A.M. in **Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority

## Official Notices

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(the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of dairy animals located in **Section 3, Concord Township, Dodge County**, Minnesota on behalf of **Scott and Lucy Adank**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$40,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 7 September 1994

LaVonne Nicolai  
RFA Executive Director

## Board of Chiropractic Examiners

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Alternative Forms of Continuing Education

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Chiropractic Examiners is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing alternative forms of continuing education. The adoption of this rule is authorized by *Minnesota Statutes*, section 148.08, which permits the agency to promulgate rules in order to administer sections 148.01 to 148.105.

The Minnesota Board of Chiropractic Examiners requests information and opinions concerning the granting of continuing education for education received outside of the traditional classroom. Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to: Rules Committee, Minnesota Board of Chiropractic Examiners, 2700 University Avenue West, Suite 20, St. Paul, MN 55114-1089.

All statements of information and opinions shall be accepted until November 2, 1994 at 4:30 p.m. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

## Department of Economic Security

### Rehabilitation Services Division

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Vocational Rehabilitation Services

**NOTICE IS HEREBY GIVEN** that the State Department of Economic Security, Division of Rehabilitation Services (DRS), is seeking information or opinions for sources outside the agency in preparing to propose the amendment of the rule governing vocational rehabilitation services. The adoption of the rule is authorized by *Minnesota Statutes*, section 268A.03(m), which requires the agency to adopt, amend, suspend or repeal rules for programs that the commissioner administers.

**Summary of Issues.** DRS requests information and opinions concerning the subject matter of the rule amendment. Key issues DRS is considering for rule amendment include: 1) eliminating the requirement for consumer financial participation in the cost of sign language interpreter services and other auxiliary aids and services in accordance with the Americans with Disabilities Act; 2) the expectation that sign language interpreters and other auxiliary aids and services will be provided by post-secondary educational institutions under the Americans with Disabilities Act, and not by DRS; 3) clarifying the terms and conditions under which DRS may provide transportation services; 4) clarifying the services DRS may provide to assist eligible consumers establish a small business; 5) clarifying that DRS will purchase only new equipment when vehicle adaptations are being provided; 6) adjusting the cap on DRS payments for post-secondary tuition and fees for two-year programs and specialized institutions such as Gallaudet University and the National Technical Institute for the Deaf; 7) clarifying that vehicle adaptations are considered rehabilitation technology; 8) clarifying how to prorate the tuition cap for part-time graduate school programs; and 9) specifying that consumers have free choice of vendor for mental health services.

**Background.** In 1992 DRS began a process to develop a state rule to more clearly define its policies and procedures for the

vocational rehabilitation (VR) program. Some changes were mandated by the reauthorization of the federal Rehabilitation Act in 1992 and others were formulated by a work group comprised of internal and external stakeholders. Input was solicited regarding all of the proposed changes at town meetings held throughout 1992 and 1993. Based on the the resulting consumer and staff input, a public hearing on the proposed rule, and the report of an Administrative Law Judge, the VR state rule, *Minnesota Rules* 3300.5000 - 3300.5060, was adopted and became effective April 25, 1994.

DRS received input from advocates and staff members expressing concern that the rule requiring consumer financial participation in the cost of interpreter services, notetakers, and other auxiliary aids and services may be a violation of the Americans with Disabilities Act. Consequently, on July 5, 1994 DRS published in the *State Register* a Notice of Intent to Adopt an Emergency Rule to eliminate the requirement for consumer financial participation in the cost of "auxiliary aids and services for effective communication." The proposed emergency rule was submitted to the Attorney General, who disapproved it, indicating that the Department of Jobs and Training did not have statutory authority, in this instance, to adopt an emergency rule on this topic. Therefore, DRS intends to address this key issue through the regular rulemaking process.

DRS has also received input from staff, consumers, and other interested parties indicating that clarification or modification of the rule is desired in the other key issue areas identified above. Therefore, DRS intends to propose amendments dealing with those issues.

Earlier this year DRS expected that revised federal regulations for the VR program would be issued in final form by late summer or early fall, 1994. It now seems likely that final federal regulations will not be issued until some time in 1995. DRS expects that any amendments to the state VR rule required by changes in federal regulations, or by DRS's commitment to continuous improvement of the vocational rehabilitation program, will be made in a separate rulemaking process.

**Rulemaking timeline.** DRS does not intend to form an advisory task force to assist with developing these rule amendments. DRS anticipates that the rulemaking process will be completed by July 1, 1995.

**Agency Contact Person.** Persons or organizations wishing to provide opinions or information on the subject matter of the rules should contact:

Andrew Beisner  
Rehabilitation Specialist  
Division of Rehabilitation Services  
390 North Robert Street, 1st Floor  
St. Paul, MN 55101  
Phone 612/296-9152 (TDD only)  
FAX: 612/297-5159

If you wish to provide opinions or information by phone to the agency contact person you need to use either the TDD number above or the Minnesota Relay Service to connect you with the above TDD. The Relay Service can be accessed in Greater Minnesota at 800/627-3529; in the Twin Cities Metro area at 297-5353. You will need to provide your area code and telephone number and the TDD number listed above. In addition, you may leave a message for the agency contact person by calling 612/296-5616.

Statements may be made in writing, by telephone, by FAX, or in person. Statements will be received during regular business hours at the above address and phone numbers.

All statements of information or opinion will be accepted until further notice is published in the *State Register* that the department intends to adopt or withdraw the rule. Any written material received by DRS will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the amended rules are adopted.

## **Minnesota Health Care Commission**

### **Health Technology Advisory Committee**

#### **Solicitation of Comments and Information on Technology Evaluations of: 1) Magnetic Resonance Imaging (MRI) for Diagnosis of Headache; 2) Electronic Fetal Monitoring during Labor; 3) High-dose Chemotherapy with Autologous Stem Cell Rescue for Breast Cancer; and 4) Pancreas Transplantation for Patients with Diabetes**

The Health Technology Advisory Committee (HTAC) is an advisory committee of the Minnesota Health Care Commission. HTAC conducts evaluations of selected health technologies to provide information to the Commission on the safety, improvement in health outcomes, clinical effectiveness, and cost effectiveness of the technologies selected.

## Official Notices

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HTAC is seeking comments and information relating to the evaluation of the above-mentioned health care technologies. HTAC is also compiling a mailing list of persons interested in being added to HTAC's mailing list to receive notice of HTAC meetings and other information.

Comments and/or the names of individuals for HTAC mailing lists may be submitted in writing or orally. Written information should be addressed to: Mary Fahey, Minnesota Health Care Commission, P.O. Box 64975, St. Paul, MN 55164-0975. Oral statements will be taken during regular business hours of 8:00 a.m. to 4:30 p.m. by telephone at (612) 282-6355.

All comments and information must be submitted within thirty (30) days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13). A notice regarding additional opportunities to submit information pertaining to the evaluation of these technologies will be published at a later date.

## Department of Health

### Commissioner of Health

#### Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Sauk Centre Ambulance, Sauk Centre, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Sauk Centre Ambulance, Sauk Centre, Minnesota for a license to operate a Specialized Advanced Ambulance Service to provide patient transfers originating from St. Michael's Hospital and Nursing Home, Sauk Centre, Minnesota.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57-14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on October 27, 1994 at St. Michael's Hospital, 425 North Elm, Sauk Centre, Minnesota (Conference Room), commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* §§ 14.57 - 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100 - 1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Allan W. Klein, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7609, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before October 21, 1994. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be received by the administrative law judge on or before November 1, 1994.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

## **Department of Labor & Industry**

### **Labor Standards Division**

#### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective October 3, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Fred Moore Middle Portable Utility Hook-up & Base-Anoka; Anoka County Sheriff's Patrol Station-Andover.

**Blue Earth:** Armstrong Hall Asbestos Removal Phase II-Mankato State University.

**Fillmore:** Lanesboro Fish Hatchery 1994 Reroofing-Near Lanesboro.

**Hennepin:** Hennepin County Government Center ADA Mods/Power Assist Doors-Minneapolis; North Hennepin Community College 1995 Partial Reroofing-Brooklyn Park.

**Itasca:** Administration Building Reroofing, Itasca Community College Ductwork & Ceiling Replacement-Grand Rapids.

**Ramsey:** Apartment Rehabilitation (434) Lafond Avenue-St. Paul.

**St. Louis:** Old Municipal Building & Recreation Area Renovation-Hoyt Lakes.

**Scott:** MN Correctional Facility Athletic Facilities & Greenhouse-Shakopee.

**Stearns:** Temporary Offices for DNR-St. Cloud.

**Wright:** MN/DOT Truck Station HVAC Modifications-Monticello.

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 Natural Resources**

### **Bureau of Information and Education**

#### **Notice of Solicitation of Outside Information or Opinions Regarding the Proposed Rules Governing the Waters and Watercraft Speed Limit Zones on the Lower St. Croix River**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing watercraft speed limit zones on the Lower St. Croix River. The authority for the amendment of these rules is contained in *Minnesota Statutes*, section 86B.205, subdivision 9, which permits the Department to adopt water surface use rules for local waters.

**Subject of Rules and Statutory Authority.** Specifically, the proposed rules will create a slow speed zone from May 15 to September 15, after 12:00 noon on Saturdays, Sundays and legal holidays until sunrise of the next day, from approximately mile 31.0 to approximately mile 24.5, and a slow speed zone from approximately mile 16.5 to approximately mile 16.1, and from shore to shore in the South Hudson Bay.

**Small Business Considerations.** Outside opinion is also being solicited as to any effect the rules might have on small business,

## Official Notices

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as defined under *Minnesota Statutes*, section 14.115, subdivision 1. The Department does not anticipate that this rule amendment will have an impact on small business in the area.

**Comments and Agency Contact Person.** The Minnesota Department of Natural Resources requests information and opinions concerning the subject matter or 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:

Anita Burns Twaroski  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4046

Oral comments will be received during regular business hours over the telephone at (612) 297-5708 and in person at the above address.

A copy of this notice will be mailed to all parties who have registered their name with the Department for the purpose of notice of rulemaking activity. The Department does not intend to establish an advisory task force on this issue. The Department does plan on holding a public hearing.

All statements of information and opinions shall be accepted until November 4, 1994. Any written material received by the Minnesota Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or the administrative law judge in the event the rules are adopted.

Dated: 3 October 1994

Rodney W. Sando, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Bureau of Real Estate Management

#### Notice of Proposed Conveyance for the Purpose of Correcting Legal Descriptions of Boundaries Affecting the Ownership Interests of the State and Adjacent Landowners

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources intends to correct a boundary discrepancy which affects land presently owned by the State and land owned by James F. Harris (*Minnesota Statutes* 84.0273, 1993). The State originally acquired its property by warranty deeds recorded in the office of the County Recorder March 18, 1966 in Book 87 of Deeds, page 306 and May 23, 1966 in Book 90 of Deeds, page 368. The State will exchange quit claim deeds with the adjacent landowner in order to resolve the boundary discrepancy. The deed from the State to James F. Harris will contain the following legal description:

Lot 6, Block 1, Laven's Wildlife Scenic Addition, to the City of Osakis, Douglas County, Minnesota, according to the recorded plat on file and of record in the office of the County Recorder, Douglas County, Minnesota.

For further information, contact the Bureau of Real Estate Management, DNR, 500 Lafayette Road, St. Paul, MN 55155, (612) 296-0636.

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by October 25, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

### Advisory Committee to the Program Committee of the Health Professionals Services Program

Health Professionals Services Program, 1885 University Ave. W., Ste. 229, St. Paul, MN 55104. 612-643-2120.

*Laws of 1994, Chpt. 556, Sec. 3, Subd. 1.*

**APPOINTING AUTHORITY:** Program Committee of Health Professionals Services Program.

**COMPENSATION:** None.

**VACANCY:** Two positions: Public members interested in the health of Health Professionals and their ability to practice. Please refer to the description of this new advisory committee.

The advisory committee shall advise the Program Committee as it exercises its role in providing overall management and direction of the program while ensuring that the program's direction is in accord with its' authority. The advisory committee shall also provide consultation to the participating boards who are legislatively charged with adopting joint rules for program services. The Health Professionals Services Program is a confidential program designed to monitor the treatment and continuing care of regulated health care professionals who may be unable to practice with reasonable skill and safety, if their illness is not appropriately managed. Treatment plan activities and practice limitations for physical, mental, or psychological conditions, including chemical abuse and/or dependency, will be monitored for compliance. The enabling legislation provides a non-disciplinary tool for participating health licensing boards to deal with impaired regulated health professionals who recognize their illness and the need for continuing care and/or practice limitations. The Program Committee, consisting of one person appointed by each participating board, will establish the program budget, provide guidance and monitor the program implementation in accordance with enabling legislation. The advisory committee will provide input to the Program Committee and consultation to participating boards in the adoption of joint rules. Program brochures and additional information are available upon request at the above address. The advisory committee consists of up to fourteen association appointees including one member nominated by each professional association, representing individuals regulated by a participating board; and two public members, as defined by *Minnesota Statutes 214.02*. Gender balance will be maintained in advisory committee membership. Meetings will occur at a minimum on a quarterly basis, for approximately two hours during evening hours, at the above address. The advisory committee expires June 30, 1997 per *Laws of 1994*, Chpt. 556.

#### **Council on Affairs of Spanish-Speaking People**

506 Rice St., St. Paul, MN 55103. 612-296-9587.

*Minnesota Statutes 3.9223.*

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** \$55 per diem.

**VACANCY:** One vacancy: Minneapolis representative of the Hispanic community.

The council advises the Governor and legislature on issues affecting the Spanish-speaking community. The council consists of seven members reflecting the demographic composition of Minnesota's Spanish-speaking community, including migrant workers, as determined by the state demographer. Monthly meetings. The council expires June 30, 1997 per *Minnesota Statutes 15.059*, subd. 5 as amended by *Laws of 1993*.

#### **Feedlot and Manure Management Advisory Committee**

Minnesota Dept. of Agriculture, Ag. Planning & Development Division, 90 W. Plato Blvd., St. Paul, MN 55107. 612-282-6830.

*Laws of 1994, Chapter 619, Sec. 1.*

**APPOINTING AUTHORITY:** Commissioners of Agriculture & MN Pollution Control Agency.

**COMPENSATION:** Expenses.

**VACANCY:** Eighteen positions: Please refer to the description of this new advisory committee.

The advisory committee shall identify needs, goals, and suggest policies for research, monitoring, and regulatory activities regarding feedlot and manure management. The committee consists of eighteen members including: representatives from at least eight livestock producers; three environmental organizations; four experts in soil and water science nutrient management and animal husbandry; one representing local units of government; one State Senator and one State House Representative. Ex-officio nonvoting members include representatives from: Department of Agriculture, Pollution Control Agency, Board of Water and Soil Resources, Soil and Water Conservation Districts, Federal Soil Conservation Service, Association of MN Counties, and the Agricultural Stabilization and Conservation Service. First consideration shall be given to members of the existing feedlot advisory group. The committee must include representation from beef, dairy, pork, chicken, and turkey producer organizations. Nongovernment members of the advisory committee shall receive expenses. Meeting schedule and location will vary, meetings are approximately eight hours. The advisory committee expires June 30, 1997 per *Laws of 1994, Chapter 619, Section 1.*

## Official Notices

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### **Governor's Interagency Coordinating Council on Early Childhood Intervention**

987 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-296-7032.

*Minnesota Statutes 120.17, subd. 11a.*

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One vacancy: Representative of County Social Services.

The council advises, assists and recommends policies to the Governor and the Minnesota Departments of Commerce, Education, Health, Human Services and Economic Security to provide interagency collaboration in the development of Minnesota's comprehensive, coordinated, multidisciplinary system of early intervention services for young children under age five with disabilities and their families. The council consists of at least seventeen members but not more than twenty-five, including: at least five parents, including persons of color, of children with disabilities under age twelve, including at least three parents of a child with a disability under age seven; five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, and a community health service or public health nursing administrator; one member of the Senate, one member of the House of Representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the Commissioners of Commerce, Education, Health, Human Services, and Economic Security, and a representative from Indian health services, or a tribal council. Meetings held at least six times during the year. The council expires June 30, 1997 per *Minnesota Statutes 120.17 subd. 11a*, as revised by *Laws of 1994*.

### **Metropolitan Waste Management Advisory Committee**

Minnesota Office of Environmental Assistance, 1350 Energy Lane, Suite 201, St. Paul, MN 55108. 612-649-5750.

*Minnesota Statutes 473.149, subd. 4.*

**APPOINTING AUTHORITY:** MN Office of Environmental Assistance.

**COMPENSATION:** Travel expenses.

**VACANCY:** Nine positions: Please refer to the description of this new advisory committee.

The advisory committee shall aid in the preparation of the Metropolitan Policy Plan, review of county master plans, reports and applications for permits for waste facilities, and other duties. The advisory committee includes nine members: three local government representatives, three industry representatives, and three citizen members. Monthly meetings take place at the Minnesota Office of Environmental Assistance, and are approximately two hours in length. The advisory committee expires June 30, 1997 per *Minnesota Statutes 15.059 subd. 5* as revised by *Laws of 1993*.

### **Minnesota Academic Excellence Foundation**

971 Capitol Square Bldg., St. Paul, MN 55101. 612-297-1875.

*Minnesota Statutes 121.612.*

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** None.

**VACANCY:** One vacancy: Business representative, special need for a person with a background in media-public relations or the Minnesota Newspaper Association. Applicants should be experienced, willing and able to participate in MAEF fundraising activities; and support the mission of the public-private partnership model. To be at parity the board especially seeks persons from communities of color in nonmetro areas, southwestern, central, and northeastern Minnesota in particular. Minnesota law requires that MAEF Board members represent education and business groups. The endorsement of the group is essential.

The foundation is a nonprofit, public-private partnership, created in 1983 by legislative statute to be the primary advocate for the promotion and recognition of academic excellence in all schools and communities in the state of Minnesota. MAEF coordinates and supports initiatives which promote: Systemic change to increase student learning; Societal values which demand academic achievement by all learners; Increased student and family/guardian expectations for academic learning; Expanded opportunities for academic learning and recognition; Partnerships between education, business and government to support the work of MAEF. The board of directors consists of a member of the State Board of Education who shall serve as chair, the Commissioner of the Dept. of Education, and twenty members including eight who represent various education groups and twelve who represent various business groups. Members serve four year terms and are responsible for securing resources for the foundation and for establishing policies to guide operations of the foundation. Meetings are held at the State Capitol or at the Capitol Square Building. The board does not expire.

**Minnesota Board of Chiropractic Examiners Peer Review Committee**

2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591.

*Minnesota Statutes 148.01 - 148.106.*

**APPOINTING AUTHORITY:** Executive Director, Minnesota Board of Chiropractic Examiners.

**COMPENSATION:** \$55 per diem.

**VACANCY:** One vacancy: Professional member; must be available to attend first meeting Tuesday, December 13, 1994 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the second Thursday of every month at 12:30 p.m. at the Minnesota Board of Chiropractic Examiners' office. The committee does not expire.

**Minnesota Education in Agriculture Leadership Council**

2370 410th St., Nerstrand, MN 55053. 507-789-6723.

*Minnesota Statutes 126.113.*

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** None at this time.

**VACANCY:** One vacancy: At-large member for a term expiring in January, 1998.

The council provides advocacy, leadership, and support for the enhancement of education in agriculture. The council consists of twelve members: one member from each of the eight congressional districts and four members at large. Meetings are held every third Wednesday of the month at various locations. The council does not expire.

**Small Business Procurement Advisory Council**

112 Administration Bldg., St. Paul, MN 55155. 612-297-4412.

*Minnesota Statutes 16B.20.*

**APPOINTING AUTHORITY:** Commissioner of Administration.

**COMPENSATION:** \$55 per diem.

**VACANCY:** One vacancy.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. The council consists of thirteen members. The council expires June 30, 1997 per *Minnesota Statutes 15.059 subd. 5* as amended by *Laws of 1993*.

**State Curriculum Advisory Committee**

607 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-296-0351.

*Minnesota Statutes 126.665.*

**APPOINTING AUTHORITY:** Commissioner of Education.

**COMPENSATION:** None.

**VACANCY:** One vacancy: Member to represent Region 10.

The committee advises the State Board and Department of Education on the planning, evaluation, and reporting process. The committee consists of eleven members including nine members, one appointed from each educational cooperative service unit, and two at-large members. Membership on or experience with local curriculum advisory committee is required. The committee expires June 30, 1996 per *Minnesota Statutes 126.665* as amended by the *Laws of 1993*.

**Waste Education Coalition**

Minnesota Office of Environmental Assistance, Waste Education Program, 1350 Energy Lane, St. Paul, MN 55108. 612-649-5750.

*Minnesota Statutes 115A.072.*

**APPOINTING AUTHORITY:** Minnesota Office of Environmental Assistance.

**COMPENSATION:** Expenses.

## State Grants

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**VACANCY:** One vacancy: Member must be actively teaching (K-16) or closely related and therefore representative of the formal education population.

The coalition is to advise and assist the staff of the Office of Environmental Assistance to develop, implement, and coordinate state and regional resources in an integrated long-term waste education program which encourages the reduction, reuse, resource recovery and proper management of solid and hazardous wastes. Eighteen members: one member each from the Pollution Control Agency, Metropolitan Council, Dept. of Education, Dept. of Agriculture, Environmental Education Board, Environmental Quality Board, educational institutions, other public agencies with responsibility for waste management or public education, and three persons representing private recycling or solid waste industries. Meeting schedule: up to twice a month, five hours a month, at the Office of Environmental Assistance. The coalition expires June 30, 1997 per *Laws of 1994*, Chpt. 480 Sec. 7.

## State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Human Services

### Minnesota Board on Aging

### Notice of Request for Grant Applications to Implement Health Insurance Counseling Program Expansion

#### Purpose

The Minnesota Board on Aging is requesting applications for funding to expand volunteer-based health insurance counseling programs for Medicare beneficiaries. An applicant must have the capacity to: (1) recruit, screen, train, retain, consult with and support volunteers providing health insurance information, counseling and assistance; and (2) provide services and outreach to unserved and underserved Medicare beneficiaries and the adult children, relatives or friends that might handle their health insurance concerns, in the geographic area in which they provide or could provide services.

Pending availability of federal funds from the Health Care Financing Administration (HCFA), the Minnesota Board on Aging anticipates awarding grants as follows:

#### Eligible Applicants

1. The applicant must be a public or non-profit agency which holds no conflict of interest as defined by HCFA and Public Law #101-508.
2. The applicant has the capacity to develop and support a volunteer-based health insurance counseling program.
3. The applicant must have provided a letter of intent to apply by 4:30 p.m. on October 14, 1994, at the Minnesota Board on Aging's office on the fourth floor at 444 Lafayette Road, St. Paul, MN 55155-3843; Attention: Jean Wood.

#### Grant Amounts and Grant Period

1. Grants of up to \$20,000 for a one year period from 1/1/95 through 12/30/95 not to exceed \$50,000.
2. This is one time program development funding and not renewable.

**The State reserves the right to cancel the solicitation if it is considered to be in its best interest.**

#### Application Process

To request an application package for these grant funds, call Bernie Kuhn at (612) 296-3868 or toll-free 1-800-882-6262.

An original and four copies of the completed application forms and narrative **must be received no later than 4:30 p.m. on Monday, November 7, 1994, at the offices of the Minnesota Board on Aging.** Proposals arriving after this deadline will not be accepted. Send proposals to:

Minnesota Board on Aging  
Attention: Jean Wood  
444 Lafayette Road  
St. Paul, MN 55155-3843

Grants will be made to applicants which, in the judgment of the Minnesota Board on Aging, will most effectively meet the program requirements and criteria as stated in the application materials.

For further information, contact Jean Wood at (612) 297-5459 or 1-800-882-6262. For TDD, contact Minnesota Relay Service at (612) 297-5353 or 1-800-627-3529.

## **Department of Human Services**

### **Family and Children's Services Division**

#### **Notice of Request for Proposals to Develop Plan and Provide Overall Coordination to Gather Public Input for Family Preservation and Family Support Services**

The Department of Human Services is soliciting proposals from private and public vendors to carry out statewide information gathering activities as part of a statewide community based needs assessment.

The Department of Human Services, Family and Children's Services Division has applied for and received federal funds, under Title IV-B of the Social Security Act, subpart 2, Family Preservation and Support Services. These new federal funds are provided to state child welfare agencies for preventive services (family support services) and services to families at risk or in crisis (family preservation services). The legislation requires states to engage in a comprehensive planning process for the development of a meaningful and responsive family support and family preservation strategy and a five year State plan that establishes a continuum of coordinated and integrated, culturally relevant, family focused services for children and families.

Therefore, we expect that a major goal of the planning process will be to examine the changes that are needed in Minnesota to make delivery of services more responsive to the needs of individuals and communities and more sensitive to the context in which they are to be delivered.

The Department will sponsor statewide opportunities for public input to this planning process from November 1995 through March 1995. Minnesota's five year State plan will be the result of a thorough and inclusive planning process using community needs assessment reflective of diversity of families and communities served. The process will link with other planning efforts and will examine what is needed to make delivery of services more responsive, flexible, and sensitive to families.

The cost for vendor services will not exceed \$120,000. The project period will be from November 1994 through May 1995. information will be gathered from up to 75 focus groups and neighborhood meetings, 50 town meetings, and six training sites around the State. In addition, the vendor will develop, disseminate and analyze survey data. All information will be written by the vendor into a final report.

The information vendor will work with Department staff including a project planner with overall responsibility for the entire project. A STATE committee comprised of representatives from provider and consumer communities and other state agencies will give input into the information gathering process. A logistics vendor will work directly with the information vendor to determine the structure of activities.

Proposals will be reviewed and rated based on the following criteria:

1. (30 points) Reasonableness of work plan.
2. (30 points) Experience and qualifications of applicant.
3. (20 points) Experience working with a committee.
4. (20 points) Reasonableness of itemized budget.

For complete information regarding the Request for Proposal, please contact Barbara O'Sullivan, Family and Children's Services Division, 444 Lafayette Road, St. Paul, MN 55155-3832, telephone (612) 296-8540, fax (612) 297-1949.

**Proposals are due October 24, 1994.**

## Department of Human Services

### Family and Children's Services Division

#### Notice of Request for Proposals to Provide Logistical Arrangements and Contract Management Services for Family Preservation and Family Support Services

The Department of Human Services is soliciting proposals from private and public vendors to provide the logistical structure and contract management for gathering community input.

The Department of Human Services, Family and Children's Services Division has applied for and received federal funds, under Title IV-B of the Social Security Act, subpart 2, Family Preservation and Support Services. These new federal funds are provided to state child welfare agencies for preventive services (family support services) and services to families at risk or in crisis (family preservation services). The legislation requires states to engage in a comprehensive planning process for the development of a meaningful and responsive family support and family preservation strategy and a five year State plan that establishes a continuum of coordinated and integrated, culturally relevant, family focused services for children and families.

Therefore, we expect that a major goal of the planning process will be to examine the changes that are needed in Minnesota to make delivery of services more responsive to the needs of individuals and communities and more sensitive to the context in which they are to be delivered.

The Department will sponsor statewide opportunities for public input to this planning process from November 1994 through March 1995. Minnesota's five year State plan will be the result of a thorough and inclusive planning process using community needs assessment reflective of diversity of families and communities served. The process will link with other planning efforts and will examine what is needed to make delivery of services more responsive, flexible, and sensitive to families.

The cost for vendor services will not exceed \$40,000. The project period will be from November 1994 through May 1995. Logistic coordination is needed for up to 75 focus groups and neighborhood meetings, 50 town meetings, and six training sites around the State. The following provisions will be arranged and coordinated by the vendor: child care, participant stipends/ incentives for attending meetings, adequate representation from metropolitan and non-metropolitan communities, flexible and accessible meeting times, transportation, interpreters and translators, coordination with existing community groups, and familiar and comfortable settings for participants.

Proposals will be reviewed and rated based on the following criteria:

1. (30 points) Reasonableness of work plan.
2. (30 points) Experience and qualifications of applicant.
3. (20 points) Experience working with a committee.
4. (20 points) Reasonableness of itemized budget.

For complete information regarding the Request for Proposal, please contact Barbara O'Sullivan, Family and Children's Services Division, 444 Lafayette Road, St. Paul, MN 55155-3832, telephone (612) 296-8540, fax (612) 297-1949.

**Proposals are due October 24, 1994.**

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## Professional, Technical & Consulting Contracts

### Department of Labor and Industry

#### Workplace Safety Consultation Division

#### Notice of Safety Grants for Employers

The Department of Labor and Industry announces another funding round of its safety grants program under *Minnesota Statutes*, Section 79.253. Employers covered by workers' compensation insurance are eligible to apply for matching grants to abate safety hazards in their workplace. The hazards should have been identified in a safety survey done by a qualified person which resulted in specifically recommended safety practices and equipment.

For this funding round, the grants up to \$10,000 are available. The employer must provide at least \$1 in project costs for every grant dollar awarded. The grants are designed to promote safety in the workplace, particularly those that are in high risk industries.

Applications, program qualifications and information are available from the department. This round of applications must be received no later than Friday, October 28 at 4:30 at the department offices or be post marked by that time.

Proposals will be reviewed by the department and awards made by Monday, November 21. Qualified projects having the greatest impact and feasibility will be given priority.

For further information or to request a grant application, please call James Collins, Workplace Safety Consultation, at 612-296-5433.

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## 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.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

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### Department of Administration

#### STAR Program

#### Notice of Request for Proposals for Mobile Outreach Services

The STAR Program, a project of the Governor's Advisory Council on Technology for People with Disabilities, is seeking Request for Proposals on mobile outreach services.

The assistive technology mobile outreach services program is to improve the delivery of assistive technology devices and services to the unserved and underserved populations in all geographic areas of the state. The anticipated total level of funding for this program is \$175,000.

Applications must be received by 4:30 p.m. on November 14, 1994. For applications and further information, please contact: Rachel Wobschall, Executive Director, STAR Program, 300 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-2771, (612) 296-9962 TDD.

### Department of Health

#### Environmental Health Division

#### Request for Proposals for Planning and Administration of One-Day Conference for Public Health Nurses

The Minnesota Department of Health will develop and conduct a one-day "Conference on Assessing Environmental Exposure: The Role of the Public Health Nurse." This conference is funded, in part, through a grant from the federal Agency for Toxic Substances and Disease Registry. It will provide public health nurses an opportunity to become more knowledgeable about envi-

## Professional, Technical & Consulting Contracts

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ronmental health issues and is tentatively scheduled for May/June 1995. The Department is requesting proposals for program planning services to plan, administer, and evaluate this conference. This includes but is not limited to: staffing a planning committee, developing program content and securing presenters; assisting with the selection of the conference location; making all physical arrangements with hosting facility; conducting and overseeing the registration process; ensuring the conference support services run smoothly; and developing and mailing all written materials and correspondence.

This Request for Proposals does not obligate the State to complete the proposed project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

### A. Scope of Project

The contractor will provide a full range of services required for planning and administration of the one-day conference, tentatively scheduled for May/June 1995.

Following the conference, the contractor will provide a final report, including conference evaluation results in a format specified by the State, publicity tracking information and participant report, a review of any special features of the conference, an evaluation of the facility, and a budget/expenditures report.

### B. Goal

To assist public health nurses in providing quality clinical care to their clients and improved approaches in health education and prevention strategies.

### C. Project Tasks

1. **Staff three conference planning committee meetings** and one focus group meeting. This includes, but is not limited to, preparing meeting agendas, meeting minutes, and providing staff progress reports.
2. **Conduct the conference site selection process** by identifying potential conference sites, preparing a "Request for Bids," receiving bids, and advising the State on the conference site selection.
3. **Develop a conference budget** and recommend a registration fee. The budget shall cover all direct conference costs including one meal (lunch), two breaks, guest speaker fees, audio-visual equipment, registration processing fee, and other direct expenses pertaining to the conference.
4. **Develop program content** for the conference as determined by the State.
5. **Identify, contact, and confirm speakers, presenters and moderators** for the conference.
6. **Conduct and oversee the registration process** prior to and at the conference, including receiving, processing and acknowledging all registration payments. The registration process must be established in such a way that State employees approved by the State to attend the conference will not be directly billed for registration fees.
7. **Use funds from the registrant fees** (not to exceed \$30) collected to cover expenses incurred for meals and participant CEUs. Administrative costs for the purchase of supplies or services provided through the Minnesota Department of Health will not be a contractor responsibility. Authorization from the State shall be obtained prior to the obligation or expenditure of funds.
8. **Maintain a record of all income and expenses** associated with the conference. Federal funds provided through this contract will cover the expenses incurred for speakers' fee, audiovisual equipment, postage, duplicating, telephone and other direct costs associated with the operation of the conference.
9. **Prepare and distribute pre-registration materials**, a conference packet containing a detailed program, an evaluation form, and any other pertinent information for distribution to the registrants at the conference, and any other materials necessary for implementing and conducting the conference.
10. **Prepare and distribute name badges** to registrants and others attending the conference.
11. **Develop a plan for publicity and public relations** for the conference with assistance of the conference planning committee and following the approval of the State. This should include development of a direct mail conference brochure and mailing.
12. **Ensure that the conference is a continuing education activity** that meets the criteria for appropriate nursing continuing education units, that continuing education units are awarded, and that a permanent record of each registrant's participation is maintained.
13. **Develop and implement an evaluation process** for the conference, subject to final approval by the State. Obtain suggestions for future content/topics from conference participants and faculty.
14. **Submit a final report** on the conference to the State which includes a summary of the completed evaluation forms, a financial report, and recommendations for future meetings.

The responder may propose additional tasks or activities if they will substantially improve the results of the project.

### D. Department Contacts

Prospective responders who have any questions regarding this Request for Proposals may call or write the Project Director:

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## Professional, Technical & Consulting Contracts

Mary Zetterlund, Health Program Representative  
Minnesota Department of Health  
Division of Environmental Health  
Environmental Health Hazard Management Section  
925 Southeast Delaware Street  
P.O. Box 59040  
Minneapolis, Minnesota 55459-0040  
Telephone: 612/627-5015

Other department personnel are not allowed to discuss the request for proposal with anyone, including responders, before the submission deadline.

### E. Submission of Proposals

All proposals must be sent to and received by:

Mary Zetterlund, Health Program Representative  
Minnesota Department of Health  
Division of Environmental Health  
Environmental Health Hazard Management Section  
925 Southeast Delaware Street  
P.O. Box 59040  
Minneapolis, Minnesota 55459-0040  
Telephone: 612/627-5015

\*Not later than 4:30 p.m., October 31, 1994.

Late proposals will not be accepted.

Submit seven (7) copies of the proposal. Proposals are to be sealed in mailing envelopes or packages, with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

### F. Project Costs

The department has estimated that the cost of this contract should not exceed \$11,200.

### G. Project Completion Date

The project will be completed by September 30, 1995.

### H. Proposal Contents

The following will be considered minimum contents of the proposal:

1. Outline the responder's background and experience, with particular emphasis on work with nurses, local, state and federal government work, and public health agencies. Identify personnel who will 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 Project Director.
2. Identify and describe the deliverables to be provided by the responder (see items C. 1-14 of this Request for Proposals).
3. Prepare a line item cost projection for the conference program and a 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.
4. Identify the level of the State's participation in the project, as well as any other services to be provided by the State.

### I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Health. In some instances, an interview may be part of an evaluation process. A 100-point scale will be used to create the final evaluation recommendation. The factors and weighting upon which proposals will be judged are:

- |   |     |
|---|-----|
| 1. Expressed understanding of project objectives  | 10% |
| 2. Project work plan  | 40% |
| 3. Cost detail  | 20% |
| 4. Qualifications/experience of company   | 5%  |
| 5. Qualifications/experience of personnel working on the project. Personnel who are committed to work on the contract will be given greater weight than that of the firm. | 25% |

## **Professional, Technical & Consulting Contracts**

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It is expected that evaluation and selection will be completed by November 30, 1994. Results will be sent immediately by mail to all responders.

### **J. Worker's Compensation**

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

### **K. Americans With Disabilities Act Compliance**

In fulfilling the duties and responsibilities of the contract, the contractor must comply with P.L. 101-336 Americans With Disabilities Act of 1990, 42 U.S.C., Section 1210, et. seq., and the regulation promulgated pursuant to it.

### **L. Financial Requirements**

The state's contract language includes the following terms and conditions (summarized here) which you should be aware of in preparing your response.

(1) Compensation will be for ALL services performed, unless a specific payment schedule is mutually agreed upon. The state DOES NOT make regular payments based on the passage of time; it only pays for services performed or work delivered AFTER it is accomplished.

(2) Payment is only made after the submission of an authorized invoice to the state. The state must pay its invoices within 30 days of receipt, unless they are formally contested.

(3) Reimbursement for travel and subsistence expenses actually incurred in performance of a contract is limited to the current "Non-managerial Unrepresented Employees Plan" promulgated by the commissioner of employee relations. Travel outside of Minnesota must have received PRIOR written approval of the agency contact BEFORE it takes place. You may contact the commissioner of employee relations to get a copy of this plan.

(4) No more than 90 percent of the full amount due under a contract may be paid until the final product(s) of the contract have been reviewed by the agency head, and the agency head has determined that the contractor has satisfactorily fulfilled all the terms of the contract.

## **State Board of Investment**

### **Official Notice for Private Money Management Firms to Assist in Managing Certain Accounts**

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program  
Minnesota State Board of Investment  
Suite 105 MEA Building  
55 Sherburne Avenue  
St. Paul, MN 55155

Please refer to this notice in your written request.

## **Department of Natural Resources**

### **Parks and Recreation Division**

### **Request for Proposals for Producing a Video Tape Program on the Blufflands Landscape Region of Minnesota**

#### **Project:**

The Department of Natural Resources is seeking proposals from qualified firms to provide professional technical services in the production of a video tape program highlighting the Bluffland landscape in S.E. Minnesota.

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## Professional, Technical & Consulting Contracts

### Contact Person:

Denis Allen  
DNR Parks  
2300 Silvercreek Rd.  
Rochester, MN 55906  
(507) 285-7432

### Scope of the project:

The video tape program will be 15 - 20 minutes in length, and will discuss the formation, prehistory, history, land use, and future of the Blufflands. The video will combine still photos with "live" taped interviews, and focus on the natural history elements of the area.

### The goals and objectives of the project are to:

1. Show the natural diversity of the Blufflands.
2. Show changes of the landscape in southeastern Minnesota since European settlement.
3. Inform people about the relationship between their actions and the environment.
4. Get people to think about what they want the area to look like in the future.
5. Assure people that they are a part of the protection of the Blufflands.

### Project tasks:

1. Write a script and produce a storyboard for the video.
2. Design and produce the video including all filming, narration, music, sound effects, editing, and all other technical aspects required of the production.
3. Provide all technical support necessary.
4. Provide the video with closed or caption signals.
5. Produce and provide a master, and copies of the video.

### Completion Date:

The completion date for this project is before or no later than June 30, 1995.

### Submission of Proposals:

Requests for proposals with complete specifications, and guidelines with a script outline and specific script ideas can be obtained by contacting the Department contact person (above). Proposals must be received by the same person no later than 4:30 p.m. October 25, 1994.

## Department of Public Safety

### Office of Traffic Safety

#### Request for Proposals for Evaluation of Repeat DWI Offenders Intensive Probation Grant Program

The Minnesota Department of Public Safety is seeking proposals to plan and conduct an evaluation of its county grant program for intensive probation programs for repeat DWI offenders. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Kathryn Swanson  
Office of Traffic Safety  
Department of Public Safety  
444 Cedar Street  
Suite 100B, Town Square  
St. Paul, MN 55101-2156  
(612) 296-9507

The estimated cost of the contract is \$20,000.00. The Department will retain an option to renew the contract for two additional one-year periods. Final date for submitting proposals is October 24, 1994, by 4:00 PM.

## Non-State Public Bids, Contracts & Grants

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### Department of Transportation

#### Engineering Services Division

#### Notice of Request for Consultant to Develop a Long Range Transportation System Plan for the Metropolitan Division

The Minnesota Department of Transportation is seeking a consultant for the development of a long range Transportation System Plan for the Metropolitan Division. This project will be completed in two phases with separate contracts for each phase. This advertisement is soliciting for Phase I of this project which proposes to provide a system level assessment of the Metro Transportation System. The Highway system will be the main focus of this assessment, but other modes will also be considered. This assessment will consist of a detailed description of the current transportation picture, a needs and deficiencies analysis of the highway system, a broad assessment of intermodal connections, and the establishment of appropriate investment strategies for transportation corridors/subareas.

Phase I is proposed to start December 1, 1994 and completed in approximately one year.

In accordance with *Minnesota Rules* Part 1230.1910, certified Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractor shall receive the equivalent of a 4% preference in the evaluation of their proposal.

A Request for Proposal can be obtained from the MN/DOT Consultant Agreement Administrator:

Ms. Patti Loken, P.E.  
Consultant Services Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard, Mailstop 680  
St. Paul, Minnesota 55155  
Phone: (612) 297-1172 Fax: (612) 282-5127

Request for Proposals will be available by mail from this office through October 18, 1994. A written request is required to receive the Request for Proposal. Indicate whether your firm is a Small Targeted Business or Disadvantaged Business Enterprise in your written request. After October 18, 1994, the Request for Proposal must be picked up in person.

No time extensions will be granted.

Proposals must be received at the above address no later than 2:00 P.M. on October 24, 1994.

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.

## Non-State Public Bids, Contracts & Grants

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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### Metropolitan Airports Commission

#### Invitation to Submit Qualifications for Continuing Consulting Services in Legislative Affairs

The Metropolitan Airports Commission (MAC) will select a firm to assist Commission staff in state legislative activities. The MAC is an independent commission created by the Minnesota Legislature in 1943 with the purpose of developing, operating, and maintaining a system of airports to serve the Twin Cities area. The area of jurisdiction of the MAC is a 35-mile radius from the city halls of Minneapolis and St. Paul or the seven-county metro area.

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## Non-State Public Bids, Contracts & Grants

The Commission consists of 15 members, 13 appointed by the Governor and two representing the Mayors of Minneapolis and St. Paul. The Chair is appointed by the Governor. The Commission reports to the Local Government and Metropolitan Affairs Committee and the Transportation and Transit Committee in the House and to the Metropolitan and Local Government Committee and the Transportation and Public Transit Committee in the Senate. The MAC operates a system of seven airports including Minneapolis-St. Paul International Airport, St. Paul Downtown Airport, Flying Cloud Airport, Crystal Airport, Anoka County-Blaine Airport, Lake Elmo Airport, and Airlake Airport.

The consultant selected by the Commission will begin work under the direction of Commission staff for the 1995 legislative session. It is anticipated that some time will be required prior to the session to become familiar with MAC legislative issues and to assist the Commission as necessary in developing a legislative agenda.

The Commission has adopted a Targeted Group Business (TGB) program pursuant to *Minnesota Statutes* § 473.142 (1989). If the consultant is not a TGB, the consultant selected will be required to make a good faith effort toward subcontracting a portion of the work to a TGB firm.

### Consultant Services

The consultant selected must be capable of providing the full range of services necessary to represent the MAC at the Minnesota Legislature. Among the specific duties of the selected consultant will be the following:

1. Provide liaison through Commission staff with the Minnesota Legislature, supporting the goals and objectives of the MAC as adopted by the Commission.
2. Represent the MAC position on issues to members of the Legislature and Legislative staff.
3. Provide information as requested on airport and aviation related issues.
4. Provide Legislative monitoring services for the MAC, including development of legislation relative to the MAC, progress of bills relative to the MAC, and attendance at hearings and reporting of activities relevant to the MAC.
5. Provide information to the MAC and staff regarding Legislative activities.
6. Maintain liaison through Commission staff with the Governor's Office regarding MAC issues.
7. Maintain liaison through Commission staff with appointed state commissioners and appropriate staff regarding airport related issues.
8. Provide an end-of-session summary of all legislation relevant to the MAC.
9. As requested by MAC, provide interpretation and opinions regarding legislation.
10. Provide coverage of activities during the interim including relevant meetings, task forces, committees, etc.

### Submittal Contents

Consultant firms interested in being considered as a legislative affairs consultant for the MAC are invited to submit five (5) copies of their Statement of Qualifications in the format indicated below:

1. Background and experience of the firm, including type of ownership, organization of the firm, length of time firm has been operating under present organization, range of professional services offered, depth of major departments, and total number of support personnel by function.
2. Resumes of key personnel to be assigned to the MAC activities specifically identifying relevant experience and their other areas of responsibility.
3. A complete listing of all current clients, including identification of any conflicts of interest or perceived potential for any conflict of interest.
4. A concise description of relevant previous work accomplishments including project description, cost, length of time involved, and specific responsibilities. Please highlight public sector work.
5. The names and telephone numbers of three recent clients for whom public sector legislative work has been performed.
6. Examples of legislative initiatives in which the firm played a major role in achieving.
7. A concise description of the firm's approach to subcontracting portions of their work to targeted group business(es).
8. A copy of the firm's Certificate of Compliance (*Minnesota Statutes* § 473.144) as issued by the Commissioner of Human Rights or a notarized statement that the firm has had less than 20 full-time employees at any time during the previous 12 months.
9. 1995 hourly billing rates that would apply to the performance of these specific services.

## **Non-State Public Bids, Contracts & Grants**

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The above information should be submitted to the following address prior to close of business on *October 17, 1994*:

David J. Dombrowski  
Director, Labor & Legislative Relations  
Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis, MN 55450-2799  
Phone: (612) 726-8124

Submittals will be reviewed and a short list of firms selected to be interviewed by the Commission's Legislative Task Force will be prepared. Interviews are tentatively scheduled for the week of October 31, 1994. The Task Force will then recommend to the full Commission selection of a firm.

## **Metropolitan Council**

### **Notice of Request for Proposal for Financial Advisor Consultant**

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council is requesting proposals for financial advisory services. The contract will commence on January 1, 1995 and be complete on December 31, 1997. All proposals must be received no later than 4 p.m. on October 21, 1994. (Attention: Richard P. Johnson)

Copies of the Request for Proposal may be obtained from the Metropolitan Council, Mears Park Centre, 203 East 5th Street, St. Paul, Minnesota 55101. Inquiries should be directed to Richard Johnson, (612) 291-6454.

## **Metropolitan Council Wastewater Services**

### **Notice of Request for Information for Time and Attendance**

The Metropolitan Council Wastewater Services (MCWS) is requesting information for **TIME AND ATTENDANCE** for its Finance Division. This Request describes general system requirements and more specifically addresses functional requirements.

Copies of the Request can be obtained by calling LaRae Bohn at (612) 229-2019 or Bea Villegas at (612) 229-2032.

Request for Information responses will be accepted until **4:00 P.M., TUESDAY, OCTOBER 11, 1994**.

The MCWS reserves the right to include any part or parts of the vendor's request for information in creating the Request For Proposal.

By Order of the Metropolitan Council Wastewater Services  
Helen A. Boyer, General Manager, Wastewater Services

## **Saint Paul/Ramsey County Joint Purchasing Office**

### **Notice of Request for Proposals for Consulting Services for Performance Measurement of Programs and Services**

The Saint Paul/Ramsey County Joint Purchasing Office is soliciting proposals from qualified individuals or firms to provide consulting services in the area of performance measurement of programs and services. Proposers should submit questions about the project and/or this RFP in writing or by fax by 12:00 noon on Friday, October 14, 1994 to:

Saint Paul/Ramsey County Joint Purchasing Office  
Room 280 City Hall/Court House  
Attention: Linda J. Camp  
15 W. Kellogg Blvd.  
Saint Paul, MN 55102  
Fax: 266-8919

Five copies of the proposal are due in the Joint Purchasing Office at the same address by 2:00 p.m. on Wednesday, November 2, 1994. Fax submissions of final proposal will not be accepted.

No bid or performance bonds are required.

Dated: 28 September 1994



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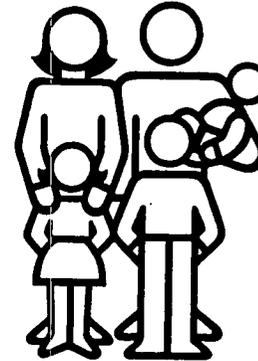
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Minnesota Rules Chapters 9500-9585, including May '94 amendments. Extracts from Rules governing assistance pro- programs, eligibility, grant amounts, AFDC and residence requirements. Looseleaf, 1,836pp. Stock No. 3-95 \$39.95

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### Human Services Laws

Selected Chapters from the 1993 Minnesota Statutes related to human services delivery. Among the many topics covered are: government data practices, human service licensing, MN Commitment Act of 1982, medical assistance, MN Family Preservation Act, and chemical dependency. Looseleaf, 1,551pp. Requires 2 binders. Stock No. 2-56 \$34.95

### Health Care Program Manual

(...formerly known as the MA/GAMC Medical Care Provider Manual) This MinnesotaCare Programs Provider Manual provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994) Stock No. 10-12 \$20.00

### Home Health Care/Hospice Rules 1993

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

### Nursing & Boarding Care Home Rules

Chapters 4520.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993) Stock No. 3-12 \$14.00

### Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993) Stock No. 2-91 \$5.00

### Nursing Board Rules

Rules governing preparation programs and licensing and registration of nurses. MN Chapters 6301, 6305, 6310, 6316, 6321, 6330 and 6340. Includes '94 rule changes as an insert. 70pp. (1993) Stock No. 3-94 \$7.00

### Social Work Practice Act

Laws and rules relating to social work licenses. MN Statutes Chapter 148B and MN Rules Chapter 8740. 70pp. (1993) Stock No. 3-39 \$7.95

### Supervised Living Facilities Laws & Rules

Statutes Chapters 144.56 and 144.651-.653 and Rules Chapter 4665. Standards for construction, equipment, maintenance, and operation of supervised living facilities. 42pp. (1992) Stock No. 3-15 \$4.50

### Pharmacy Laws

MN Statutes Chapter 151-152, 214, 319A and sections of other chapters. 122pp. (1993) Stock No. 2-78 \$8.00

### Pharmacy Rules

MN Rules Chapter 6800. 100pp. (1993) Stock No. 3-67 \$8.95

