

178 June 19

Pages 2243-2298

State



STATE OF
MINNESOTA

Register

HIGHLIGHTS:

PROPOSED RULES

Administration of Chemical Tests for Intoxication

Pharmaceutical Practices

Aid to Families with Dependent Children Program

STATE CONTRACTS

OFFICIAL NOTICES

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JUNE 19, 1978

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Rudy Perpich
Governor

Carol Anderson Porter
Editor

Richard L. Brubacher
Commissioner
Department of Administration

James Clancy, Paul Hoffman, Robin PanLener, Jack Richter
Editorial Staff

Cindy Peterson
Secretarial Staff

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PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Safety Safety Administration Division

Proposed Rules Governing Administration of Chemical Tests for Intoxication

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room 51, State Office Building, Wabasha Street between Aurora and Fuller, St. Paul, Minnesota, on July 25, 1978, commencing at 9:00 a.m., and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above.

All interested or affected persons or representatives of groups or organizations will have an opportunity to participate, by submitting either oral or written data, statements, or arguments. Written materials may be submitted by mail to Henry Crump, Office of Hearing Examiners, 1745 University Avenue, St. Paul, MN, either before or within 5 days after the close of the hearing, or within 20 days if so ordered by the hearing examiner.

The commissioner proposes to amend existing rules relating to persons who administer breath tests. The proposed amendments would allow any person formally trained to administer breath tests at the direction of a peace officer.

The existing rules allow only trained peace officers to administer such tests.

The department's authority to promulgate the proposed rules is contained in Minn. Stat. § 169.123 (1976). One free copy of the proposed rules is available and may be obtained by writing to Diane Hamilton, Department of Public Safety, 210 Transportation Building, St. Paul, MN 55155. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the need for and reasonableness of the proposed rules and a Statement of Evidence outlining the testimony the department will be introducing at the hearing will be filed with the Office of Hearing Examiners at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Edward G. Novak
Commissioner of Public Safety

Rule as Proposed

Chapter Ten Standards for Persons Administering and Interpreting Chemical tests for Intoxication.

11 MCAR § 1.0099 Persons who administer breath tests.

~~Only a peace officer;~~ Any person who has satisfactorily completed a course of formal classroom instruction in the use of an instrument specially manufactured to analyze a specimen of breath to determine the alcoholic content of the blood may administer a breath test at the direction of a peace officer. The course of instruction must be approved by the commissioner. After completion of the described course such ~~person officer~~ person may be required to periodically demonstrate, to the commissioner or his duly authorized and acting agents, his competence to satisfactorily operate such instrument.

PROPOSED RULES

Board of Pharmacy Proposed Amendments Relating to Unit Dose Distribution, Supportive Personnel, Drug Returns, Nursing Home Practice, and Hospital Practice

Pharm 21

Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in the Board Room of the Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on July 24, 1978, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Peter Erickson, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8113, either before the hearing or within five (5) days after the close of the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

The proposed amendments, if adopted, would fix requirements for unit dose distribution systems, set forth allowable functions for the utilization of supportive personnel, allow returns of certain medications, expand the responsibilities of the pharmacist in nursing home and hospital practice settings and make other more minor changes.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to the Minnesota Board of Pharmacy, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the Board of Pharmacy's position relative to the necessity for the proposed amendments and a Statement of Evidence outlining the testimony and evidence which will be introduced by the Board in support of the proposed amendments will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection. The statutory authority of the Board of Pharmacy to promulgate and adopt these rules is contained in Minn. Stat. ch. 151 (1976).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 a year or five (5) hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5615.

David E. Holmstrom
Executive Secretary

June 5, 1978

Rules as Proposed

Pharm 21 Pharmacist-in-charge, requirements, definitions and duties. No person shall conduct a pharmacy without a pharmacist-in-charge who shall be a pharmacist regularly employed in the pharmacy department and shall be designated in the application for license, each renewal thereof or pursuant to Pharm 23. The term "pharmacist-in-charge" means a duly licensed pharmacist in the State of Minnesota who has been so designated, and it shall be his duty and responsibility consistent with the accepted standards of professional conduct and practice and in compliance with all applicable laws and regulations:

A. to establish for the employees of the pharmacy, policies and procedures for the procurement, storage, compounding and dispensing of drugs and the communication of information to the public in relation to drug therapy;

B. to supervise all of the professional employees of the pharmacy;

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

PROPOSED RULES

Pharm 21

C. to supervise all of the nonprofessional employees of the pharmacy insofar as their duties relate to the procurement, sale and/or storage of drugs; ~~to develop appropriate detailed written procedures directing these activities, and to submit these procedures to the Board.~~

D. to develop appropriate detailed written procedures directing activities of supportive personnel and to submit these procedures to the Board in accordance with Pharm 47;

~~E.~~ E. to establish and supervise the method and manner for the storing and safekeeping of drugs.

~~F.~~ F. to establish and supervise the recordkeeping system for the purchase, sale, possession, storage, safekeeping and return of drugs;

~~G.~~ G. to notify the board immediately upon his knowledge that his services as pharmacist-in-charge have been or will be terminated;

G. H. to respond to deficiency reports. The pharmacist-in-charge of any pharmacy wherein deficiencies are noted upon inspection by the board or its staff shall, within 30 days of receiving notice of such deficiency, submit in writing to the board the steps taken or proposed to eliminate the deficiency. Failure to submit such report or to eliminate such deficiency shall be grounds for the institution of disciplinary action by the board.

Pharm 32 Return of drugs and devices prohibited.

Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any drugs, prescribed medications, chemicals, poisons or medical devices; except that in a hospital with a licensed pharmacy, drugs, devices or other items dispensed for hospital in-patient use may be returned to the pharmacy for disposition by a pharmacist in accordance with good professional practice. This regulation shall not apply to the return of medical devices provided that proper sanitary procedures are used prior to the reuse, resale or re-rent thereof. Drugs and prescribed medications from nursing homes may be returned to the dispensing pharmacy provided that proper storage conditions in the home can be assured; provided that the drugs and prescribed medications are received by the pharmacy in the original manufacturer's packaging or pharmacist packager's single Unit-Dose, single Unit-of-Use or strip packaging indicating the drug name and strength, the manufacturer's or packager's name and the manufacturer's or packager's lot or batch number; and provided that the integrity of such packaging remains intact. No reconstituted drugs, drugs requiring refrigeration or controlled substances may be so returned. Commingling of returned medication or mixing of lot numbers of returned medication shall result in such medication being deemed misbranded and subject to embargo under Minn. Stat. § 151.38.

This prohibition shall not apply to the return of medical devices provided that proper sanitary procedures are used prior to the reuse, resale or re-rent thereof.

Pharm 36 Compounding and dispensing. The practice of compounding and dispensing a prescription includes, but is not limited to, the following acts, which shall be performed only by a pharmacist, assistant pharmacist, or pharmacist-intern under the immediate and personal supervision of a pharmacist.

(a) ~~Receipt of prescriptions, written or oral, (except that written prescriptions may be received by an agent of the pharmacist if the patient is immediately adjacent to prescription area and pharmacist to enable professional communication and consultation directly with the pharmacist).~~

(b) ~~Verification of prescribed dosage within proper limits.~~

(c) ~~Reading, interpretation and transcription to the prescription label, or verification of the transcription by initialing the label, of the prescriber's directions for use in a manner that communicates his directions for use precisely, and with assurance of understanding by the patient.~~

(d) ~~Selecting, compounding, mixing, combining, measuring, counting or otherwise preparing the drug or drugs needed to fill the individual prescription.~~

(e) ~~Permanently affixing properly prepared label to the container of the prescription medication.~~

(f) ~~Return of completed prescription medication to patient (except that completed prescription medication may be transmitted by an agent of the pharmacist if patient is immediately adjacent to pharmacist and prescription area to enable professional communication and consultation with the pharmacist).~~

(g) ~~Obtaining, when required by law and in the best professional practice, permission to refill from authorized prescribers, and noting on the reverse side of the prescription the following data:~~

(1) ~~Date refilled;~~

(2) ~~Initials of practitioner authorizing refill (if different from original prescriber);~~

(3) ~~Quantity of drug dispensed if different from the original prescription.~~

(4) ~~Initials of signature (when required) of person refilling prescription.~~

(h) ~~Supervision of non-pharmacist personnel in~~

PROPOSED RULES

Pharm 38

limited non-professional duties such as looking up prescription refills, filing prescription, recordkeeping, non-professional aspects of presenting completed medications to patients and completing transaction, delivery.

Nothing in paragraphs one and six of this regulation shall prevent hospital pharmacists from accepting prescription orders or returning prescription medications via normal accepted in-patient hospital drug distribution practices.

A. Determination of brands and suppliers.

B. Receipt of verbal prescriptions.

C. Verifying the prescription order. Verification of validity and propriety must be of the original prescription order. A copy, rewritten or verbal, is not acceptable.

D. Selecting the drug to be used in filling the prescription.

E. Extemporaneous compounding on an individual basis.

F. Certifying the completed prescription. In certifying and documenting the completed prescription order, the pharmacist shall include:

1. checking of the original labeled container from which the medication was withdrawn;

2. checking of the labeling on the prescription medication container;

3. checking the contents of the prescription medication container and the appearance of the total product;

4. checking the patient's medication record, when utilized, for possible therapeutic incompatibilities and the accuracy of the addition to the record of the medication dispensed;

5. initialing of the prescription by the pharmacist performing the certification.

G. Issuing the prescription to the patient in order to assure that the patient understands the use of the medication, the cautions and the proper storage of the drug when in the professional judgment of the pharmacist such counsel is necessary.

H. Obtaining, when required by law or by the best professional practice, permission to refill from authorized prescribers or their agents, and noting on the reverse side of the prescription the following data:

1. date refilled;

2. name of practitioner authorizing refill (if different from original prescriber);

3. quantity of drug dispensed (if different from the original prescription);

4. initials of the pharmacist refilling the prescription.

I. Supervising nonpharmacist supportive personnel utilized in the performance of certain pharmacy tasks. The use of supportive personnel shall be in accordance with the provisions of Pharm 47.

Pharm 38 Prepackaging.

A. Pharmacies may prepackage and label drugs in convenient quantities for subsequent complete labeling and dispensing. Such drugs shall be prepackaged by or under the direct supervision of a pharmacist. The supervising pharmacist shall cause to be prepared and kept a packaging control record containing the following information.

(a) 1. Date.

(b) 2. Identification of drug.

(1) a. Name.

(2) b. Dosage form.

(3) c. Manufacturer.

(4) d. Manufacturer's lot number.

(5) e. Strength.

(6) f. Manufacturer's expiration date (if any).

(c) 3. Container specification.

(d) 4. Copy of the label.

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- (e) 5. Initials of the packager.
- (f) 6. Initials of the supervising pharmacist.
- (g) 7. Quantity per container.
- (h) 8. Internal control number or date.

B. Each prepackaged container shall bear a label containing the following information:

- (a) 1. Name.
- (b) 2. Strength.
- 3. Dosage form.
- (c) 4. Internal control number or date.
- (d) 5. Manufacturer's expiration date (if any).
- (e) 6. Auxiliary labels, as needed.

Pharm 47 Supportive personnel. Supportive personnel may be used in performing pharmacy tasks not specifically reserved in these rules to a licensed pharmacist, assistant pharmacist or pharmacist-intern under the immediate and personal supervision of a pharmacist.

A. Supportive personnel may perform functions which do not involve professional pharmaceutical judgment.

B. Pharmaceutical products prepared by supportive personnel must be certified for accuracy by a licensed pharmacist (as provided for in Pharm 36 F) prior to release for patient use.

C. Written procedures for the use of supportive personnel shall be prepared by the pharmacist-in-charge, shall be submitted to the board, and a copy shall be kept on file in the pharmacy. These procedures must be approved by the board prior to implementation of the procedure.

1. These procedures shall indicate in detail the tasks performed by the supportive person and the certification steps performed by the licensed pharmacist.

2. New procedures or changes in procedures shall be submitted to the board for approval as specified above.

3. The submitted procedures shall be automatically approved 90 days after receipt by the board unless the

pharmacist-in-charge is notified by the board of the specific reasons the procedures are unacceptable. (This paragraph shall become effective one year after final promulgation of this rule.)

D. Supportive personnel shall be supervised by a licensed pharmacist physically present within the same work area who has the ability to control and is responsible for the action of the supportive person.

1. The basic ratio of supportive personnel allowed by this rule to work with one pharmacist shall be 1:1. Specific functions shall be expected from the 1:1 ratio as follows:

- a. intravenous admixture preparation (Pharm 84), 3:1;
- b. Unit Dose dispensing (Pharm 42), 3:1;
- c. prepackaging (Pharm 38), 3:1;
- d. bulk compounding (Pharm 39), 3:1.

2. Personnel used solely for clerical duties such as typing, looking up refills, filing prescriptions, recordkeeping, etc. need not be included in the ratios of the functions performed by supportive personnel.

3. A pharmacist-intern submitting hours toward completion of the 1500-hour requirement is not considered a supportive person for the purpose of determining the number of supportive persons supervised by a licensed pharmacist.

4. A pharmacist-in-charge of any pharmacy may petition the board for use of supportive personnel in ratios in excess of those allowed under these rules or for functions not specified in these rules. This petition for the use of additional personnel must be based on evidence that patient care and safety is maintained. The burden of persuasion is on the pharmacist-in-charge. Such a petition shall be automatically approved 90 days after receipt by the board unless the board shall send to the pharmacist-in-charge notification of the specific reasons why the petition is unacceptable.

E. The use of supportive personnel in the performance of delegated tasks not included in approved written procedures may be considered to be unprofessional conduct on the part of the pharmacist supervising the supportive personnel and the pharmacist-in-charge.

Pharm 48 Unit Dose dispensing. A Unit Dose system shall be under the control of the pharmacist-in-charge. The act of drug dispensing is reserved for licensed pharmacists

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and registered pharmacist-interns acting under the supervision of licensed pharmacists, as set forth in Pharm 36. A Unit Dose system may be used as an alternative to Pharm 36 D, G, and H according to the following paragraphs.

A. Definitions.

1. Unit Dose packaging. Unit Dose packaging is the packaging of individual doses of medication in containers which will preserve the identity and integrity of the drug from the point of packaging to the point of administration to the patient. Packaging may be accomplished by a manufacturer or by a pharmacy in accordance with Pharm 38. Packaging procedures and packaging materials must conform to existing state and federal laws including those found in The Code of Federal Regulations and known as the "Good Manufacturing Procedures."

a. Individual doses of medication shall be properly labeled from the manufacturer with the name of the drug, dosage form and strength, manufacturer's name and lot number and expiration date of all time dated drugs or labeled in accordance with Pharm 38 if prepackaged by the pharmacy.

b. Unit Dose packaging may provide individual doses of medication attached to each other by placement in a card or other container. Such packaging shall be labeled in accordance with Pharm 38 in such a manner as to provide continuous identification of the contents and, when dispensed, the name and location of the patient, name of the prescribing practitioner, prescription number, date, the directions for use and identification of the pharmacy.

2. Unit Dose system. The Unit Dose system is that drug distribution system which is pharmacy based and which uses Unit Dose packaging in a manner which removes traditional drug stocks from patient care areas and enables the selection and distribution of unit dose packaging to be pharmacy based and controlled.

The system must provide and the pharmacist must utilize:

a. a means of separating medications by patient name and bed number;

b. a means of separating medications by day of administration;

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c. a means of identifying individual doses dispensed, doses administered and doses returned;

d. a means of identifying the dosage regimen of each drug, including the date of the original order and the date of changes, if any, in the prescriber's drug order;

e. a means of identifying the total dosage regimen of each patient;

f. a means of identifying the time of administration of each drug;

g. a means for the pharmacist to verify the original prescriber's order;

h. a means for the pharmacist to certify the accuracy of the selected medication before the dose is delivered for administration to the patient.

B. Each pharmacy utilizing a Unit Dose dispensing system shall establish written policies specifying the categories of drugs which will or categories of drugs which will not be dispensed under the Unit Dose distribution system. Such policies shall be available in the pharmacy for inspection by the board.

1. Proper utilization of the Unit Dose system requires that in as far as is practicable all medications be in Unit Dose packaging when dispensed.

2. Schedule II, III, and IV controlled substances may be included in the Unit Dose system if the methods of including such drugs in the system are in compliance with applicable federal and state laws and rules.

3. Drugs not dispensed under the Unit Dose dispensing system must be dispensed in accordance with Pharm 36.

C. Selection of individual Unit Dose packaging for placement in individual patient containers, bins, compartments or drawers is not dispensing under Pharm 36 and may be performed by supportive personnel. Dispensing occurs upon the certification of the accuracy of the selected Unit Dose packages which shall be done by the pharmacist before the dose is delivered for administration to the patient.

D. All medication shall be stored in a locked area or locked cart.

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E. Unit Dose systems shall comply with existing law with respect to provisions of pharmaceutical services to hospitals and nursing homes and as set forth in Pharm 71-100.

Pharm ~~47-50~~ 49-50 Reserved for future use.

Chapter Five Internship

Pharm 61 Internship. A regulation for the purpose of defining and regulating the internship experience of prospective pharmacists as required by Minn. Stat. §§ 151.10 and 151.101.

This regulation shall take effect immediately but the provisions contained herein shall not nullify any period of internship service by any individual previous to its adoption provided such period of internship is filed in a proper manner with the secretary of the Board of Pharmacy.

A. Definitions.

1. "Pharmacist intern" and "intern" means:

(+) a. a natural person satisfactorily progressing toward the degree in pharmacy required for licensure; or

(2) b. a graduate of the University of Minnesota College of Pharmacy, or other pharmacy college approved by the board, who is registered by the Board of Pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(3) c. a qualified applicant awaiting examination for licensure.

2. "Preceptor" means a natural person licensed as a pharmacist by the Board of Pharmacy, and who participates in instructional programs approved by the board.

3. "Hour" means the standard 60 minute division of time.

4. "Supervision," as used in connection with this regulation, means that in the pharmacy where the intern is being trained, a registered pharmacist designated as preceptor, or another registered pharmacist, shall be in continuous personal contact with and actually giving instructions to the intern during all professional activities of the entire period of his internship.

5. "Concurrent time" means internship experience gained during the fourth and fifth academic years only, while a person is a full-time student carrying, in any given school term, at least 75% of the average number of credit hours per term needed to graduate within five years.

6. "Approved clinical program" means a clinical program approved by the Internship Advisory Committee and the Board of Pharmacy, which is a patient oriented instructional program involving actual patient contact activities, including, but not limited to, patient rounds, medication histories, patient drug education and clinical conferences.

7. "Approved externship program" means an undergraduate program of practical experience administered by a college of pharmacy approved by the board.

8. "Quarter" means that amount of internship time gained during a three month period of time, but not to exceed 700 hours.

B. Registration and reporting.

1. Every person shall register with the board before beginning his internship in this state. Applications for the registration of a pharmacist-intern shall be on such form or forms as the Board of Pharmacy may from time to time prescribe and shall be accompanied by a fee of \$20. Registration shall remain in effect during successive quarters of internship training if progress reports, examinations, and affidavits of experience as required by the board are submitted promptly upon beginning or terminating employment, and if the board is satisfied that the registrant is in good faith and with reasonable diligence pursuing a degree in pharmacy.

Credit for internship time will not be granted unless registration, progress reports and affidavits of experience for preceding time are completed and received.

2. The pharmacist-intern shall be so designated in his professional relationships, and shall in no manner falsely assume, directly or by inference, to be a pharmacist. The board shall upon proper registration issue to the intern a pocket registration card for purposes of identification and verification of his role as an intern, which card shall be surrendered to the secretary of the board upon termination of the internship program.

3. All registered interns shall notify the board immediately upon change of employment or residence address.

4. The intern may be required to maintain additional records of his professional activities. Such records, which shall be submitted after the completion of each quarter of internship, are to be prescribed by the board for the purpose of recording details of the scope of internship experience and may include examinations to test the competency of interns. Such examinations shall be administered approximately quarterly at such times and locations as the board may designate. These examinations shall be of a pre-test

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and post-test nature bracketing such segments of the intern's experience as the board deems appropriate. Interns completing the first quarter of their internship experience will be required to show attainment of a score of 65% on the post-test examination before credit will be granted by the board for that experience. Interns participating in subsequent quarters will be required to attain a score of 75% on the post-test examination before credit will be granted by the board for that experience.

5. No person who terminates his efforts towards the completion of the educational prerequisites of licensure is entitled to the continued privileges of internship registration.

6. No person not properly registered with the board as a pharmacist-intern shall take, use, or exhibit the title of pharmacist-intern, pharmacist-apprentice, pharmacist-extern, or any other term of similar or like import.

C. Training requirements. The intent of this regulation is to provide a proper preceptor-intern (teacher-student) relationship within the context of the employer-employee relationship; provide a broad base of internship experience and to supplement didactic academic training in a manner which prepares the intern for all aspects of the practice of pharmacy.

1. Nothing in this regulation shall imply that the standards described herein are acceptable to other states on a reciprocal basis.

2. When an intern desires to obtain credit for training received in a state other than Minnesota, he shall abide by all the provisions of the internship regulations in that state, and shall provide evidence from that state's board of pharmacy that his internship training has been completed in compliance with the internship standards of the National Association of Boards of Pharmacy and with the standards herein provided. Where a possible conflict may exist between the provisions of this regulation and the requirements of the state in which the intern is training the intern shall contact the secretary of the State Board of Pharmacy in his state and outline any possible problem.

3. No more than one intern shall be trained by a preceptor at one time.

4. Upon registration, interns and preceptors will be furnished guides and objectives for internship training. The guides are furnished to suggest appropriate types and order of training experience and shall be used to insure that the

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intern's practical experiences are commensurate with his educational level, and broad in scope.

5. Applicants for licensure as pharmacists who are examined and licensed after September 17, 1973, shall submit evidence that they have successfully completed not less than 1,500 hours of internship under the instruction and supervision of a preceptor. Credit for internship shall be granted only to registered interns who have begun the fourth year of the five-year pharmacy curriculum, provided, however, that:

(a) a. 400 hours of internship credit may be acquired by any combination of the following: internship experience gained concurrent with attendance at a college of pharmacy during the fourth and fifth year, or participation in approved clinical pharmacy programs or approved internship demonstration projects.

(b) b. At least 520 hours of the required internship time shall be completed after graduation from a college of pharmacy approved by the board and shall consist of advanced internship training involving the compounding and dispensing of drugs and drug consultation with patients.

(c) c. Not more than 700 hours of internship credit may be given during any internship quarter.

D. Reciprocity standards. The board may accept internship credit from applicants for licensure by reciprocity who have submitted evidence of completion of internship training in another state, provided that the training is, in the opinion of the board, substantially equivalent to the standards herein provided, and is in compliance with the internship standards of the National Association of Boards of Pharmacy, and provided, further, that the applicant has practiced pharmacy for one year prior to being examined for licensure in this state pursuant to the requirements of Pharm 28.

E. Advisory committee. The board shall appoint an Advisory Committee on Internship to advise the board on the administration of this regulation. The committee shall include practicing pharmacists, pharmacist-educators, pharmacy interns and representatives of the board.

Chapter Six Pharmaceutical Services to Patients in Nursing Homes and Residents of Boarding Care Homes

The provisions of Regulations 71 through 80 are applicable to pharmaceutical services provided to patients in ~~nurs-~~

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~~ing homes and boarding care homes, long term care facilities,~~ provided, however, that Regulations 1 through 70 shall also be applicable to such pharmaceutical services, unless specifically exempted by Regulations 71 through 80 or are in direct conflict therein, in which case Regulations 71 through 80 shall apply.

Pharm 71 Prescription order communication.

A. Pharmacists and pharmacies shall accept orders for dispensing and refilling only if such orders are communicated directly from the prescriber or transmitted through his designated agent, a nurse employed by the facility and designated in writing by the prescriber to act as his agent for the sole and exclusive purpose of communicating, either orally or in writing, said physician's medication orders to any pharmacy.

B. Such orders may be in writing or, except for Schedule II controlled substances, an oral order reduced to writing by the pharmacist and may include authorization for multiple refills consistent with good practice and legal limitations. A facsimile copy of the prescriber's medication order may be accepted and filed as a prescription by the pharmacy.

C. Schedule II controlled substances shall be dispensed only upon receipt of an original written order signed by the prescribing individual practitioner or orally in emergency situations as allowed by Federal Regulations.

Pharm 72 Prescription labeling. All prescription containers, other than those dispensed pursuant to Pharm 48, shall be properly labeled in accordance with Regulation 40 and ~~in addition thereto~~ shall also contain at least the following information:

(a) A. Name of drug.

(e) B. Potency of drug.

(b) C. Quantity of drug dispensed.

D. The name of the manufacturer of the finished dosage form of the drug.

E. Specific directions for use.

(d) F. Date of original issue, or in the case of a refill, the most recent date thereof.

(e) G. Expiration date, when applicable of all time dated drugs.

H. Auxiliary labels as needed.

Directions for use on labels of medications shall be changed only by a pharmacist acting on the instructions of the prescriber or his agent. Such medications shall be returned to the pharmacist provider to be so relabeled.

Pharm 73 Labeling of insulin. Insulin, if sold ~~without a prescription,~~ shall be dispensed with a label affixed to the vial showing the patient's full name and ~~expiration date of the drug.~~ location.

Pharm 74 Drugs for use in emergency kits. Pharmacists may dispense, upon a written or oral order from a licensed practitioner, ~~licensed to prescribe drugs,~~ limited supplies of drugs for use in an emergency kit. ~~maintained by the physician in compliance with Minnesota State Board of Health Regulations.~~

A. Emergency drug supplies as determined by the patient care policy committee or pharmaceutical service committee only may be made available. The drugs in the emergency kit are the property of the pharmacy and, therefore, shall not be used or altered in any way except as outlined herein. Long-term care facilities shall store a supply of emergency drugs on at least one nursing station and:

1. such drugs shall be limited to a maximum of six single doses, in either sealed ampuls, vials or prefilled syringes to the extent possible, of any one emergency drug. If an emergency drug is not available in parenteral form, a supply of the drug in inhalation or sublingual form may be obtained in the smallest sealed manufacturer's package. Inclusion of other oral legend drugs is to be discouraged. All drugs in this supply shall be properly labeled;

2. the emergency drug supply shall be stored in a portable container which is sealed in such a manner that a tamper-proof seal must be broken to gain access to the drugs, and shall be placed in a locked area;

3. the pharmacist shall be notified by the director of nursing services when drugs have been used from the emergency kit or when the seal has been broken;

4. drugs used from the kit shall be replaced within 72 hours and the supply resealed;

5. the pharmacist shall see that the contents of the kit are accurately listed outside of the container;

6. the supply shall be checked monthly by the pharmacist who is responsible for control of the kit.

Pharm 75 Pharmacist consultative services to long term care facilities.

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A. The nursing home facility shall retain a pharmacist other than the vendor pharmacist, whenever possible, who devotes a sufficient number of hours during a regularly scheduled visit, for the purpose of coordinating, supervising, and reviewing the pharmaceutical services within the facility. There shall be a formal arrangement for such qualified pharmaceutical services between the facility and the pharmacist, including an arrangement for remuneration separate and apart from that provided to vendor pharmacists.

B. The responsibilities of the pharmacist shall include, but are not limited to the following:

1. serving on the pharmaceutical services committee and/or patient care policy committee and assisting in the preparation and revision of policies and procedures governing the pharmaceutical services;

2. developing, coordinating and directing or supervising all pharmaceutical services provided in the facility;

3. reviewing the drug regimen of each patient and resident at least monthly and preparing appropriate reports and recommendations. This review shall include at least:

a. a review of all drugs currently ordered;

b. information concerning the patient's condition as it relates to drug therapy;

c. medication administration records and, where appropriate, physician progress notes, nurses' notes, and laboratory test results;

4. reporting, in writing, irregularities in the storage, dispensing and administration of drugs and other matters relating to the review of the drug regimen, to the administrator, appropriate attending physician, and vendor pharmacists;

5. preparing, at least quarterly, a written report on the status of the pharmaceutical service and staff performance and submitting this report to the administrator and patient care policy committee and/or the pharmaceutical services committee.

6. developing policies for destroying in the prescribed manner, any unused portion of prescription drugs remaining in the facility after the death or discharge of the patient or

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resident from whom they were prescribed or any prescriptions permanently discontinued;

a. unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy who shall furnish the necessary instructions and forms, a copy of which shall be kept on file in the facility for two years;

b. any other unused portion of prescription drugs remaining in the facility after the death or discharge of the patient or resident for whom they were prescribed or any prescriptions permanently discontinued shall be destroyed by the facility in the presence of a pharmacist or registered nurse who shall witness such destruction or shall be handled in accordance with Pharm 32;

c. the drugs shall be destroyed by flushing them into the sewer system or by incineration;

7. providing in-service training to nursing personnel on pharmacologic action or use of drugs, scope of pharmacy services, and drug interactions.

Pharm 76 Freedom of choice. No pharmacist shall participate in any agreement or plan which infringes on any patient's right to freedom of choice as to the provider of prescription services.

Pharm 75-80 77-80 Reserved for future use.

Chapter Seven Pharmaceutical Services to Patients in Hospitals

The provisions of Rules 81 through 100 are applicable to pharmaceutical services provided to patients in hospitals, including state hospitals, provided, however, that Rules 1 through 70 and 100 through 120 shall also be applicable to such pharmaceutical services, unless specifically exempted by Rules 81 through 100 or unless in direct conflict therewith, in which case Rules 81 through 100 shall apply.

Pharm 81 Functions of the Hospital Pharmacy. In the interest of good patient care, the functions of the hospital pharmacy include, but are not limited to the following:

(a) Procurement, bulk compounding, identification, security, storage, record-keeping, compounding, and

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dispensing of all drugs in compliance with Federal and State laws and regulations:

(b) Inspection of drugs throughout the hospital for evidence of proper storage, labeling, potency and use.

(c) Provisions for product information and drug education service.

(d) Maintenance of a policy and procedure for emergency pharmaceutical services.

(e) Preceptor supervision in the training of pharmacist interns.

(f) Participation in the hospital's Pharmacy and Therapeutics Committee.

(g) Orientation of hospital personnel in matters pertaining to pharmacy policy.

(h) Establishment of policies and procedures for mixing or preparation of drugs for parenteral administration to in-patients.

Pharm 81 Pharmaceutical service definitions.

A. Pharmaceutical service. "Pharmaceutical service" means the control of the utilization of drugs, biologicals and chemicals including procuring, manufacturing, compounding, dispensing, distributing and storing of drugs, biologicals and chemicals under the conditions prescribed by this section. The provision of drug information to patients and to other health professionals is included within the meaning of pharmaceutical services.

B. "Credentialed" means registered with, certified by, or similarly recognized by a health-related agency or department of the State of Minnesota.

C. "Supervision," as used in connection with this rule, means physical presence within the same work area, coupled with the ability to control; and responsibility for an action.

D. "Drug administration" means to deliver by or pursuant to the lawful order of a licensed practitioner a single dose of a drug to a patient by injection, inhalation, ingestion or by any other immediate means and shall include:

1. preparing the individual dose from a previously dispensed, properly labeled container;

2. verifying the dose as prescribed;

3. giving the individual dose by the proper route to the correct patient at the proper time;

4. assuring that the dose is taken; and,

5. promptly recording the time and dose given.

E. "Drug dispensing" means to deliver one or more doses of a drug prepared in compliance with Pharm 36 A.-I. or 48 A.-E., in a suitable container, properly labeled, for subsequent administration to, or use by a patient or human research subject.

Pharm 82 Hours of Operation. The hours of operation shall be sufficient to adequately provide all of the professional pharmacy services required by Regulation 81 and such services shall be provided not less than five days out of each calendar week, provided that when the pharmacy is closed emergency pharmaceutical services shall be provided in accordance with Regulation 83.

Pharm 82 Pharmaceutical service general requirements. The hospital shall maintain an organized pharmaceutical service under the direction of a qualified pharmacist.

A. On-site pharmacy. A hospital with a licensed capacity of 40 beds or more shall maintain an on-site pharmacy, licensed by the board which shall provide at least five day per week service.

B. Drug room. A hospital not maintaining an on-site pharmacy shall provide a drug room and obtain service from a licensed pharmacy. A written agreement between such parties shall specify the duties and responsibilities of the contracting parties and be available for Board of Pharmacy inspection.

Pharm 83 Security and Emergency Access. Only a pharmacist may have access to the pharmacy except in the following situations and under the following conditions set forth below:

(a) In case of disaster the hospital administrator may allow access for purposes of emergency maintenance, disaster prevention and control, and patient safety:

(b) For purposes of withdrawing limited doses of drugs for administration in emergencies when the pharmacy is closed, if the drugs are not available in floor or emergency drug supplies, a designated registered nurse may make emergency withdrawal of sufficient doses required by a patient until the pharmacy reopens. Only a designated registered nurse in any given shift may have emergency access.

The person withdrawing from a bulk stock container the limited doses for administration shall leave in

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the pharmacy, on a form developed by the pharmacy, a record of the drugs withdrawn showing:

- (1) The patient's name
- (2) The name of the drug and dose prescribed
- (3) Drug strength
- (4) The amount taken
- (5) The time and date
- (6) The signature of nurse or physician withdrawing drug

The person withdrawing the drug from a bulk stock container shall place upon the record of withdrawal the container from which the limited doses were taken so that the withdrawal may be verified by the pharmacy.

The pharmacist in charge shall develop an emergency access procedure, and may make provision for pre-packaged drugs for emergency withdrawal provided the number of doses does not exceed the number usually required by a patient during the time the pharmacy is closed.

Pharm 83 Pharmaceutical service staff.

A. Director.

1. Qualifications. The director of the pharmaceutical service, regardless of his title or designation, shall be a pharmacist licensed in this state.

2. Availability.

a. On-site pharmacies. A hospital maintaining an on-site pharmacy shall have its pharmaceutical service under the direction of a pharmacist engaged by the hospital full time or part time.

b. Drug room. A hospital maintaining a drug room shall have its pharmaceutical services under the direction of a pharmacist who is on-premises on at least a weekly scheduled basis.

3. Responsibilities. The responsibilities and duties of the director of the pharmaceutical service or hospital

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pharmacist-in-charge include at least the following specific duties in addition to the duties of the pharmacist-in-charge found in Pharm 21:

a. the procurement, identification, security, storage and distribution of all drugs, as well as the disposition of drugs whose effectiveness has expired or which, for other reasons, are deemed no longer usable;

b. the development, implementation, coordination, supervision and review of pharmaceutical services in the hospital and policies related thereto;

c. the implementation of recommendations of the pharmacy and therapeutics committee, or its equivalent;

d. the supervision of the preparation and sterilization of parenteral drugs in the hospital;

e. the supervision of bulk compounding of pharmaceuticals;

f. the establishment of specifications for procurement of drugs and chemicals for direct patient use;

g. the development of a hospital formulary system

h. the dispensing of drugs and chemicals for direct patient use;

i. the maintaining of a stock of antidotes and emergency drugs in the hospital;

j. the maintaining of pharmaceutical service records; and

k. cooperating in the teaching and research programs of the hospital.

4. Span of control. The pharmacist's span of supervision shall extend to all areas of the hospital where drugs are stored. No less than bimonthly inspections of these areas shall be conducted and substantiated by records so as to verify at least proper drug storage, documentation of distribution and administration of controlled substances, presence of outdated drugs, and the integrity of the required emergency drug supply.

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5. Directors absence. In the absence of the director of the pharmaceutical service, pharmaceutical services shall be directed by a pharmacist designee.

B. Other staff.

1. Generally. Pharmaceutical services shall be provided only by pharmacists and other personnel under a pharmacist's supervision.

Pharm 84 Required Records. The following records shall be filed and maintained by the pharmacy for a period of time as required by law:

(a) All records of procurement required by Federal and State laws or regulations.

(b) All drug orders, requisitions, prescriptions or other suitable forms initiated by the prescriber from which drugs are dispensed.

(c) All control records of packaging, bulk compounding or manufacturing.

(d) All records of drug recalls.

Pharm 84 Pharmaceutical service policies.

A. Patient care. Pharmaceutical service policies shall cover at least the following:

1. the providing of drug information to patients and health professionals;

2. the limiting of drug administration to individuals licensed or credentialed to do so;

3. the immediate reporting of drug errors to the responsible practitioner, to the director of nursing and to the pharmacy. Drug errors shall be recorded in the patient's record and reported to the pharmacy and therapeutics committee, or its equivalent;

4. the immediate reporting of adverse drug reactions to the responsible practitioner, to the director of nursing and to the pharmacy. Adverse drug reactions shall be recorded in the patient's record and reported to the pharmacy and therapeutics committee, or its equivalent;

5. the permitting of self administration of drugs by patients only when specifically ordered by licensed practitioners under standards set by the pharmacy and therapeutics committee or its equivalent;

6. the permitting of drugs brought into the hospital by or with the patient to be administered only when so ordered by a licensed practitioner, who shall specify in the patient's record the identity, strength and dosage schedule of such medication. If such drugs are not to be used while the patient is hospitalized, they shall be packaged, sealed, stored and returned to the patient at the time of discharge, with instructions as to use written by the discharging physician.

B. Administration. Pharmaceutical service policies shall cover at least:

1. the following measures related to the control, accessibility, dispensing and administration of drugs:

a. requiring the existence of a pharmacy and therapeutics committee, or an equivalent body, which shall have the responsibility of meeting at least quarterly to consider the issues raised in the delivery of pharmaceutical services;

b. developing, implementing and maintaining a system assuring the availability of prescribed drugs at all times;

c. prohibiting the dispensing of legend drugs by persons other than pharmacists and licensed practitioners;

d. permitting the changing of labels or the transfer of drugs from one container to another only by pharmacists or licensed practitioners;

e. maintaining security and emergency access in accordance with the following:

(1) Only a pharmacist may have access to the pharmacy except in the following situations and under the following conditions set forth below:

(a) In the case of disaster the hospital administrator may allow access for purposes of emergency maintenance, disaster prevention and control, and patient safety.

(b) For purposes of withdrawing limited doses of drugs for administration in emergencies when the pharmacy is closed, a designated registered nurse may make emergency withdrawal of a dose required by a patient. Only a designated registered nurse in any given shift may have emergency access.

The person withdrawing from a bulk stock container the limited doses for administration shall leave in the pharmacy, on a form developed by the pharmacy, a record of the drugs withdrawn showing:

(i) the patient's name;

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- (ii) the name of the drug and dose prescribed;
- (iii) drug strength;
- (iv) the amount taken;
- (v) the time and date;
- (vi) the signature of nurse or physician withdrawing drug.

The person withdrawing the drug from a bulk stock container shall place upon the record of withdrawal the container from which the limited doses were taken so that the withdrawal may be verified by the pharmacist.

(2) The director shall develop an emergency access procedure and may make provision for pre-packaged drugs for emergency withdrawal provided the number of doses does not exceed the number usually required by a patient during the time the pharmacy is closed.

f. if a supply of pre-packaged legend drugs which is accessible for use without entering either the pharmacy or drug room is maintained for use when a pharmacist is not available, such supply shall be located in nursing units, with access limited to designated registered nurses. No hospital pharmacy shall utilize a floor stock drug distribution system as its primary system of drug delivery;

g. maintaining a supply of drugs for use in medical emergencies;

h. specifying the maintenance of permissible supplies of non-prescription drugs in nursing service units;

i. assuring that unused patient drugs, discontinued and outdated drugs, and containers with worn, illegible or missing labels be returned to a pharmacist for disposition;

j. maintaining a drug recall procedure which can be implemented no more than 24 hours after recall notification by the manufacturer;

k. assuring that drugs be administered only upon the order of a licensed practitioner;

l. permitting drug orders to be written only by a

licensed practitioner. Abbreviations and chemical symbols used in drug orders must be approved individually or as part of a standard list, by the pharmacy and therapeutics committee or its equivalent. Verbal orders for drugs shall be communicated only to pharmacists or registered nurses by licensed practitioners. Only pharmacists may act as an intermediary in communicating a verbal order from a licensed practitioner to a registered nurse. Verbal orders must be reduced to writing immediately and countersigned by the licensed practitioner;

m. assuring that all orders for drugs be transmitted to the pharmacy by the prescriber or by means of an order format which produces a direct copy or an electronically reproduced facsimile;

n. requiring authorization for a standing order to be noted on the patient's medical record and countersigned by a licensed practitioner. Such orders shall specify the circumstances under which the drug is to be administered, the drug, dosage, route, frequency of administration and duration;

o. assuring that when drug therapy is not renewed on at least a weekly basis such therapy is limited either by the prescribers specific indication or by automatic stop orders. Such stop orders shall include at least schedule II controlled substances and such other drugs as established by the P & T Committee or its equivalent;

p. assuring that precautionary measures for the safe admixture of parenteral products be developed in writing. Admixture preparation shall be limited to pharmacists, supportive personnel under the supervision of a pharmacist, licensed practitioners and licensed nurses. Furthermore, admixtures shall be labeled as in Pharm 88 D.;

q. assuring that investigational drug use is in accordance with state and federal law. Such drugs shall be administered only on the order of a member of the organized medical staff. The prescribing by the staff member shall be under the direction of the principal investigator. Basic information concerning the dosage form, route of administration, strength, actions, uses, side effects, adverse effects, interactions and symptoms of toxicity of such drugs shall be available in the pharmacy and at any nursing service unit where such drugs are administered. Investigational drugs shall be distributed only from the pharmacy;

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r. assuring that the practice of drug reconstitution be performed only by pharmacists, licensed practitioners, licensed nurses, or hospital-authorized personnel under the supervision of licensed pharmacists, licensed practitioners or licensed nurses.

2. The following measures related to the maintenance of documents:

a. pharmaceutical service director and pharmacist-in-charge's responsibility in addition to those in Pharm 21. The director of the pharmaceutical service and pharmacist-in-charge shall maintain at least the following written documents:

(1) a statement of service philosophy and objectives;

(2) a job description for each classification of personnel;

(3) a list of pharmaceutical service committees; and other hospital committees on which the pharmaceutical service is represented, with minutes of proceedings and attendance records;

(4) procurement records for controlled substances for two years as required by law;

(5) prescriptions or other forms initiated by the prescriber, for two years as required by law;

(6) records of packaging, bulk compounding or manufacturing for two years;

(7) records of action taken pursuant to drug recalls for two years;

(8) special reports concerning narcotics and other drugs for two years as required by law;

(9) records of pharmacist's inspections of drug supplies maintained outside the pharmacy or drug room as permitted under Pharm 84 B.1.f. and g. for two years;

(10) records of withdrawals by nonpharmacists of prepackaged drugs from the pharmacy or drug room as permitted under Pharm 84 B.1.e. for one month;

b. other necessary documents. The following documents relative to pharmaceutical services shall also be maintained:

(1) a current organization chart delineating intra-service structure and lines of authority, and describing the pharmaceutical service's relationship to the administration, organized medical staff and other relevant hospital services;

(2) a list of all licensed and/or credentialed personnel, with verification of the present validity of those licenses or credentials;

(3) a record of the number of persons, by job description, employed full time and part time in the pharmaceutical services;

(4) copies of current staffing patterns and weekly work schedules;

(5) receipted invoices for all drugs, chemicals and pharmaceutical service supplies purchased and received over the immediately preceding two years; and

(6) any agreement between an off-premises pharmacy and the hospital.

Pharm 85 Automatic Stop Orders. Drugs for individual patients shall be dispensed in limited quantities in compliance with the automatic stop order policy set by the medical staff.

Pharm 85 Pharmaceutical service equipment and supplies. In addition to the requirements of Pharm 10, equipment and supplies shall be maintained by the pharmacy as necessary to fulfill the further needs of patients and the scope of services offered.

Pharm 86 Responsibility for Quality of Drugs Dispensed. The pharmacist-in-charge shall be responsible for the quality of drugs dispensed and shall establish procedures and records to control product specifications.

Pharm 86 Drug handling and storage. At least the following provisions for the safe handling and secure storing of drugs shall be observed:

A. storage areas shall be safeguarded by an effective security system, with the pharmacist responsible for maintaining security;

B. drugs shall be protected from contamination; and

C. drugs shall be stored at temperatures recommended by the U.S.P./N.F. or by the individual drug label or package insert.

Pharm 87 Pharmaceutical Services to Hospitals from Off Premises Pharmacies. An off premises pharmacy may com-

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ound and dispense drugs to a hospital upon the order of an agent of such hospital provided that the pharmacy keeps records of all drugs dispensed. Such dispensing shall not be considered to be drug wholesaling. The services offered to the hospital by the off premises pharmacy shall include but shall not be limited to those enumerated in Regulation No. 84

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(4) 4. Dosage form of drug (if parenteral only) route of administration of drug when necessary for clarification;

(5) 5. strength of drug;

6. the name of the manufacturer of the finished dosage form of the drug;

(6) 7. auxiliary labels as needed;

(7) 8. expiration date, if any applicable;

(8) 9. date dispensed.

(e) Floor stock: All drugs dispensed as floor stock shall be labeled with the following information:

C. Drugs prepackaged for emergency use. All drugs dispensed under Pharm 84 B. 1. f. shall be labeled with the following information:

(1) 1. identification of pharmacy or other source;

(2) 2. name of drug or list of ingredients;

(3) 3. strength of drug or amount of ingredients;

(4) 4. auxiliary labels as needed;

(5) 5. expiration date, if any;

(6) 6. Average usual dose;

(7) 7. control number or date of issue;

8. the name of the manufacturer of the finished dosage form of the drug.

D. Whenever a drug is added to a parenteral solution a distinctive supplementary label shall be firmly affixed to the container. The label shall indicate the name and amount of drug added, the date and time of the addition and expiration of the drug, and the identity of the person preparing or certifying the integrity of the admixture.

Pharm 89 Extension of pharmacy services under license. A licensed pharmacy in a hospital may utilize addi-

Pharm 87 Pharmaceutical service space.

A. The pharmacy or drug room shall be surrounded by a continuous partition or wall extending from floor to ceiling. All doors and windows shall be securely locked when the pharmacy or drug room is closed, so as to prevent entry by unauthorized persons.

B. Space shall be available at each nursing service unit for storage, safeguarding and preparation of medication doses, to include provision of at least the following:

1. A well-illuminated, locked drug cabinet or room shall be equipped with clearly labeled cubicles to ensure physical separation of individual patient prescribed medications. Medications may be stored in secured individual patient storage areas or secured portable storage carts providing separate compartments for individual patients.

2. A container or compartment which is capable of securing controlled substances with a lock or other safeguard system shall be permanently attached to storage carts or medication rooms.

Pharm 88 Labeling.

(a) A. Out-patient prescriptions. Labels for out-patient prescriptions shall comply with Regulation 40 and 41. Labels for out-patient nonprescription drugs shall comply with the federal regulations. Drugs originally dispensed to an in-patient shall be returned to the pharmacy for proper labeling before leaving the hospital premises.

(b) B. In-patient prescriptions. All prescriptions dispensed to in-patients, other than those dispensed pursuant to Pharm 48, shall be labeled with the following information:

(1) 1. identification of pharmacy;

(2) 2. name of patient;

(3) 3. name of drug;

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tional locations within the hospital without the necessity of securing additional licenses, provided, however, that the ~~pharmacist in charge~~ director of pharmaceutical services of any such hospital pharmacy shall designate another licensed pharmacist to assume professional responsibility, in accordance with Regulation 21-23, for the practice of pharmacy in each such additional location.

Pharm 90 Use of supportive personnel. The use of supportive personnel shall be in accordance with the provisions of Pharm 47.

~~Pharm 90-100~~ **91-100** Reserved for future use.

Department of Public Welfare Income Maintenance Bureau

Proposed Amendment of DPW 44 Governing the Aid to Families with Dependent Children Program

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the State Office Building, Room 83, Wabasha Street. (between Aurora and Fuller), St. Paul, Minnesota 55155, on July 19, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter Erickson, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8118, either before the hearing or within five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner.

The Aid to Families with Dependent Children (AFDC) Program provides maintenance and medical care to families as a result of death, absence or incapacity of a parent or the unemployment of the father. The amendments to DPW 44, if adopted, would incorporate various changes in federal and state law, court decisions and change department policy

into the existing rule. Provisions of the amended rule include: the addition of a provision concerning advocacy to the application process; a provision requiring local agencies to act upon an existing application prior to considering a reapplication; a provision requiring income maintenance to refer to social services cases of child abuse; a change in residency requirements from twelve to two months and accompanying changes in service and financial responsibility; a definition of eligible relatives; a change in law allowing concurrent receipt of unemployment insurance and AFDC in the unemployed fathers program; a change in the sanctions required for failure to register and/or participate in the unemployed fathers program; an increase in real property standards from \$7,500 to \$15,000; a change in law allowing the exemption of an automobile up to \$1650 in value; a provision for liberalizing property limitations to the least restrictive limits when some members are eligible for AFDC and other members are eligible for various assistance programs; a new method for determining tax obligation and a change in the treatment of tax refunds; a revised method for determining work expenses which allows using a percentage of gross income up to a maximum; a revised method for determining income from child care using a percent of gross income; an increase in boarder and roomer allowances; an increase in the amount deducted from rental income for upkeep and repairs; a provision requiring clients to report new sources or amounts of income within ten days; a change in the family allowance standard from family-child to a child-adult standard; a definition of special needs (formerly supplements) and the inclusion of a state standard for special needs; a provision requiring payments to be made at the address where the recipient resides unless otherwise approved by the local agency; a provision which lists and defines appealable issues; a provision defining fraud, assigning responsibility for taking and reporting actions and outlining available recovery methods; a provision allowing recovery of over payments due to agency error; an increase in the relative responsibility scale and a provision allowing recovery only after a notice; a provision clarifying contribution in relative responsibility; a provision allowing the unemployed father to claim the WIN exemption concerning a child under six; an increase in AFDC-foster care and difficulty of care rates; a provision requiring the local agency to refer cases of minor caretakers to social services; and numerous grammatical changes.

Copies of the proposed rule are now available and one free copy may be obtained by writing to Marcia Glass, Minnesota Department of Public Welfare, Fourth Floor, Centennial Office Building, St. Paul, Minnesota 55155, (612) 296-1383. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rule is contained in Minn. Stat. § 256. A Statement of Need explaining why the agency feels the proposed rule is necessary and a Statement of Evidence outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25

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days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5615.

Edward J. Dirkswager, Jr.
Commissioner

June 1, 1978

Rule as Proposed

12 MCAR § 2.044 Aid to families with dependent children (AFDC).

A. Introduction.

1. This rule shall governs administration of the Aid to Families with Dependent Children (AFDC) program in Minnesota. The provisions of this rule are to be read in conjunction with Title IV-A of the Federal Social Security Act, Title 45 of the Code of Federal Regulations, Minn. Stat. ch. 256, and other rules of the Department of Public Welfare pertaining to public assistance and the administration of Minnesota's state and local welfare departments. ("Local welfare department" or "agency" ~~means~~ includes the county welfare department of those multicounty welfare agencies established under Minn. Stat. § 393.01 (1974) or Minn. Stat. ch. 402). The Commissioner of Public Welfare may issue instructions, bulletins, and manuals to the local welfare agencies to clarify the provisions of this rule (~~Rule~~ DPW 44 takes precedence over such documents) and may prescribe forms and procedures to be used in administration of this program.

2. The commissioner shall cooperate with the federal government and its public welfare agencies in any reasonable matter that will be necessary to qualify for AFDC. Notwithstanding any provisions of this rule, administration of the AFDC program ~~is~~ shall be subject to changes in

12 MCAR § 2.044

federal or state law. The commissioner ~~will~~ shall notify the local welfare agencies of such changes as they occur.

3. The AFDC program shall be administered to provide qualifying needy families with the resources necessary to sustain a reasonable subsistence compatible with decency and health, according to this rule. The AFDC program ~~will~~ shall not be administered to deny applicants and recipients their individual and civil rights, nor to obtain or disclose information regarding them except as provided by DPW rules.

4. The commissioner shall supervise the AFDC program on a statewide basis in accordance with equitable standards for assistance and administration which shall be mandatory ~~on~~ upon all political subdivisions.

5. DPW Rule 44 (12 MCAR 2.044) incorporates federal-state laws, rules and regulations pertaining to the Aid to Families with Dependent Children Program in a summarized form. Interpretation of its content shall be considered in conjunction with the state AFDC Policy Manual which details the state plan of operation.

B. Applications for assistance.

1. Any person may apply for AFDC to the local welfare agency in the county in which he/she resides, and the local agency shall promptly advise him/her of the program's eligibility requirements. The local agency shall provide an application form immediately upon receipt of a written or oral request for assistance. The local agency shall require a written application signed under a penalty of perjury, on a form prescribed by the state agency, by applicant himself/herself or his authorized representative, whom he/she has specified in writing, or, where the applicant is incompetent or incapacitated, by someone acting responsibly for him/her. An applicant may be assisted, if he/she so desires, by an individual(s) of his/her choice whom he/she has specified in writing (who need not be a lawyer) in the various aspects of the application process and the redetermination of eligibility and may be accompanied by such individual(s) in contacts with the agency and when so accompanied may also be represented by them. The application form shall be signed by the applicant, his/her parent, eligible caretaker relative, legal guardian, an authorized representative of the applicant, or if If the application is for AFDC-Foster Care (FC), the agency or designee. shall may sign it. (See H. 3. below.)

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12 MCAR § 2.044

2. As soon as possible, but no later than 45 days from the date of request for assistance, the local agency shall determine the applicant's eligibility for assistance. All eligibility conditions must be met within this 45-day limit. Assistance may be issued before the eligibility process is completed, but if the applicant is found ~~not~~ ineligible, no federal or state financial participation may be claimed for this assistance.

3. The applicant must be notified in writing that his/her application has been approved or denied, unless the applicant dies or cannot be located. If the application is denied, the recipient must be notified in writing of the reasons for denial and of his/her right to appeal.

4. Any person has the right to reapply for assistance. New applications must be taken whenever a previous application has been denied or withdrawn, or whenever a grant has been cancelled, or whenever the payee has been changed. ~~or the county of financial responsibility has been changed.~~ An approved application shall be added for the purpose of adding additional eligible persons or when the payee has changed his/her name.

a. An application for AFDC received by a county must be processed as such, formally acted upon, and written notification of the disposition of the application must be provided the applicant regardless of the length of time that the applicant intends to remain a resident of that county. Until the applicant is notified in writing of the disposition of his/her application, any additional AFDC applications signed by this applicant in the same or in a different county are null and void.

5. Eligibility shall be redetermined at least semi-annually. When the local income maintenance unit receives information about a change in case facts, eligibility shall be reviewed within 30 days. ~~Eligibility for AFDC UF cases shall be redetermined every three months.~~ The recipient shall furnish such correct information and reports as required by the agency to assure eligibility and payments, and shall report any new receipt of earned or unearned income within a ten-day period.

6. The local agency shall verify the information contained in the application from the applicant or other persons or agencies only with the applicant's signed permission; blanket consents may be used only for groups of related agencies (such as banks, insurance agencies, etc.). If the applicant refuses to cooperate with the county agency in verifying the needed information, the application must be denied.

7. The following information shall be verified:

a. Social Security numbers of ~~all individuals of~~ caretakers applying for or receiving assistance; and parents of dependent children;

b. incapacity of a parent or unemployment of a father if such is the basis of eligibility; and

c. the applicant's income and acknowledged property.

Any other factor of eligibility may be verified depending on circumstances of the case.

8. The income maintenance unit shall immediately refer the applicant/recipient to the social service unit when there is reason to suspect that the home in which the relative and child requesting/receiving aid reside is unsuitable because of the neglect, abuse, or exploitation of such child or that harm or threatened harm may occur to the child.

This includes, but is not limited to: nonaccidental physical or mental injury; sexual abuse; negligent treatment or maltreatment, including failure to provide adequate food, clothing, or shelter, and/or evidence of money mismanagement.

9. Because of the complexity of the welfare system in Minnesota applicants and recipients may have someone act as an advocate to ensure that their legal, civil, and human rights are upheld.

10. The client shall be responsible for informing the agency within ten days or by the 5th of the following month, whichever is earlier, of changes in circumstances and/or income.

C. Financial responsibility and residence.

1. "Residence" or "abode" means where a person lives and intends to remain; the "county of financial responsibility" or "county of settlement" means the county which is liable for a person's public assistance.

2. Minnesota residence ~~is~~ shall be an eligibility requirement for AFDC, but no length of residence is required. A person loses Minnesota residence when he/she leaves the state with the intent to establish a home elsewhere; evidence of intent under this rule is not simply the person's stated intentions, but includes consideration of objective criteria associated with the move (e.g., movement of possessions, rent payments, changes in voter or driver's license registrations).

3. The county of financial responsibility for an AFDC grant ~~is~~ shall be the county of the longest period of residence wherein the dependent child ~~during the year preceding application, free of "excluded time",~~ is residing as of the date

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the application is signed. This also shall apply to applications for AFDC-Unborn (UB) (See D. 1.). ~~“Excluded time”~~ the period the child resides in a licensed hospital, detention home, county jail, licensed foster home, or public or private child care institution, if the child has always resided in places of excluded time; the county of financial responsibility is the county of the child's longest residence during the year preceding application. The county of residence, if different from county of responsibility, shall be fiscally responsible for any erroneous payments, including payments to ineligible individuals and families which result from its decisions, failures to act, agency-caused errors or overdue eligibility redeterminations.

4. ~~For purposes of AFDC UB (See D. 1.), an unborn's residence begins on the estimated date of conception.~~ If more than one county is financially responsible for the children in one AFDC grant, the caretaker's needs ~~are~~ shall be assigned to the county having the responsibility for the most children, or the county responsible for the oldest child if each county is responsible for the same number of children.

5. If a child moves from one county to another and continues to receive AFDC, the county of financial responsibility shall transfer to his/her county of residence when he/she has resided in that county for ~~one year, free of excluded time;~~ two calendar months, provided the child and/or his/her caretaker were not placed in such other county pursuant to a plan of treatment for health, rehabilitation, foster care, child care or training, nor as a result of a placement in any correctional plan. If the original county or court or related agencies developed a treatment plan requiring the child's and/or family's move to another county, and even if the original county did not take an application prior to the move, then the original county is still responsible for initiating and accepting applications and retains financial responsibility for the AFDC grants until the goals of the plan have been reached. If thereafter the family or child continues to reside in the second county, the latter shall not assume financial responsibility until two calendar months have elapsed subsequent to completion of the plan. Such delay in transfer of financial responsibility shall relate only to such treatment placement plans which are arranged by a local agency, court order or other governmental unit such as the Division of Vocational Rehabilitation or Probation and which became effective after July 31, 1977. The delay shall not apply to child care arrangements made by the family themselves and independent of local agency or court order. The delay will apply where the local agency, etc., arranged for plans of a parent to participate in a training plan for himself/herself only and he/she takes his/her children with him/her to reside near the training facility in another county.

However, the county of the child's residence ~~is~~ shall always be the county which services his/her AFDC grant, whether or not it is the county of financial responsibility; moreover, whenever the county of financial responsibility and county of residence ~~has~~ have policies which conflict, the latter shall take precedence. The county of residence must furnish the county of financial responsibility with reports of interviews and budgetary recommendations. The county of financial responsibility must establish grants in accordance with recommendations of the county of residence after review for conformity to the statutes and the rules of the state agency. If the county of financial responsibility's action is not the one recommended by the county of residence, the county of financial responsibility shall notify the county of residence of the action taken and the reason. Client eligibility shall not be affected by a change in county of residence of and by itself. Once the client has notified the current county of residence of a planned move, the current county shall immediately forward to the new county all current and permanent case record information. Within 30 calendar days the new county of residence shall interview the client and respond to any changed circumstances which affect eligibility for AFDC payment. The county shall not take a formal reapplication for the client or apply any eligibility criteria which governs only initial applications. This includes, but is not limited to, the quarters of work in unemployed fathers (see D.10.a.(8)(a)) and the application of the \$30 and 1/3 disregard (see D.12.b.(8)(a)(i)).

In all situations in which a grant is being continued, as a result of a pending appeal or as an order resulting from an appeal, the county of financial responsibility shall be determined according to C. 5. supra.

6. If counties disagree as to which is the county of financial responsibility, the following procedures shall apply:

a. the county of residence shall grant AFDC to the applicant (if eligible) while it refers the case to the alleged county of financial responsibility;

b. the alleged county of financial responsibility shall promptly decide if the applicant is eligible for AFDC and if it is the county of financial responsibility;

c. if the alleged county of financial responsibility denies eligibility or financial responsibility for the applicant, the county of residence may accept financial responsibility or may refer the matter to the Commissioner of Welfare;

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d. the Commissioner of Welfare shall review the matter and provide both counties with the opportunity to state their position (by formal hearing or otherwise) and decide which county is financially responsible; the commissioner's determination ~~is~~ shall be binding on both counties unless it is appealed to and reversed by the courts according to law; and

e. the county determined to be financially responsible shall reimburse any other county for any costs the county previously paid on the grant; if eligibility is denied, the county of residence ~~is~~ shall be responsible for costs previously paid.

D. Eligibility factors. Child status.

1. Age.

a. Children under the age of 18 are eligible for AFDC; children age 18-19 are eligible if they are full-time students attending a high school, college, university, vocational or technical training institute.

b. Unborn are eligible for AFDC during the last three months of the mother's pregnancy (as medically certified). AFDC grants for unborn are referred to as "AFDC-UB."

2. Eligible relatives.

a. Parents (natural or adoptive), grandparents, brothers, sisters, uncles, aunts, great-grandparents, great-uncles, great-aunts, nephews, nieces, and first cousins, whether of whole or half-blood and stepparents, stepbrothers, and stepsisters, and spouses of these persons even after the marriage is terminated by death or divorce, are eligible to be the caretaker of a child receiving AFDC.

b. The caretaker must meet all eligibility requirements to be included in the child's AFDC grant.

3. Physical presence in the home.

a. A child must reside in the same home with an eligible caretaker to be eligible for AFDC unless he/she has special educational needs which cannot be met by local public school district which require that he/she reside away from home. "Educational needs" for this provision is defined as a curriculum directed toward achieving a special vocational or academic goal.

b. If an emergency exists that deprives the child of the care of the relative through whom he has been receiving aid, temporary absences of the caretaker or the child from the home ~~will~~ shall not defeat AFDC eligibility; for the tempo-

rary period necessary to make and carry out plans for the child's continuing care and support. No absence may exceed six months and all absences of more than three months shall be referred to the commissioner for a determination of continued eligibility. If the caretaker no longer, thereafter, can provide direct care for the child(ren), conditions for continued assistance do not exist. Alternative arrangements for care of the child(ren) shall be made.

4. Guardianship of a child ~~does~~ shall not affect AFDC eligibility, but if the child does not reside with an eligible caretaker, he/she must meet the requirements of AFDC-FC (see H.3.).

5. If a child dies (or if an unborn is stillborn), the AFDC grant shall be paid for the entire month in which death occurs.

Parental status-

6. Parental status. To be eligible for AFDC a child must be deprived of parental support or care due to the death, incapacity or continued absence of a parent from the home, or due to the unemployment of the father. This rule ~~applies~~ shall apply to natural and adoptive parents; the term "parental support or care" means financial maintenance, training, supervision, housekeeping and feeding normally given to children by their parents.

7. Death of a parent must be verified by official records (death certificates, military records, etc.).

8. Incapacitated parents.

a. A parent is incapacitated if he/she has a physical or mental defect, illness, or impairment which makes him/her unable to care for the child or substantially reduces or eliminates the ability to support the child. The incapacity must be expected to last at least 30 days from its onset. Budget deficiency alone ~~does~~ shall not establish need in incapacity cases; the physical or mental handicap must cause the budget deficiency.

b. The incapacitated parent, and the caretaker relative, ~~are to~~ shall be included in the AFDC grant if need exists.

c. The incapacitated parent who is exempt from WIN registration (see H.1.) must be referred to the Department of Vocational Rehabilitation.

9. Continued absence.

a. A parent is continually absent from the home if he/she is physically absent from the home and if this absence interrupts or makes uncertain his/her ongoing parental support or care; there is no minimum time period used to

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establish continued absence; however the applicant must affirmatively establish a continued absence.

b. Upon an absent parent's return to the home, AFDC shall continue, if need exists, for one month following the month of his/her return.

c. Where continued absence exists:

(1) The applicant/recipient must assign to the state his/her rights to any child support which accrues or has accrued up to the amount paid, during a time when the child or other person with respect to whom support is due was a recipient of AFDC. The assignment ~~does shall~~ not give to the state the right to agree to a reduction in the support being assigned or to a lump sum compromise or settlement of support due in the future.

(2) The applicant/recipient must be referred to the Child Support Unit.

(3) The applicant/recipient must cooperate in establishing paternity or obtaining support.

The Child Support Unit shall not attempt to establish paternity in cases involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending if, in the opinion of the ~~Child Support Unit, Income Maintenance Unit,~~ it would not be in the best interest of the child.

(4) If an applicant or recipient fails to assign rights to support or to cooperate in establishing paternity or obtaining support, an AFDC grant ~~will shall~~ be provided only for the child children ~~and~~ through protective or vendor payments. The needs of the caretaker shall not be deleted, nor protective or vendor payments instituted, if the caretaker demonstrates "good cause" that ~~establishes~~ establishing paternity or obtaining support ~~are~~ is not in the best interest of the child. The conditions of "good cause" as stated in federal regulations shall be applied.

10. Unemployed fathers (AFDC-UF).

a. An unemployed father is a father:

- (1) whose family is in need;
- (2) who is not unemployed due to a labor dispute;
- (3) who works less than 100 hours per month;

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(4) who has not been fully employed for 30 days prior to the receipt of AFDC-UF;

(5) who has not refused or quit employment except for good cause, within 30 days prior to the receipt of AFDC-UF;

(6) who has not been fired from his job within 30 days prior to the receipt of AFDC-UF;

(7) who is currently registered with the local Department of ~~Employment Services~~ Economic Security and is available for training and/or employment;

(8) who has:

(a) worked at least six quarters during any 13 calendar quarters ending within one year prior to the date of application; at least \$50 per quarter must have been earned during this period or the father must have been in an approved work-and-training program; or

(b) received or could have qualified for Unemployment Compensation during the year prior to application for AFDC-UF.

b. To refuse or quit employment or training except for good cause means that an individual refused, or quit employment or training, or the offer of employment or training, which he was physically and technically able to perform, which was not excessively hazardous, for which transportation was available, and which paid the prevailing wage in the community for that type of work (but not less than the minimum wage).

c. An unemployed father ~~may receive either Unemployment Compensation or AFDC UF but not concurrently,~~ and family shall be eligible to receive AFDC-UF and Unemployment Insurance concurrently, provided that the unemployed father applies for and accepts any Unemployment Insurance to which he is entitled. All Unemployment Insurance benefits received by the unemployed father must be subtracted from the amount of aid otherwise payable to the AFDC assistance unit. Ineligibility for AFDC for the whole family shall exist for any week for which the child's father qualifies for Unemployment Insurance, but refuses to apply for or accept these benefits.

d. To continue AFDC-UF eligibility in non/WIN counties, the father must reregister with the local Depart-

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ment of ~~Employment Services~~ Economic Security every 30 days, and actively seek employment or enroll in a work training program or the entire family is ineligible. In WIN counties he must register for WIN (see H.1.).

e. If the father quits or refuses an offer of employment or training without good cause, ~~he is no longer eligible for AFDC UF; his needs will not be included in the AFDC grant; protective or vendor payments will be used for the needs of other eligible family members, and his income will be attributed first to his own needs and then to the needs of the members of his family still receiving AFDC. In WIN counties, a father who refused or quits an offer of employment or training is subject to sanctions following a WIN project determination of refusal to participate without good cause. Part of the adjudication process attendant on such a determination includes 60 days of counseling. If he accepts this, his needs may be included in the grant for the duration of the counseling period, but protective or vendor payments will continue. If the father accepts training or employment after having refused or quit such (without good cause) protective or vendor payment will stop, but the father's needs will not be included in the grant until 90 days have elapsed; if this happens a second time, the waiting period shall be six months. he shall no longer be considered registered in a non-WIN county and the entire family shall become ineligible to receive AFDC payments for so long as the father refuses a bona fide offer of employment or training. See H.1. for sanctions in WIN counties.~~

11. Stepparents.

a. A stepparent is a potential resource for the support of his/her stepchildren, but cannot be required to support them. If a stepparent chooses to support a stepchild, that stepchild's needs must be removed from the grant.

b. A stepparent ~~is~~ shall be legally responsible for the support of his/her spouse; if the stepparent is unable to support the spouse (and can document that fact), the spouse's needs may be included in his/her children's AFDC grant, assuming other eligibility conditions are met. To determine if the stepparent is unable to support his/her spouse, ~~compare~~ the amount of the stepparent's income (determined in the same way that an AFDC recipient's income is determined under D. ~~43~~ 12.b.) shall be compared with the SSI payment level for one person; if the stepparent's income does not exceed this level, the spouse may be included in the AFDC grant, but any excess income is shall be considered available for the support of the spouse.

12. Income and resources.

~~42.~~ a. Property.

(~~a~~) (1) Types of ownership. The owner of property

in joint tenancy shall be considered as owning one-half of the value of such property, but the county or the joint tenant may establish legal interest of a greater or lesser amount. An owner of property as a tenant-in-common owns his/her pro rata share of the property's value. All other types of ownership shall be evaluated according to the law.

(b) (2) Transfers of property. The transfer of real or personal property to establish or continue AFDC eligibility is contrary to public policy. Under this provision:

(~~1~~) (a) Each AFDC applicant shall be required to disclose whether he/she has transferred any property within the last year worth more than \$500 for which a reasonable consideration was not received; this disclosure requirement ~~applies~~ shall apply to all AFDC recipients upon a redetermination of their eligibility.

(~~2~~) (b) Any property so transferred is a potential resource for the applicant or recipient, and the ~~transferer~~ transferor must disclose the property's description and value, the names of the transferees, and the circumstances of the transfer.

(~~3~~) (c) The applicant or recipient must cooperate with the local agency in reasonable efforts to reacquire the property or its value; failure to cooperate in reasonable efforts to do so shall constitute grounds for termination of assistance.

(~~4~~) (d) If the property cannot be reacquired, the matter must be referred to the county attorney for possible civil and criminal prosecution; the fact of transfer in itself will shall not defeat AFDC eligibility.

(~~e~~) (3) Real estate.

(~~1~~) (a) No AFDC recipient may own ~~an~~ net equity in real ~~property~~ estate used as a home (or in a mobile home) which exceeds ~~\$7,500; \$15,000~~, unless the local welfare board waives such excess equity; ~~the~~ The amount of net equity is the difference between the recipient's share of the property's market value and encumbrances on the property.

(~~2~~) (b) No AFDC recipient may own real property not used as a home (including mobile homes and properties being sold for contract for deed) unless the local welfare agency determines that the property produces net income applicable to the family's needs ~~or that no market or a reasonable price exists for its sale, or which the family is making a continuous effort to sell at a fair and reasonable price.~~ To determine net income from such property, taxes and maintenance expenses (but not principal payments or costs of improvement) ~~are~~ shall be deducted from the gross income of the property.

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~~(3)~~ (c) In deciding if the property limits of part e- ~~(4)~~ D.12.a.(3)(a) of this section should be waived, the local welfare board ~~should~~ shall determine if the ~~excess equity can be converted to cash for the family's support. if such real estate is available for the support of the family or if the sale of such property would cause undue hardship. If not, so,~~ then the excess ~~should~~ shall be waived.

(4) (d) The total real property (except for that used as a home and that which is income producing) plus all excluded and nonexcluded personal property (except the earnings of a child being saved for educational needs) shall not exceed the limits established in federal regulations.

~~d-~~ (4) Personal property.

(~~4~~) (a) No AFDC recipient may own personal property the value of which is more than \$300 if one child is included in the grant, or \$500 if more than one child is included in the grant.

(~~2~~) (b) The provisions of ~~(4)~~ D.12.a.(4)(a) ~~do~~ shall not apply to household goods, furniture, clothing, burial lots, mobile homes used as a home, or personal items; the limits of ~~(4)~~ D.12.a.(4)(a) may be exceeded where the excess is:

(~~a~~) (i) derived from a child's earnings and is designated for specific educational needs of the child, and is in an amount reasonable for that need, and is held in a separate account; and/or

(~~b~~) (ii) is designated for a specific purpose (such as real estate taxes or other large expenses), will be eliminated yearly, and does not exceed \$500; and/or

(~~e~~) (iii) is a legislatively disregarded payment (such as some Indian tribal payments); and/or

(iv) is due to an income tax refund received within the preceding three months.

(~~3~~) (c) A recipient may build his/her personal property to limits set forth in ~~(4)~~ D.12.a.(4)(a) as long as all his/her nonexempt income has been reported and counted in determining the amount of his/her grant.

(4) (d) ~~Income producing personal property is exempt from the limits of part (4). This includes tools, domestic animals, implements, and one automobile used to transport the recipient to work or a work training program;~~

~~or for transportation in actively seeking employment. Automobiles are not otherwise excluded from this rule; an automobile's value shall be its current NADA average trade-in value minus encumbrances, unless the recipient can demonstrate that its value is less than the NADA average. Income producing personal property shall exempt from limits of (4) D.12.a.(4)(a). This includes tools, implements (trucks, tractors), and domestic animals.~~

(e) One automobile, the market trade-in value of which does not exceed \$1650, shall be excluded in determining the personal property resources of all applicants/recipients. Market value shall be its current National Automobile Dealers Association (NADA) trade-in value. If client disagrees with NADA value, local agency evaluation shall be used. The market trade-in value may exceed the \$1650 limit if client is employed, in training for employment, actively seeking employment, temporarily unemployed due to illness or injury and has a definite plan to work or the automobile is needed to obtain necessary medical care. Medical care shall mean the person or a member of such individual's immediate family has a medically diagnosed mental or physical condition which requires continued inevitable or unavoidable medical attention.

(i) If the market trade-in value exceeds \$1650 and none of the exceptions are applicable, the automobile's equity must be within the personal property limits for the family. Equity shall be NADA trade-in value minus encumbrances.

(~~e~~) (5) Life insurance and trust funds.

(~~4~~) (a) A recipient unit may retain life insurance policies with total cash surrender values of not more than \$500 without defeating AFDC eligibility.

(~~2~~) (b) A trust fund whose beneficiary is a dependent child ~~is shall be~~ subject to the property limits of this rule unless it can be demonstrated that the fund cannot be made available for the child's support.

f. (~~6~~) Prepaid burials. An AFDC recipient may have a prepaid burial contract which does not exceed \$750 for each family member plus \$200 in accrued interest. The funeral director must be the trustee of any such burial contract and a recipient must be the beneficiary, or a trust account specifically designated for funeral costs may be established by the funeral director and recipient jointly.

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~~g-~~ (7) Personal property which has increased in value beyond the limits of this rule must be reported to the agency. Such property will not defeat AFDC eligibility if the applicant/recipient within 15 days of notice by the county agency;

(+) (a) converts the excess to an excluded type of property;

(2) (b) uses the excess to repay the county for assistance already received;

(3) (c) uses the excess to reduce his/her grant for one month; or

(4) (d) uses the excess to meet all his/her needs for up to three months (thereby suspending his/her grant for those months).

~~h-~~ (8) The resources of an SSI recipient are shall be exempt in determining AFDC eligibility. In any family situation in which some members are eligible for AFDC and any other members are eligible for Minnesota Supplemental Aid (MSA), General Assistance (GA), or Medical Assistance (MA), the property limitations in the program involved that has the least restrictive eligibility maxima will apply to the extent allowed by law.

~~13-~~ b. Income.

(a) (1) Generally, "income" is any benefit received by and available to an AFDC recipient as earnings or otherwise. Income may be earned or unearned. In family groups living together, the income of a spouse is shall be considered available to his/her children under age 21. All income, except noncash items provided free of cost and other items specifically disregarded in this rule, must be evaluated in determining the need of AFDC recipients. Real or personal property which has been converted to cash is shall be treated within the property standards, stated in part ~~D-4-~~ D.12.a.4., not as newly received income. New sources or amounts of income must be reported to the local welfare agency within ten days.

(b) (2) Exclusions. The following income is not considered a resource for AFDC purposes:

(+) (a) inconsequential income (amounts up to \$30 per month providing such amount is less than the grant);

(2) (b) reimbursement for the maintenance costs incurred in providing foster care;

(3) (c) WIN work and training allowances;

(4) (d) non-WIN training allowances received as a social service expense;

(5) (e) Food Stamp bonuses;

(6) (f) Comprehensive Employment and Training Act incentive payments;

(7) (g) home-produced food used in the home;

(8) (h) reimbursement for out-of-pocket expense incurred for volunteer work;

(9) (i) corrective payments from the local agency;

(10) (j) assistance under the Uniform Relocation Act of 1970;

(11) (k) Indian tribal payments specifically exempted by Congress;

(12) (l) loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;

(13) (m) any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the United States Commissioner of Education;

(14) (n) Vietnam veteran's bonuses authorized by law;

(15) (c) benefits under Titles VI or VII of the Older Americans Act of 1965;

(16) (p) Minnesota tax refunds for senior citizens and disabled persons; federal and state income tax refunds; (annual tax refunds shall not be considered available income; availability of income shall be determined at the time income is earned; determination of currently available income shall require assessment and disregard of the amount of tax obligation incurred at a given level of current monthly income; the amount withheld from wages, for various reasons, may exceed the amount of tax obligation; when the excessive amount withheld is returned in the form of a tax refund, the amount of the tax refund disregarded; the availability of that income has been previously assessed);

(17) (q) federal payments for presidentially declared disaster areas when specifically identified in federal law;

(18) (r) volunteer payments under Title II and III of the Domestic Service Act of 1973;

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~~(19)~~ (s) assistance through the National School Lunch and Child Nutrition Act amendments of 1973;

~~(20)~~ Up to \$20 per month in child support (Title IV D) bonus payments;

~~(21)~~ (t) allowances and expenses paid by Vocational Rehabilitation;

~~(22)~~ Annual supplemental housing allowances provided to AFDC recipients in lieu of income adjusted homestead credits under Minn. Stat. 290A.01 to 290A.22 if approved by the United States Department of Health, Education, and Welfare;

~~(23)~~ (u) other income disregards as mandated by federal or state law;

(v) earnings received by any youth under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973 Public Law 93-203 is to be disregarded.

e- (3) Allocation of income.

~~(1)~~ (a) All income received must be reported promptly but no later than the fifth day of the month following the month of receipt. For current recipients, the local agency will use this report to determine the amount of the grant for the month in which the report is submitted; All income received must be reported within ten (10) days but no later than the fifth day of the month following the month of receipt. For current recipients, the local agency shall use this report to determine the amount of the grant for the next subsequent month unless income averaging is used.

~~(2)~~ (b) Before applying income to need, income may be allocated from spouse to spouse and from parents to children under age 21 if such person resides with the AFDC recipient and is in need.

~~(3)~~ (c) The income and resources of an SSI recipient ~~are~~ shall not be counted in determining the AFDC recipient's income.

~~(4)~~ (d) Trust funds for a particular person or purpose ~~cannot~~ shall not be allocated to the family until that person's needs or the particular purpose are met; only legally restricted trust funds ~~are~~ shall be excluded.

~~(5)~~ (e) Retirement, Survivors, and Disability Insurance (RSDI) payments are considered family income

unless they are paid ~~for~~ on behalf of a child who is excluded from the grant.

~~(6)~~ (f) Income from jointly-held property is shall be allocated according to the share of ownership and availability to AFDC recipients.

~~(4)~~ (4) Income cannot be allocated to meet past obligations. See DPW Rule 53- (12 MCAR 2.053).

e- (5) During the period of eligibility, the county ~~can~~ may determine income and work expenses monthly or average ~~it~~ them over a three-month period.

f- (6) All unexcluded unearned income and earned income minus allowable deductions must be applied against the AFDC Family Allowance Standards.

g- (7) Income averaging involves dividing total income for the past three months by three; actual income variations are ignored when income averaging is used unless a significant change requires a stop in the averaging cycle; weekly income should be multiplied by 4.3; bi-weekly income by 2.16; and semi-monthly income by 2, to determine monthly income. Significant changes are: a change in net income totalling more than \$50 in a given month. A decrease in total income (disregard, available income and grant) to less than the need standard. An increase in net income which would result in ineligibility. The recipient's employment ends. Income averaging shall involve use of three months of income to establish assistance for three months; actual income variations shall be ignored when income averaging is used unless a significant change requires a stop in the averaging cycle. Significant changes are: a decrease in total income (disregard, available income and grant) to less than the need standard; an increase in net income which would result in ineligibility. The averaging also may be stopped if there is a change in net income totalling more than \$50 difference from the average in a given month. When income is averaged or budgeted monthly, monthly equivalent income may be established by multiplying weekly income by 4.3, biweekly income by 2.16, and semimonthly income by 2.

h- (8) Earned income.

~~(1)~~ (a) Generally, earned income shall include any compensation from employment or self-employment (wages, salary tips, commissions, profits, etc.), plus training incentive payments and work allowances under the Equal

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Opportunity Act and Title I of the Elementary and Secondary Education Act.

(a) (i) \$30, plus one-third of the remainder of the family's total earned income is to shall be disregarded unless a family member has terminated or refused employment, or reduced earned income without good cause within the preceding 30 days (in which case the disregard is shall not be applied for one month to the earnings of that individual); this disregard ~~does~~ shall not apply to income from WIN public service employment.

(b) (ii) The earned income of a child under age 14 shall be excluded.

(c) (iii) The earned income of a child over age 14 who is a full or part time student (but not employed full time) in a high school, college, university, vocational or technical courses shall be excluded; if the money is set aside for specified educational goals, the amount may exceed the personal property maximum; the earnings of the student are shall be considered in determining initial eligibility and afterward, excluded.

(d) (iv) In new applications, the \$30 and 1/3 earned income disregard is shall not be applied to earned income unless the applicants' needs are ~~were~~ met, in whole or in part, by AFDC in any of the four months preceding the month of application.

(2) (b) The following employment expenses are ~~to shall~~ be deducted in determining net earned income: if incurred, necessary, and reasonable:

(a) (i) Mandatory retirement fund deductions; federal and state income tax obligation; (the expense of employment at a given level of income is the tax obligation incurred; in determining net income which is currently available, the amount of the tax obligation incurred at current monthly income is used; the amount of monthly tax obligation is displayed on tables developed and published by the Department of Public Welfare);

(b) (ii) Transportation costs to and from work based on the actual cost of public transportation or car pool payments, or 13 cents per mile for the actual number of miles driven, not to exceed 100 miles per day of employment (unless the recipient can establish higher transportation costs that are both necessary and reasonable; cost of no-fault insurance is included in the 13 cents per mile; FICA and SMI payments;

(c) (iii) Cost of work uniforms; child care costs unless these are paid as a social service; or paid to a relative included in the AFDC grant; or paid to a relative who is

financially responsible for the family and able to contribute to it; child care costs paid to a parent may not be deducted in determining net income;

(d) iv FICA and SMI payments; business expenses (except depreciation);

(e) (v) Federal and state income taxes withheld; personal expenses in the manner described in paragraph (3) D.12.b.(8)(c) below;

(f) Union dues;

(g) Professional association dues required for employment;

(h) Child care costs unless these are paid as a social service, or paid to a relative included in the AFDC grant, or paid to a relative who is financially responsible for the family and able to contribute to it;

(i) Health insurance premiums;

(j) Cost of tools and equipment used on the job;

(k) One dollar per day for the cost of meals eaten during employment hours (unless the recipient can establish actual higher meal costs that are both necessary and reasonable);

(l) Public liability insurance required by the employer when an automobile is used in employment and the cost is not compensated for by the employer;

(m) Business expenses (except depreciation) as recognized by the federal and state tax authorities.

(c) Personal expenses of employment shall be recognized by deducting 10% of gross income up to a maximum of \$60. If the client requests that actual expenses be recognized in lieu of the standard deductions, the following expenses shall be deducted, if incurred, necessary and reasonable:

(i) mandatory retirement fund deductions;

(ii) transportation costs to and from work based on the actual cost of public transportation or car pool payments, or 13 cents per mile for the actual number of miles driven, not to exceed 100 miles per day of employment; no fault insurance is included in the 13 cents per mile;

(iii) cost of work uniforms;

(iv) union dues;

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(v) professional association dues required for employment;

(vi) health insurance premiums;

(vii) cost of tools and equipment used on the job;

(viii) one dollar per day for the cost of meals eaten during employment hours;

(ix) public liability insurance required by the employer when an automobile is used in employment and the cost is not compensated for by the employer.

~~(3)~~ (d) Income from small businesses is the difference between gross receipts and business costs. (Capital expenditures and depreciation are not a business cost.)

(4) (e) Farm income is the difference between gross receipt (sales, rents, soil conservation payments) and operating expenses. Home-produced foods for sale are included. (Capital expenditures are not included as an operating expense.)

~~(5)~~ (f) Income from child care in the home is the difference between gross receipts and the expenses allowed by IRS Schedule C; the cost of meals shall be 60 cents per meal per child, unless the actual reasonable cost exceeds this amount. Income from child care in the home shall be 40% of gross receipts. The client may rebut this presumption by documenting actual business expenses in conformance with IRS Schedule "C" in which case income shall be gross receipts minus actual business expenses.

~~(6)~~ (g) Income from roomers and boarders is computed by allowing ~~\$53~~ \$58 per month (for each boarder), ~~\$42~~ \$48 per month (for each roomer), or ~~\$95~~ \$105 per month (for each roomer and boarder), as the expenses of producing this income.

~~(7)~~ (h) Unearned income is not the direct result of labor performed by the recipient as an employee. Receipt of SSI is shall be a bar to receipt of AFDC; ~~but not AFDC FC.~~ Serviceperson's income shall be counted after deducting the amount needed for the serviceperson's clothing, personal needs, and transportation, but the amount deducted cannot be greater than the amount actually received by the family.

~~i-~~ (9) Special situations.

~~(1)~~ (a) Rental income is unearned income unless there is labor expended in obtaining the income from rental property. ~~Deduct \$60~~ \$69 shall be deducted per year or two percent of market value (whichever is less) for upkeep and repairs, and deduct taxes, insurance, utilities and interest on principal payments if the recipient lives on the property. Where the recipient lives on the property, these expenses shall be allocated according to the number of rooms.

~~(2)~~ (b) Unless otherwise excepted, lump sum payments and windfalls are unearned income in the month received and ~~are~~ shall be considered property thereafter.

~~(3) Income tax refunds are counted as income.~~

~~(4) Income tax refunds except those based on pre-AFDC earnings do not qualify for the \$30 and 1/3 disregard. If a refund is received for the income of a recipient and non-recipient, it shall be allocated according to the gross income of each. Recipients must be notified of the status of income tax refunds each January and April. Income tax refunds are counted as income.~~

~~14. c.~~ An AFDC recipient must be a U.S. citizen, an alien lawfully admitted for permanent residence, or a continuous U.S. resident since July 1948.

~~15. d.~~ Social Security numbers of all applicants and recipients caretakers included in the grant must be provided to the county agency as a condition of eligibility (but assistance shall not be denied where a number has been requested from the Social Security Administration, but not received). Failure to cooperate shall result in deletion of the caretaker's needs and protective/vendor payments shall be issued for the children.

E. AFDC family allowance.

1. Standards of need.

a. The need standards set forth in this section ~~are to~~ shall be used to determine the grant for every AFDC family in Minnesota (except AFDC-FC).

b. Definitions.

(1) An "eligible person" is one who is eligible for and receives AFDC; in most circumstances it means one caretaker relative and the dependent children he/she cares for. ~~(m)~~ More than one caretaker may be included when eligibility is based on parental incapacity or unemploy-

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ment of the father.) All "eligible persons" receiving one AFDC grant constitute one "recipient unit."

(2) The "Child Only" applies to a family in which no adults are eligible persons. The "children" standard shall apply to all members of a recipient unit except the caretaker or other adult.

(3) The "Family Standard" applies to families in which one or more adults are eligible persons. For purposes of AFDC, an eligible caretaker under age 18 is considered an adult. The "first adult" standard shall apply to the caretaker relative.

(4) The "second adult" standard shall apply to an adult member of the recipient unit who is in addition to the caretaker.

(5) To determine the grant amount for an eligible family, the appropriate amount for the children from the standard shall be added to the amount for an adult(s) from the standard if applicable, to arrive at the grant amount.

(6) A family composed of individuals with varying basis of eligibility but living together as a unit, shall constitute one recipient unit. This does not apply when two eligible adults share shelter without a marital bond.

(7) In family groups in which there is an adult caretaker(s), a minor, and a child of the minor, the minor shall have the choice as to which way the grant shall be determined:

(a) the minor and her child may be included in the adult caretaker's grant;

(b) the minor and her child may receive a separate grant; or

(c) the minor may continue in the adult caretaker's grant and the child of the minor shall receive a separate grant.

c. Family allowance.

Eligible Persons	Children Only Standard	Family Standard
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1	436	171	
2	246	235	272
3	268	295	330
4	330	348	385

First Adult standard: 129

5	366	399	432
6	398	450	479
7	437	495	526
8	474	540	566
9	505	578	607
10	533	614	641

Second Adult standard: 51

Each person above 10 add 33 37 33

d. Amount of grant. The amount of the AFDC grant for a recipient unit is the difference between the standard of need as determined by the above table and the recipients' nonexempt, nondisregarded income (see D.4312.b.).

2. Supplements. The local agency shall provide supplemental grants to AFDC families to cover the costs of the following special needs:

a. Major home repairs may be supplemented if the need for repair is establishing to the local agency's satisfaction. Major home repairs include foundation, wiring, furnace, hot water heater, chimney, and plumbing repairs over \$25; a written estimate is required on repairs of more than \$100 and the agency may require two additional estimates if one appears excessive.

b. Major appliance repairs will be supplemented if the agency authorizes them and if they are repairable. The only appliances covered are washers, dryers, refrigerators, and stoves.

c. Replacement of essential major appliances and furnishings shall be authorized when the local agency worker identifies that the appliance or furnishing is not repairable, or the household does not have such an item. Appliances covered are washers, dryers, refrigerators, and stoves; furnishings covered are beds, mattresses, bedding, kitchen tables and chairs, couches and chairs, living room tables, lamps, and chests of drawers. More than one item may be allowed in the supplement. The actual cost of the items purchased or replaced shall be covered by the supplement, less \$25 per supplemental month.

d. Medically prescribed diets will be supplemented if they are prescribed by a physician and add expense to a normal diet. The following diets are not covered: diets by the Medical Assistance Program, reducing or low caloric diets (1800 calories or less); sodium restricted diets (1000 mg. sodium); diabetic diets (1800 calories or less); fat controlled diets (55 mg. fat or less) and bladder, ulcer, low residue or low fiber diets which prescribe only soft food or prescribe special food preparation.

e. The appropriation for supplements shall be allocated among the local agencies on the basis of caseloads.

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Unused funds shall be re-allocated. Supplements shall cease when each annual appropriation has been expended.

2. Special need items. The local agency shall provide funds for certain special needs of AFDC recipients as specified below. Allowances for these items shall receive prior authorization from the local agency. The payment shall be issued directly to the recipient, unless she/he elects to sign a request to have payment issued directly to the vendor.

a. Major home repairs. The local agency shall provide payment for costs of major home repairs if the need for repair is established to the local agency's satisfaction, and the home is owned and lived in by the recipient. Major home repairs allowed as special need items shall include repairs to the home's foundation, wiring, heating system, chimney, and plumbing. The recipient shall provide the local agency with a vendor's written estimate for repairs and the agency may require up to two additional estimates when it deems the first estimate excessive. There shall be no maximum allowance established for major home repairs.

b. Replacement or repair of essential major appliances and household furnishings. Costs up to agency maximums for replacement or repair of essential major appliances and household furnishings shall be authorized if the need for such replacement or repair is established to the local agency's satisfaction and any existing rental agreement does not establish that such item, in good repair, is to be provided by landlord/lessor. The local agency shall inform the recipient of the maximum agency allowance for the item and the recipient's free choice to apply such allowance to either repair or replacement of the item. If the recipient elects to repair a major appliance, he/she shall provide the local agency with a vendor's written estimate for repairs. The local agency may require up to two additional estimates when it deems the first estimate excessive. The recipient may supplement the agency's maximum allowance if he/she so chooses.

(1) Major household appliances repair/replacement. Major household appliances covered and agency maximum allowances shall be as follows:

<u>Item</u>	<u>Maximum</u>
<u>Cooking Stove or Range</u>	<u>\$ 55.00</u>
<u>Refrigerator</u>	<u>\$ 64.00</u>
<u>Washing Machine</u>	<u>\$ 64.00</u>
<u>Dryer</u>	<u>\$ 64.00</u>
<u>Water Heater</u>	<u>\$128.00</u>

(2) Household furnishings repair/replacement. Essential household furnishings covered and agency maximum allowances shall be as follows:

<u>Item</u>	<u>Maximum</u>
<u>Kitchen Table</u>	<u>\$ 17.00</u>
<u>Kitchen Chair</u>	<u>\$ 7.00</u>
<u>Couch</u>	<u>\$ 51.00</u>
<u>Living Room Chair</u>	<u>\$ 17.00</u>
<u>Lamp</u>	<u>\$ 9.00</u>
<u>Chest of Drawers</u>	<u>\$ 18.00</u>
<u>Crib and Mattress</u>	<u>\$ 34.00</u>
<u>High Chair</u>	<u>\$ 11.00</u>
<u>Living Room Table</u>	<u>\$ 7.00</u>
<u>Bed, Full Size (complete)</u>	<u>\$ 81.00</u>
<u>Mattress or Box Spring (only)</u>	<u>\$ 34.00</u>
<u>Frame (Only)</u>	<u>\$ 13.00</u>
<u>Bed, Twin Size (complete)</u>	<u>\$ 51.00</u>
<u>Mattress or Box Spring (only)</u>	<u>\$ 19.00</u>
<u>Frame (only)</u>	<u>\$ 13.00</u>
<u>Bedding (includes blanket, pillow and case, sheets)</u>	<u>\$ 14.00</u>

c. Medically prescribed diets. Costs for medically prescribed diets shall be authorized if they are prescribed by a physician and add expense to a normal diet. The following diets shall not be authorized: diets which are paid for by the Medical Assistance Program, reducing or low caloric diets (1800 calories or less), sodium restricted diets (1000 mg sodium), diabetic diets (1800 calories or less), fat controlled diets (55 mg. fat or less) and bladder, ulcer, low residue or low fiber diets which prescribe only soft food or prescribe special food preparation.

d. State appropriation. Each quarter the state appropriation for special needs shall be allocated among the local agencies on the basis of caseloads. Unused funds shall be reallocated at the end of the fiscal year.

3. Housing Allowance. An AFDC allowance for a portion of housing costs attributable to the local property tax will be provided to individuals who have not received such payment under the Minnesota Property Tax Refund Act.

The amount of the allowance shall be the same as that paid under the Property Tax Refund Act.

3- 4. Funerals.

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a. The local agency shall pay the funeral expenses of AFDC recipients (not exceeding \$370) and actual cemetery charges, unless the deceased's estate or surviving spouse and children are able to pay. The local agency's payment shall not be limited by additional payments for or donations of a cemetery lot, interment, religious service, and transportation of the body to or from the community of the deceased's residence.

b. The state shall reimburse the county for 50 percent of the funeral expenses not exceeding \$370, under this provision, and the county shall have a prior claim against the deceased's estate for the full amount of the payments made hereunder.

F. Payment provisions.

1. Payment methods.

a. Money payments. In usual circumstances, AFDC payments ~~will~~ shall be made by monthly check to the AFDC recipient. The initial grant shall be retroactive to the first day of the month of application when all eligibility factors were met in that month. The county ~~will~~ shall impose no restrictions on the use of the grant. A money payment for one time only may be made to someone acting on behalf of the caretaker in an emergency situation.

Recipients may elect to have their monthly Food Stamp purchase requirement withheld from the assistance check.

(1) Payment shall be made only to the address at which the recipient resides, unless another address has been approved in advance by the local agency. Box numbers shall not be sufficient as addresses unless:

(a) prior agency approval has been received for their use; or

(b) box numbers are used in the community as the usual means of mail delivery.

Failure to comply with this provision shall be a sufficient ground for termination of the grant.

(2) A statutory prerequisite to issuance of a duplicate check is the filing of an affidavit with the county agency by the payee attesting to the loss, theft or destruction of the original (the county may require an indemnity bond; however this can be waived by the board of commissioners).

b. Protective and vendor payments.

(1) A protective payment is one made to someone other than the recipient; a vendor payment is one made to a provider of goods and services.

(2) Protective and vendor payments ~~will~~ shall be made only in the following cases:

(a) ~~Where~~ when a recipient fails to participate in WIN or during the 60-day WIN counseling period (see H.1.);

(b) when the caretaker fails to assign support, furnish or obtain Social Security numbers for himself/herself, or cooperate in establishing paternity or obtaining support;

(c) ~~Where~~ when the caretaker's continued mismanagement of funds causes hardship for the children; if this situation persists for more than two years, the agency ~~should~~ shall take steps to establish a guardianship or other arrangements for the children.

(3) Protective and vendor payments because of money mismanagement ~~cannot~~ shall not continue for more than two years and are subject to a fair hearing appeal by the recipient. Not more than ten percent of the total state AFDC recipients may be paid through protective and vendor payments under this provision.

(4) ~~Where~~ When protective and vendor payments because of money mismanagement are required, the local welfare board ~~and the Commissioner of Welfare~~ shall approve the payment method selected before it is implemented, and shall review it at least quarterly.

(5) Protective payments cannot be made to the local welfare director or welfare board members, or to landlords, grocers, or other vendors (who can receive vendor payments); a local agency staff member can be the protective payee for cases other than those in his/her own caseload if no other suitable payee can be found.

(6) As a WIN sanction, protective and vendor payments ~~will~~ shall be made according to the above requirements for selection of payees. There ~~will~~ shall be a quarterly review of the payee's performance by the local agency; the recipient has the right to appeal the use of protective or vendor payments and the payee selected.

(7) For cases subject to protective or vendor payments because of failure to obtain support or cooperate in establishing paternity, the requirements for the selection of protective payees and vendors and quarterly reviews by the local agency of the way in which the protective payees' duties are carried out, must be met. The entire amount of assistance must be made as a protective or vendor payment.

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2. Grant termination, suspension, and reduction.

a. AFDC applicants and recipients have the right to a fair hearing if they are aggrieved by action or inaction of the local agency. This includes denial or failure to act on an application in 45 days, and grant suspension, termination, and reduction; it does not include complaints about the conduct of local agency staff, which should be directed to the local director or local welfare board. The following issues shall be appealable:

- (1) denial of application for assistance;
- (2) failure to act upon application within the prescribed time limits;
- (3) suspension of assistance;
- (4) reduction of assistance;
- (5) termination of assistance;
- (6) use of protective/vendor payments;
- (7) referral by local agency to WIN for appraisal interview.

Upon written request from either party, a jurisdictional hearing shall be conducted to determine whether there is in fact an appealable issue. This hearing shall be held upon five days' notice being provided to the affected parties, exclusive of Saturdays, Sundays, and holidays. The determination of the welfare referee may be appealed as provided in Minn. Stat. § 256.045. The right to a fair hearing does not include such matters as the conduct of the local agency staff and discretionary matters such as the replacement of lost or stolen AFDC checks. Such matters should be directed to the local director or local welfare board.

b. The local agency must give the recipient timely, advance notice of a grant suspension, termination, or reduction. This notice must be in writing, mailed to the recipient at least ten days before the effective date of the action, and must clearly state what action the agency intends to take, the reasons for the action, the right to appeal the action, the conditions under which assistance can be continued, and any collateral consequences of the action (e.g., loss of Food Stamp or Medical Assistance eligibility). Timely notice of five days is sufficient when there is documentation of factors supporting the adverse action and probable fraud on the part

of the recipient. Five days shall be sufficient for timely notice where the agency has verified and documented that the case facts require grant action and the action is based upon probable fraud by the recipient.

c. The local agency must give the recipient adequate written notice, no later than the effective date of the action, when there is:

- (1) confirmation of the death of the recipient or payee;
- (2) a written statement by the recipient that assistance is no longer desired;
- (3) written information from the recipient that requires grant reduction or termination and the recipient understands that the change will occur; or when
- (4) the recipient has been admitted to an institution; placed in skilled nursing or intermediate care or long term hospitalization;
- (5) the recipient has been accepted for assistance by another county;
- (6) the recipient has been placed in foster care; or
- (7) the recipient's whereabouts are unknown.

d. If the recipient appeals the agency's action before it is effected, the action shall not be effected until the appeal is decided by the local or state hearings process.

3. Incorrect payments.

a. Underpayments ~~will~~ shall be adjusted through an ~~added~~ additional or a supplemental payment to the grant; the agency need not correct underpayments made more than 12 months from prior to the date of discovery of error.

b. Overpayments caused by client and agency error will shall be corrected through the process of recoupment or by the recipient's voluntary reimbursement. Voluntary reimbursements must be documented by the recipient's signed agreement and ~~may~~ shall not be fulfilled through reduction of the grant. Overpayments caused by client error may shall not be recouped unless the process is begun within a year after the agency learns of the overpayment. The process begins with the sending of the notice. Over-

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payments more than 12 months old when the agency learns of the error may not be recouped. Overpayment due solely to agency error shall be recoupable for the three months prior to the discovery if client is notified in writing. AFDC payments caused by agency error may not be recouped from disregarded income, but may be voluntarily reimbursed by the client.

c. Recoupment is shall be made by deducting an amount up to one-half of the recipient's disregarded income earnings from the AFDC grant until the overpayment has been corrected. Recoupment may shall be made only from recipients who have disregarded income, earnings. If recoupment has been interrupted by termination of employment or assistance, the recoupment may shall be resumed when the individual resumes AFDC and employment.

d. The provisions of this section regarding incorrect payments shall be applicable to cases involving recipient fraud or abuse.

4. Wrongfully obtained assistance. The legal basis for prosecution of fraud in the AFDC program is Minn. Stat. 256.98 (1975)

a. The legal basis for civil and/or criminal action in the AFDC program is Minn. Stat. § 256.98, which covers both:

(1) willfully false statements or representations;
and

(2) intentional concealment of material facts.

b. The local agency director shall be responsible for securing appropriate action relative to any fraud allegation received. Appropriate action shall include:

(1) issuing timely notice and taking grant action where warranted;

(2) referring cases of suspected fraud to the agency investigative unit for necessary investigation; and

(3) insuring the referral of substantiated fraud to the county attorney for necessary legal action.

c. If eligibility otherwise exists, a grant shall be continued at the established level when fraud is suspected or the case is under investigation for fraud.

d. Recovery in fraud cases may be based on client agreement, recoupment or court order. A client's basic

grant shall not, however, be reduced to meet the recovery obligation. Recoupment shall be applicable only in cases involving disregarded earnings and shall follow the procedures outlined above dealing with incorrect payments.

e. The local agency director shall be responsible for securing and reporting such statistical data on agency fraud prevention activities as the commissioner may require.

G. Relative responsibility.

1. Procedures.

a. Parents, grandparents, brothers and sisters are shall be responsible for the support of children on AFDC; spouses are shall be responsible for the support of their spouses whose needs are included in an AFDC grant.

b. Failure of responsible relatives to furnish support does shall not render an individual ineligible for AFDC; the local agency shall take the steps outlined in this rule to seek support from responsible relatives whom it believes are able to contribute toward the needs of AFDC recipients.

c. If the responsible relative fails to contribute support after the local agency notifies him/her of his/her obligation to do so, the agency should shall notify the county attorney or the Commissioner of Welfare to take legal action against the relative.

d. The amount of support recoverable from a responsible relative, other than the parent of a child under 18, shall not exceed the amount of AFDC assistance granted after the relative is notified of his/her obligation to support. Recovery shall apply only to the period following issuance of notice to contribute. However, the court can order continuing contribution while the recipient continues to receive public assistance.

2. Standards of support.

a. The amount of support due from the absent parent of a child or the parents of a child in AFDC-FC shall be established by the court or through voluntary agreement by the absent parent and the local child support unit.

b. Parental income is shall be totally available for the needs of the children under 18 and residing in the parental home. The ability of parents to support a minor, including one who is eligible for AFDC as a caretaker relative, is shall be based upon a determination of parental income according to the procedures used in establishing AFDC eligibility for new applicants. All income in excess of the appropriate Family Allowance AFDC Standard is available for the support of the minor.

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c. The financial contribution of other responsible relatives, ~~and the parents of recipients over age 18~~, and the parents of caretakers under 18 and residing outside the parental home, shall be computed according to the relative responsibility scale.

3. Relative responsibility scale.

Size of Family	Annual Cost of Living (ACL)	Monthly Cost of Living
1	\$ 4,824 <u>5,304</u>	\$ 402 <u>442</u>
2	7,452 <u>8,196</u>	624 <u>683</u>
3	10,716 <u>11,784</u>	893 <u>982</u>
4	12,804 <u>14,088</u>	1,067 <u>1,174</u>
5	14,724 <u>16,200</u>	1,227 <u>1,350</u>

~~Add 20~~ Twenty percent of the ACL for a family of five shall be added for each additional family member.

a. The gross income of the responsible relative is shall be assessed against the above scale; ~~do not deduct taxes on~~ or employment expenses; shall not be deducted.

b. "Size of family" means all persons who are in fact supported by the responsible relative (whether or not he/she is legally responsible for their support).

c. Other justified expenses (such as medical and education bills, or housing costs exceeding 30 percent of the family's gross income) ~~are~~ shall be deducted from the gross income.

d. If a minus balance remains, no contribution shall be expected. If a plus balance remains, 1/3 of the amount shall be the expected contribution.

4. Child support and paternity.

a. Every AFDC applicant and recipient shall be required to furnish information (including court testimony) needed by the local agency to obtain child support payments, locate absent parents, establish paternity, and obtain support from responsible relatives.

b. If a caretaker relative fails to cooperate with the above requirement, his/her needs shall be deleted from the grant and the eligible children shall be furnished assistance through protective or vendor payments.

c. If a court orders ~~alimony~~ child support paid by an absent ~~spouse,~~ parent, the local agency shall petition the

court for an order directing that all such payments be made to the local welfare board until AFDC assistance stops.

d. The regulations and procedures of Title IV-D of the federal Social Security Act shall be applied in the collection of support and establishment of paternity.

e. Regulations and procedures of Title IV-D of the Social Security Act shall apply to AFDC-FC.

H. Other program requirements.

1. Work Incentive Program (WIN).

a. Registration requirements.

(1) All AFDC applicants and recipients residing in WIN counties (who are not exempted below) must register for WIN as a condition of eligibility.

(2) The following persons ~~are~~ shall be exempted from WIN registration:

- (a) children under age 16;
- (b) children age 16-~~18~~ 18 attending school full time;
- (c) persons who are ill;
- (d) persons who are incapacitated; if WIN exemption is based on incapacity a referral to the Division of Vocational Rehabilitation is mandatory; ~~or~~ (NOTE: the local agency may require a physical examination to ~~test~~ confirm illness or incapacity.) or
- (e) over age 65;
- (f) persons who live so far away from a WIN project that more than a 10-hour day (employment plus commuting time) would be required to participate;
- (g) persons whose presence in the home is needed because of the illness or incapacity of other persons;
- (h) a caretaker of a child under age six (only one such exemption is allowed per family); (in AFDC-UF cases, either parent may elect to claim this exemption);
- (i) the spouse of a WIN registrant.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

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12 MCAR § 2.044

b. Other WIN requirements.

(1) If a required WIN registrant refuses to register, his/her needs shall be deleted from the AFDC grant; if the only dependent child over age 16 and not in school in a family refuses to register, the entire AFDC grant for the family will be denied or terminated. If the father in an AFDC-UF case refuses to register, or if he refuses a bona fide offer of employment or training without good cause, the entire family is ineligible for AFDC-UF.

(2) An AFDC applicant or recipient may contest the requirement that he/she register for WIN through the fair hearing procedure.

c. "Failure to participate in WIN" means:

- (1) failure to attend the WIN appraisal interview;
- (2) failure to accept child care plans for the WIN program;
- (3) failure to participate in Employment Services Economic Security activities;
- (4) failure to accept employment or training;
- (5) failure to remain in employment.

d. If a WIN registrant fails to participate in WIN, WIN Employment Services Economic Security will shall provide him/her an opportunity to contest whether or not this failure was for good cause; the decision of this hearing is shall not be appealable to the Commissioner of Welfare and the result is shall be binding on the local welfare agency. If the hearing opportunity is not taken, or if the failure to participate is found to be without good cause, WIN will provide the individual with a 60-day counseling period to correct the situation.

e. If an individual is found to have failed to participate in WIN, the following sanctions shall apply:

(1) If the individual is the only dependent child in an AFDC family, assistance for the entire family will shall be terminated; if the individual is one of several dependent children in an AFDC family, his/her needs will shall be deleted from the AFDC grant. In AFDC-UF, if the father refuses to accept a bona fide offer of employment or training without good cause, he shall be considered deregistered and the entire family shall be ineligible.

(2) If the individual is the caretaker of AFDC children, his/her needs will shall be excluded from the grant and assistance to other family members will be provided

through protective or vendor payments. If the individual is undergoing the 60-day counseling period his/her needs will not be removed from the grant; however, assistance to the family shall be provided in the form of protective or vendor payments. These sanctions ~~do~~ shall not apply to persons who are undergoing the 60 day counseling period or who are voluntary WIN registrants.

An individual who has been found to have failed to participate in WIN without good cause must wait 90 days after his/her AFDC benefits are terminated to reregister for WIN; if an individual has twice failed to participate in WIN without good cause, he/she must wait six months to reregister. WIN ~~need not~~ may reaccept any such reregistrant whose prior failure to participate was the result of criminal or other activities which presented a hazard to WIN staff or other WIN participants.

f. A WIN participant's monthly \$40 training allowance and \$30 incentive payment is to shall be disregarded as income in computing the AFDC grant.

g. Public Service Employment (WIN/PSE) is not shall not be subject to the \$30 plus 1/3 disregard.

h. On-the-job training (WIN/OJT) provides shall be subject to for the \$30 plus 1/3 disregard plus employment expenses. If the recipient is on AFDC-UF, the 100 hour rule applies shall apply.

2. Emergency Assistance for families with children under age 21 (AFDC-EA).

a. Eligibility qualifications.

(1) Emergency Assistance is immediate financial aid for AFDC families and other families in situations that place some or all a child and any other member(s) of the family in jeopardy and cannot be resolved with the family's current resources. Examples of emergencies are natural and civil disorders, illness, accident, death, threat of eviction, etc.

(2) Emergency Assistance shall be granted only to a family which includes a child (under age 21) who is (or within six months prior to application was has been) living with a relative eligible as an AFDC caretaker, and which is completely without resources to solve the emergency. It is not shall not be available to persons or on behalf of children over age 16 and not in school who have refused employment or training without good cause.

b. Allowable need items.

(1) Emergency Assistance shall covers payment for food, shelter, clothing, fuel and utilities, medical care and child care. It may also cover moving expense, major

PROPOSED RULES

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home repairs and major furniture and appliance replacement, replacement of furnace, roof, plumbing, or electrical systems, if authorized by the local agency before the expense ~~was~~ is incurred.

(2) Emergency Assistance ~~is~~ shall be available when the proceeds of cashed AFDC checks are lost or stolen; the theft must be reported to the police and the local welfare agency in the form of an affidavit. ~~It is not shall not~~ be available when uncashed AFDC checks are lost or stolen; in such cases, the lost or stolen AFDC funds ~~should~~ may be replaced by another AFDC check.

c. Emergency Assistance payments.

(1) The amount of Emergency Assistance ~~is~~ shall be based on the AFDC ~~Family Allowance~~ Standard and the state standard for special need items; if this sum is insufficient to meet need, the AFDC-EA allowance shall be based on cost. Payments may be made as money, vendor payments, payments in kind, or in the form of interest free loans (up to \$100) for employment expenses.

(2) AFDC-EA ~~may~~ shall be granted only for one consecutive 30-day period in one consecutive 12-month period; needs which accrue prior to the 30-day period may be met only when necessary to resolve the current emergency situation (e.g., back rent or utility payments). Assistance may be extended for up to 30 days beyond the 30-day base period, if authorized during the base period.

(3) Each local agency shall designate at least one staff member to authorize immediate AFDC-EA grants ~~and may establish a schedule of maximum allowances for the purchase of furniture and appliances.~~

3. AFDC-Foster Care (AFDC-FC).

a. Eligibility for AFDC-FC.

(1) AFDC-FC ~~is~~ shall be available for children placed by judicial action in foster homes or private non-profit child caring institutions. All such institutions, homes and agencies must be licensed as for child caring. Payments for foster or institutional services may be made to cooperating public or private agencies for care given in foster homes or nonprofit child care institutions.

(2) AFDC-FC ~~is~~ shall not be available when the child lives with a relative who is legally liable for support. AFDC-FC ~~is~~ shall be paid to nonlegally responsible relatives who are licensed or approved as foster care providers.

(3) AFDC-FC ~~is~~ shall be available only for children eligible for ordinary AFDC during the month in which judicial proceedings ~~were~~ are started, or who would have been eligible during the prior six months and if they had lived with an eligible relative.

b. AFDC-FC ~~is~~ shall be available whether or not parental support is available; the local agency ~~should~~ shall petition the juvenile court for an order requiring the parents to contribute to the child's support.

c. AFDC-FC will be paid to the foster home parent or institutional care representative, as the provider of care, not as the payee.

d. AFDC Foster Care Rates (AFDC-FC).

(1) The rates for AFDC-FC shall be applicable to foster and group homes and child care institutions ~~except where a rate for institutional maintenance has been established through a state agency rate setting process.~~ In no circumstances can rates paid to institutions include overhead costs.

Mandatory Statewide Rates (Basic)

Age	Basic Rate		Initial Clothing
	Monthly	Per Diem	
0-3	\$44 <u>123</u>	3.90 <u>4.10</u>	\$ 50 <u>56</u>
4-8	42 <u>156</u>	4.97 <u>5.20</u>	75 <u>83</u>
9-11	456 <u>172</u>	5.47 <u>5.73</u>	100 <u>110</u>
12-14	187 <u>206</u>	6.53 <u>6.87</u>	175 <u>193</u>
15-18	204 <u>225</u>	7.13 <u>7.50</u>	200 <u>221</u>

The initial clothing allowance ~~is~~ shall be available ~~only~~ at the time of the first placement the initial application and each reapplication.

The care rate includes food, clothing, shelter, physical attendance, and supervision, and transportation.

Additional payments may be made for specific social services provided by the foster home or child care institutions. Additional payments ~~may~~ shall not be made to supplement maintenance costs.

(2) In addition to the basic rate, monthly payments for additional maintenance needs (as determined by the local agency) ~~can~~ may be made.

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The additional care rates ~~are~~ shall be determined by adding the points assigned to each level and type of care required by the child. No more than 175 points may be designated for each child.

Difficulty of Care Schedule and Rates

	A	B	C	D	E
Emotional	5	15	30	60	175
Physical	5	15	30	60	175
Auxiliary	5	10	15	60	

Points	Monthly	Daily	Points	Monthly	Daily
5	30.00 34	1.00 1.13	95	219.00 242	7.30 8.07
10	40.50 45	1.35 1.50	100	229.50 253	7.65 8.43
15	51.00 57	1.70 1.90	105	240.00 265	8.00 8.83
20	61.50 68	2.05 2.27	110	250.00 276	8.35 9.20
25	72.00 80	2.40 2.67	115	261.00 288	8.70 9.60
30	82.50 91	2.75 3.03	120	271.50 299	9.05 9.97
35	93.00 103	3.10 3.43	125	282.00 311	9.40 10.37
40	103.50 114	3.45 3.80	130	292.50 322	9.75 10.73
45	114.00 126	3.80 4.20	135	303.00 334	10.10 11.13
50	124.50 138	4.15 4.60	140	313.50 345	10.45 11.50
55	135.00 149	4.50 4.97	145	324.00 357	10.80 11.90
60	145.50 161	4.85 5.37	150	334.50 369	11.15 12.00
65	156.00 172	5.20 5.73	155	345.00 380	11.50 12.67
70	166.50 184	5.55 6.13	160	355.50 392	11.85 13.07
75	177.00 195	5.90 6.50	165	366.00 403	12.20 13.43
80	187.50 207	6.25 6.90	170	376.50 415	12.55 13.83
85	198.00 218	6.60 7.27	175	387.00 426	12.90 14.20
90	208.50 230	6.95 7.67			

(a) Emotional.

(i) Level A. These are children who periodically exhibit excessive dependency, passivity, lack of responsiveness and the ~~ability~~ inability to relate.

(ii) Level B. Children at this level require abnormal amounts of attention and affection, and have need for a regimental program, such as behavior modification. Such children often have school problems, difficulty with peers, moodiness, and frequent enuresis. Foster parents often have to provide an abnormal amount of structure (e.g., constant repetition and follow through on instructions).

(iii) Level C. These children exhibit extreme attention-seeking behavior, stealing, drug use, encopresis, destructive behavior, extreme hyperactivity, sexual acting-out, running away, withdrawal, etc.

(iv) Level D. These children show extreme, bizarre behavior, and may be self-destructive and require exceptional care.

(v) Level E. Children at this level show severely disturbed behavior, such as frequent running away, depression, attempted suicide, fantasizing, or inappropriate behavior. They may be dangerous to themselves or others, and cannot be maintained in a normal family setting.

(b) Physical.

(i) Level A. These children need some help with putting on braces or prosthetic devices, some help with buttons, laces, etc., but are basically self-caring.

(ii) Level B. These children need help with dressing, bathing, and general toilet needs, as well as some help in ambulation. They exhibit feeding problems such as excessive intake, or are extremely slow and/or messy requiring help and/or supervision due to retardation or emotional or physical handicap. They may need for tube or gavage feeding. They may need physical therapy, under one hour per day.

(iii) Level C. These children need appliances for drainage or ileal conduit, or a colostomy. They ~~might~~ may need aspiration, suctioning, mist tent, etc. They are nonambulatory, needing constant attendance, and/or prescribed physical therapy, 1-2 hours per day, by foster parent.

(iv) Level D. These children require custodial care, and physical therapy 2-3 hours per day. They may have uncontrollable seizures.

(v) Level E. Due to the severity of their physical handicap, these children are unable to tolerate a normal family setting and require ongoing care. Such children possibly need 24 hour supervision.

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(c) Auxiliary.

(i) Level A. These children require special diets or supplements that require extra expense and are not covered under any other program. Regular but infrequent (less than monthly) trips must be made to a physician, psychiatrist, therapist, etc.

(ii) Level B. These children require special equipment or a regular and consistent tutoring program at home. There is unusual wear and tear on the home, and need for occasional periods of relief by an adult. Therapeutic appointments must be met every 2-4 weeks two to four weeks.

(iii) Level C. There is extreme wear and tear on the home, frequent hospitalizations, and/or therapeutic visits every two weeks or oftener.

(iv) Level D. These children exhibit either emotional or physical problems of such severity that the foster parents must make extraordinary adjustments in their family life style to accommodate the foster child. Such adjustments may include, but not be limited to, ongoing regular attendance at supportive group meetings, physical changes in the home (such as building ramps, installing lifts, etc.), ongoing consultation with child care professionals. These children require foster parents who have shown skill in adapting family life to the needs of each child.

I. Relation to other programs.

1. AFDC recipients are automatically eligible for:

- a. Medical Assistance upon signing a benefit assignment Form 1933;
- b. Food Stamps;
- c. Social Services.

2. AFDC recipients may not be simultaneously eligible for:

- a. General Assistance, unless served by the Battered Women Program;

b. Poor Relief;

c. Supplemental Security Income (~~except for foster children~~).

3. The Income Maintenance Unit shall refer all cases involving minor caretakers to the Social Service Unit for evaluation of service needs.

3 4. The following programs are not a bar to AFDC eligibility but may furnish the AFDC family with another source of support (which may remove the need for AFDC):

- a. Retirement, Survivors, and Disability Insurance;
- b. School Lunch Program;
- c. service and payments to veterans and armed forces personnel;
- d. services and payments for immigrants and refugees;
- e. Servicemen's Quarters Allowances.

The local agency ~~should~~ shall help the AFDC recipient explore the resources offered by these programs.

J. Miscellaneous.

1. Former DPW Rule 44 is hereby ~~repeated~~ amended.

2. The provisions of this rule shall be severable and if any phrase, clause, sentence or provision is declared illegal or of no effect, the validity of the remainder of this rule and the applicability, thereof, to any agency, person, or circumstances shall not be affected thereby.

3. The effective date of this rule is ~~the date of final enactment~~ five working days after the adopted rule is published in the State Register.

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STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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.

Department of Education Special and Compensatory Education Division

Notice to Contract for Certain Therapy and Ancillary Services to the Programs at the State Residential Schools

The Minnesota Department of Education, Division of Special and Compensatory Education, is planning to contract with qualified persons or firms to handle certain requirements of the Faribault Residential Schools.

The proposed contracts at these schools are as follows:

Braille School

One half-time psychologist to provide evaluation of the psychological, social and developmental needs of approximately 48 blind and deaf-blind students between 4 and 21 years; to provide consultation in both educational and residential programming for those students; and to participate as a member of the educational team that determines student needs. Contract will be written for one half-time psychologist during the 175 school days beginning August 28, 1978 and ending May 24, 1979. Salary based on full-time salary range: \$1481-2008/month.

One half-time social worker to provide counselling services to 48 blind and deaf-blind students between 4 and 21 years; to provide consultation services to teachers, houseparents, and parents as appropriate; and to participate as a member of the educational team that determines student needs. Contract will be written for one half-time social worker during the 175 school days between August 28,

1978 and May 24, 1979. Salary based on full-time salary range: \$1136-1538/month.

One full-time physical therapist to provide ongoing physical therapy to 48 blind and deaf-blind students between 4 and 21 years; to consult with teachers and houseparents; and to participate on the educational team that determines student needs. Contract will be written for 175 school days between August 28, 1978 and May 24, 1979. Salary range: \$1136-1538/month.

One full-time occupational therapist to provide ongoing occupational therapy to 48 blind and deaf-blind students between 4 and 21 years; to consult with teachers and houseparents; and to participate on the educational evaluation team that determines student needs. Contract will be written for 175 school days between August 28, 1978 and May 24, 1979. Salary range: \$1094-1481/month.

School for the Deaf

One full-time psychologist to provide evaluation of the psychological, social and developmental needs of deaf students between the ages of 4 and 21 years; to provide consultation in both educational and residential programming for these students; and to participate as a member of the educational team that determines student needs. The contract will be written for 175 school days between August 28, 1978 and May 24, 1979. Salary range: \$1481-2008/month.

One half-time social worker to provide counseling services to deaf students, ages 4 to 21 years; to provide consultation services to teachers, houseparents and parents as appropriate; and to participate as a member of the educational team that determines student needs. The contract will be written for one half-time during the 175 school days between August 28, 1978 and May 24, 1979. Salary based on full-time salary range: \$1136-1538/month.

One full-time speech pathologist to provide speech and language evaluations and therapy of deaf and moderately to severely hard of hearing students between the ages of 4-21 years; to consult with classroom teachers and houseparents; and to participate on the educational team for determining student needs. The contract will be written for 175 school days between August 28, 1978 and May 24, 1979. Salary range: \$1016-1272/month.

One half-time occupational therapist to provide evaluation of the occupational therapy needs of enrolled deaf students; to provide therapy as appropriate; to make recommendations regarding the amount of occupational therapy services needed by this student body; and to contribute to educational staffings to determine the needs of students. Services are needed for one half-time during the 175 school days between August 28, 1978 and May 24, 1979. Salary based on full-time salary range: \$1094-1481/month.

STATE CONTRACTS

One physical therapist for two six-hour days per week to provide evaluation of referred deaf students and providing ongoing physical therapy for 10-20 such students; and for 5 additional full days during the school year to participate in inservice workshops, educational team staffings and consultation with teachers. The contract will be written for approximately 75 days between August 28, 1978 and May 24, 1979. Salary based on full-time salary range of \$1136-1538/month.

Interested persons are invited to contact Dr. Will Antell, Assistant Commissioner of Education, Minnesota State Department of Education, Division of Special and Compensatory Education, 8th Floor Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55101.

Closing date for all applications shall be July 17, 1978.

Special Services Division Notice of Request for Proposals for Printing, Scoring and Reporting of Assessment Results

A contractor is needed by the Department of Education to essentially provide printing, scoring, and reporting services in conjunction with Department assessment functions. Services are required for: 1) mathematics at grades 4, 8, and 11; 2) science at grades 4 and 8; and, 3) writing at grade 11. Testing will occur in the fall, winter, and spring for grades 8, 4, and 11 respectively.

In addition, similar services are required in conjunction with the "piggyback" option portion of the assessment program.

The estimated contract will be approximately \$60,000 and RFPs should be received no later than July 17, 1978.

Interested persons are invited to seek further information from the Department by contacting Dr. William B. McMillan, Director of Assessment Section, Division of Special Services, State Department of Education, Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Notice of Request for Proposals for the Production of Pace Tapes Utilized in Assessment Test Administration

A contractor is needed by the Department of Education to narrate and reproduce pace tapes for all instrument packages

required for test administration in conjunction with both state-wide testing and the "piggyback" option.

The estimated contract will be approximately \$5,000 and RFPs should be received no later than July 17, 1978.

Interested persons are invited to seek further information from the department by contacting Dr. William B. McMillan, Director of Assessment Section, Division of Special Services, State Department of Education, Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Environmental Quality Board Power Plant Siting Division Notice of Request for Proposals for Transmission Line Network Analysis for the 1979 Inventory of Large Electric Power Generating Plant Study Areas

Notice is hereby given that the State Planning Agency intends to engage the services of a consultant to prepare the above captioned report. Proposals must be submitted no later than July 10, 1978. The estimated amount of the contract is \$30,000.

Direct inquiries to:

Environmental Quality Board
Power Plant Siting Staff
Capitol Square Building, Room 100
550 Cedar Street
St. Paul, Minnesota 55101
ATT: Will Kaul, Contract Manager
(612) 296-2888

Notice of Request for Proposals for Definition of Model Plants for the 1979 Inventory of Large Electric Power Generating Study Areas

Notice is hereby given that the State Planning Agency intends to engage the services of a consultant to prepare the above captioned report. Proposals must be submitted no later than July 10, 1978. The estimated amount of the contract is \$40,000.

Direct inquiries to:

Environmental Quality Board
Power Plant Siting Staff
Capitol Square Building, Room 100
550 Cedar Street
St. Paul, Minnesota 51501
ATT: Will Kaul, Contract Manager
(612) 296-2888

**Department of Public
Welfare
Income Maintenance
Bureau
Notice of Request for Proposals
for Medical Services**

The Minnesota Department of Public Welfare, Bureau of Income Maintenance, is seeking individuals to provide various medical services under contract as follows, and requests responses within 30 days of this publication:

Assistance Payments Division is seeking two persons, one (1) disability determination specialist, part-time, to work as a social worker on the disability review team in conformance with Title 42 CFR 448.80, and one (1) physician, part-time, for the same disability determination team. Both these persons must have both training and experience in the field of disability determination for purposes of governmental programs such as incapacitated father AFDC.

Inquiries and formal expressions of interest should be directed to:

Richard L. Grabko
Assistance Payments Division
Income Maintenance Bureau
Department of Public Welfare
4th Floor, Centennial Office Building
St. Paul, Minnesota 55155

Medical Assistance Division is seeking three persons, one (1) licensed dentist to provide peer review and evaluation of individualized requests submitted for procedural authorization, to determine the medical appropriateness of such dental procedure. Procedural requests are submitted on behalf of eligible Medical Assistance recipients by their practicing dentist. The contract will be limited to 20 hours

per week @ \$23.00 per hour. The other two (2) persons being sought are licensed physicians, one (1) board-certified psychiatrist and one (1) internist, to provide peer review and evaluation of individualized requests for procedural authorization, to determine the medical necessity and appropriateness of such medical procedures. Medical peer evaluation will also be made by these two licensed physicians of invoices submitted for payment to the Department of Public Welfare. These contracts will be limited to 14 hours per week @ \$40.00 per hour for the psychiatrist, and 19 hours per week @ \$40.00 per hour for the internist.

Inquiries and formal expressions of interest should be directed to:

Robert G. Randle, Director
Medical Assistance Division
Income Maintenance Bureau
Department of Public Welfare
690 North Robert St.
St. Paul, Minnesota 55164

**Department of Veterans
Affairs
Minnesota Veterans
Home
Notice of Intent to Enter into a
Contract for Medical and
Dental Services**

Notice is hereby given that the Department of Veterans Affairs intends to engage the services of a licensed physician and dentist to provide medical and dental services to the residents of the Minnesota Veterans Home. The estimated amount of the medical services contract will be \$34,000.00 which includes "on call" services. The estimated amount of the dental services contract will be \$16,000.00. The contracts will be let on or about June 28, 1978.

Any inquiries should be addressed to:

R. J. Lavell
Deputy Commissioner
Department of Veterans Affairs
Veterans Service Building
St. Paul, Minnesota 55155
(612) 296-2345

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, 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.

Ethical Practices Board Outside Opinion Solicited on Request for an Advisory Opinion Regarding Contributions to Dollars for Democrats

The State Ethical Practices Board solicits opinions of any individual or association regarding the following request for an advisory opinion prior to review for approval of an advisory opinion.

February 23, 1978

Ms. Elsa Carpenter
Assistant Administrator
State of Minnesota
State Ethical Practices Board
41 State Office Building
St. Paul, Minnesota 55155

Dear Ms. Carpenter:

This is in response to your letter of February 9, wherein you inquired about a \$5,000 contribution by the United Auto Workers to the Minnesota Dollars for Democrats.

As per our phone conversation, the United Auto Workers did not make that contribution. However, it was made by UAW-V-CAP, a political committee affiliated with the United Auto Workers.

UAW-V-CAP is a political committee registered with the Federal Election Committee for the purpose of supporting Federal candidates. We file monthly reports of receipts and expenditures with the FEC. Whenever there is an expenditure to a candidate or a committee in any state, we send a copy of the report to that state. We do not support state candidates in Minnesota.

By doing that, we feel that we are informing each state of any support provided candidates or committees in their particular state.

Since we are a multi-candidate committee, we support candidates and committees in most of the states. If we had to register and file other periodic reports with each state, it would entail a multitude of reports duplicating the information that we now furnish.

We wholly support the principal of "full disclosure," but do not believe in filing reports for the purpose of filing reports.

We hope that this explanation will satisfy the requirements of your board. We assure you that we will continue to notify you of any and all expenditures that we make in your state.

Sincerely,

Donald J. Moll
Assistant Treasurer

Department of Health Health Systems Division Leech Lake Reservation Business Committee, Application for Licensure

On June 1, 1978, Leech Lake Reservation Business Committee filed application with Warren R. Lawson, M.D., Commissioner of Health, for a license to operate a (an) land emergency ambulance service with a base of operation in Squaw Lake, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subd. 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to

OFFICIAL NOTICES

this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to Warren R. Lawson, M.D., within the time period outlined by statute.

Health Central, Inc., Ambulance Division, Application for Licensure

On May 16, 1978, Health Central, Inc., Ambulance Division, filed application with Warren R. Lawson, M.D., Commissioner of Health, for a license to operate a (an) emergency/nonemergency land ambulance service with a base of operation in Vadnais Heights, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subd. 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to Warren R. Lawson, M.D., within the time period outlined by statute.

Higher Education Coordinating Board Notice of Intent to Solicit Outside Information Regarding Proposed Amendment of Rules Governing Private Institution Registration

Notice is hereby given that the Minnesota Higher Education Coordinating Board is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing private institution registration (presently 5 MCAR §§ 2.0901-2.1000). Any interested persons may submit data or views on this subject in writing or orally to:

Ann Kelley
Minnesota Higher Education
Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-9672

Any written material received by the agency shall become a part of the hearing record in the event amended rules governing this subject are promulgated.

Department of Labor and Industry Occupational Safety and Health Division Notice of Proposal for Reaffirmation of Rule

Please take notice, that pursuant to the decision of the Minnesota Supreme Court in *Minnesota Public Interest Research Group v. Minnesota Department of Labor and Industry*, _____ Minn. _____, 249 N.W.2d 437 (1976), E. I. Malone, Commissioner, Minnesota Department of Labor and Industry, has determined that the existing health standards regarding exposure of employees to carcinogens and vinyl chloride should be reaffirmed. These standards were adopted by the commissioner on February 13, 1975, and are consonant with the current Federal Occupational Safety and Health Standards published at 29 C.F.R. §§ 1910.1003 through 1910.1017.

Complete copies of the specific standards reaffirmed as described above are available by writing: Deputy Commissioner, Minnesota Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota.

Interested persons are hereby afforded a period of thirty (30) days to submit written data, comments, or objections to the rule proposed. Any interested person may request a public hearing on such objections.

May 31, 1978

Department of Personnel Notice of Intent to Solicit Outside Opinion Regarding Personnel Rule Changes

Notice is hereby given that the Department of Personnel is seeking information or opinion from sources outside the

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agency in preparing to propose rules relating to the verification of employment applications and amendments to its rules relating to the examination, referral and appointment of candidates for classified positions, emergency, probationary and provisional appointments, and annual and sick leave.

The department invites interested persons or groups to submit information or comments on these subjects in writing or orally to Donn Escher, Assistant Commissioner of Personnel, 3rd Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101.

Written statements will be made a part of the public hearing record.

Pollution Control Agency Application of the Department of Transportation for a Variance from NPC-2 for Construction and Operation of Interstate Highway 94 through North Minneapolis and Brooklyn Center

Notice of Hearing

It is hereby ordered and notice is hereby given that further hearing concerning the above-entitled matter will be held on Wednesday, the 12th day of July, 1978, at the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, beginning at 9:30 a.m. and continuing until all persons can be heard.

The hearing will be before William Seltzer, 1745 University Avenue, St. Paul, Minnesota 55104 (296-8105), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota.

This matter was originally noticed on July 29, 1977, and was heard by the hearing Examiner on September 1, 2 and 6, 1977. The Hearing Examiner issued his report on March 9, 1978. This matter came on for final decision by the Minnesota Pollution Control Agency at its meeting on May 2, 1978. The agency accepted a portion of the Hearing Examiner's Report and granted variances from State Noise Standards for four land areas (identified as Areas Nos. 7, 9, 10 and 11) abutting the proposed Interstate Highway 94. As to all other areas for which variances were requested by the Department of Transportation (identified as Areas No. 1-6, 8, 12 and Areas A through L), the agency remanded this matter to the Hearing Examiner for the taking of further evidence concerning alter-

native noise abatement techniques and the reasonableness of the implementation thereof. A map prepared by the Department of Transportation which shows the locations of areas for which variances are requested is on file at the Minnesota Pollution Control Agency offices for inspection.

The purpose of the hearing will be to receive and consider testimony and evidence bearing on the application of the Department of Transportation for variances from State Noise Standards Minn. Reg. NPC-2 for the construction and operation of Interstate Highway 94, a proposed eight lane freeway through North Minneapolis and Brooklyn Center. The following subject matter will be addressed:

1. The need for a variance in Area Nos. 1, 8 and 12.
2. Alternative noise abatement techniques applicable to Area No. 4, including acquisition of property as a buffer zone, and the reasonableness of the implementation of such alternatives.
3. Alternative noise abatement techniques applicable to the residential high-rise buildings located in Areas Nos. 2, 3, 5 and 6 and the reasonableness of the implementation of such alternatives.
4. Alternative noise abatement techniques applicable to the residential properties located in Areas A through L, including the raising of presently proposed barrier heights in order to meet nighttime noise standards, and the reasonableness of the implementation of such alternatives.
5. Such additional evidence as the parties wish to present concerning alternative road surfaces on the proposed highway.
6. Such additional evidence as the parties wish to present concerning speed reduction on the proposed highway.

The Minnesota Pollution Control Agency is authorized to hold such hearing and grant such variances by Minn. Stat. § 116.07, subd. 5 (1976), and pursuant to its rules MPCA 6 and NPC-1(c). The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. §§ 15.0411 through 15.052 and rules HE 201 through 222. Questions concerning this matter may be directed to Special Assistant Attorney General Jocelyn Furtwangler Olson (296-7343) or Alfonso E. Perez, Chief of the Noise Section (296-7340), Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113.

The above-cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, St. Paul, Minnesota 55155 (296-2874). Copies of regulations and other documents pertinent to the proposed variance and application therefor are available for

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review by all interested persons during normal business hours at the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113.

Sandra S. Gardebring
Executive Director

June 8, 1978

Public Service Commission Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Relating to Billing for and Refunding to Retail Customers of Retail and Wholesale Utility Rates Collected Subject to Refund (Natural Gas and Electric Public Utilities)

Notice is hereby given that the Minnesota Public Service Commission is considering adoption of rules which would specify the manner in which retail customers are billed for and receive refunds of wholesale and retail electric and gas rate increases collected subject to refund.

These rules would apply to wholesale rate increases ultimately refunded to retail customers which had been collected under Minn. Stat. § 216B.16, subd. 7 (1976), and the refund of retail rate increases collected under bond under Minn. Stat. § 216B.16, subd. 3 (1976). The rules may specify how refundable rates should go into effect, how refunds should be apportioned among utility customers, how long the refundable rates can be held, and other matters relevant to this subject. These rules may amend existing rules of the Minnesota Public Service Commission, including Minn. Rule PSC 392 and 393 (4 MCAR 3.0392 and 3.0393).

The Minnesota Public Service Commission is interested in information regarding billing methods and costs, record keeping, the number of customers migrating from the utility's service area during the period the refundable rates are collected, seasonal variations in customer usage, and any other data believed to be relevant.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

Mr. Leo J. Ambrose
Secretary, Minnesota Public Service Commission
Seventh Floor, American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

All statements of information and comment must be received by July 21, 1978. Any written material received by this date will become part of the record of any rules hearing held on this subject.

Leo J. Ambrose
Secretary

May 22, 1978

Minnesota State Retirement System Special Meeting of Board of Directors

Notice is given that the Chairman of the Board of Directors, Minnesota State Retirement System, has called a special meeting of the Board to be held at 9:00 a.m., on July 7, 1978, in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

The purpose of the meeting is to discuss proposed amendments to the law governing the retirement plans and any other matter which may properly come before the board.

Department of Commerce Insurance Division Notice of Meeting

Board of Directors Meeting
Minnesota Comprehensive Health Association
Thursday, June 22, 1978
8:00 a.m.
Holiday Inn
St. Paul, Mn.

Errata

1. At 2 S.R. 2150, the second sentence of MEQB 74 F. should read: "No site shall be considered at the public hearing unless approved for consideration by the Board prior to notice of the hearing thereon."
2. At 2 S.R. 2153, under MEQB 77 C. Board Action., change MEQB F.2. to read: "MEQB 73 F.2."
3. At 2 S.R. 2156, delete ":", and insert ";" at end of second line of PSC 313 A.5.

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4. At 2 S.R. 2157, insert the following phrase after "periods" and before "of" in sixth line of PSC 315 A.2.: "in previous years or in the absence of such information, over similar periods".

5. At 2 S.R. 2188, last paragraph of Department of Administration's Notice of Hearing, substitute "Ethical Practices Board" for "State Ethics Commission".

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