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P182

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**State
Register**

Rules and Official Notices Edition

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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 32	Monday 3 February	Friday 17 January	Monday 27 January
# 33	Monday 10 February	Monday 27 January	Monday 3 February
# 34	Tuesday 18 February	Monday 3 February	Monday 10 February
# 35	Monday 24 February	Monday 10 February	Friday 14 February

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

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Room 231 State Capitol, St. Paul, MN 55155

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

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Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.	

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Board of Examiners for Nursing Home Administrators

Proposed Permanent Rules Relating to Licensing

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

Proposed Amendments to Rules Governing Licensing and Discipline of Nursing Home Administrators, *Minnesota Rules*, Chapter 6400.

Introduction. The Board of Examiners for Nursing Home Administrators intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on March 5, 1997, a public hearing will be held in Conference room A, 4th floor of the University Park Plaza Building, 2829 University Avenue SE, Minneapolis, Minnesota 55414, starting at 9:00 a.m. on Monday, March 24, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after March 5, 1997, and before March 24, 1997.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Julie Vikmanis, Executive Director, Minnesota Board of Examiners for Nursing Home Administrators, 2829 University Ave. SE, Minneapolis, MN 55414-3245, Phone (612) 617-2117, Fax (612) 617-2119, TTY Relay (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about licensure and discipline of nursing home administrators. *Minnesota Rules* current parts 6400.0100 to 6400.3200 are repealed and replaced with proposed parts 6400.5000 to 6400.6970. The proposed rules include: an explanation of which individuals and organizations the rules apply to; definitions of terms used in the rules; specification of who may use certain titles and abbreviations; requirements for licensure as a nursing home administrator or for permission to serve a facility as an acting administrator; procedures for applying for licensure and for review of applications to determine whether applicants meet requirements for licensure or for permits to serve facilities as acting administrators; academic course requirements; requirements for waiver of academic course requirements and of the practicum requirement; acceptable evidence to verify completion of academic courses; requirements for a practicum in nursing home administration and specification of the duration of the practicum for applicants of varying experience; requirements for academic institutions seeking designation as approved programs or course providers by offering applicants academic courses to meet requirements for licensure; requirements for licensure by reciprocity for individuals licensed in other states; licensee and applicant responsibilities; requirements for annual renewal of licenses; requirements and approval procedures for continuing education activities to meet licensure renewal require-

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

Proposed Rules

ments for licensees and for sponsors of continuing education programs; requirements for reinstatement of lapsed licenses; requirements for verification of Minnesota licensure to another jurisdiction; criteria for and types of disciplinary actions and considerations to be made in determining what disciplinary action is to be taken by the board for actions subject to disciplinary action; and fees required to participate in the application process, to obtain various services and approvals from the board and to renew licenses.

The statutory authority to adopt the rules is *Minnesota Statutes*, 1996, sections 144A.21; 144A.24; 214.06; and 16A.1285.

The rules will effect current and prospective applicants for licensure as nursing home administrators or acting administrators, licensees of the board, academic institutions which offer courses to meet academic course requirements for licensure, and individuals and organizations which sponsor continuing education programs to enable administrators to meet licensure renewal requirements. The primary effects which may be felt by these individuals or groups are related to the following: 1) proposed changes in licensure requirements (a reduction in total number of courses which must be taken and a revision in topics to be covered in academic courses, and a revision—increases in some cases and decreases in others—in number of hours of practicum to be completed based upon applicant experience); 2) proposed changes in license renewal requirements (decreasing from approximately 30 to 20 the number of continuing education credits required to be completed each year to meet license renewal requirements and eliminating a confusing requirement crossing renewal years); and 3) proposed fee increases (ranging from \$5.00 in the cost for review of a continuing education program of less than seven clock hours to \$50.00 in the cost for annual license renewal and for submission of an application to have qualifications reviewed for licensure) which are needed to continue board operations in view of the increased amount and costs of board litigation for administrative and consumer protection activities. The proposed fee increases have been reviewed and approved as necessary by the Department of Finance pursuant to *Minnesota Statutes* 1996, section 16A.1285, subdivision 2, as being "set at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services."

A copy of the proposed rules is published in the *State Register*, Monday, February 3, 1997. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, March 5, 1997, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, March 5, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for March 24, 1997, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 617-2117 after March 5, 1997, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7604, and fax 612/349-2665.

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Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Other notices required by law or chosen to be inserted in this notice.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 17 January 1997

Julie Vikmanis
Executive Director
Board of Examiners for Nursing Home Administrators

GENERAL

6400.5000 SCOPE.

This chapter applies to:

A. individuals who:

- (1) are applicants for licensure as nursing home administrators under *Minnesota Statutes*, section 144A.20;
- (2) are applicants for designation as acting administrators under *Minnesota Statutes*, section 144A.27; and
- (3) are licensees of the board;

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

Proposed Rules

B. individuals and organizations which sponsor continuing education programs to enable licensees to update their knowledge and meet license renewal requirements; and

C. academic institutions which offer courses to meet the academic course requirements for nursing home administrator licensure.

6400.5100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subp. 2. Accredited. "Accredited" means approved by a regional accrediting organization for higher education.

Subp. 3. Acting administrator. "Acting administrator" means an individual, designated by the controlling persons of the employing nursing facility, who has been issued a permit by the board under part 6400.6770.

Subp. 4. Assistant administrator. "Assistant administrator" means an individual who reports to the nursing home administrator, assumes charge of the facility in the administrator's absence, and has ongoing managerial and supervisory authority over both administrative and resident care functions, operations, and staff in a nursing facility.

Subp. 5. Board. "Board" means the Minnesota Board of Examiners for Nursing Home Administrators.

Subp. 6. CE credit. "CE credit" means a unit of measurement of continuing education activity.

Subp. 7. Clock hour. "Clock hour" means an instructional session of 60 consecutive minutes, excluding breaks, registration, meals, and social activities.

Subp. 8. Director of nurses. "Director of nurses" means the individual designated by a nursing facility to perform duties consistent with the responsibilities of the director of nursing services under part 4658.0505, whether in Minnesota or another jurisdiction.

Subp. 9. Domains of practice. "Domains of practice" means the tasks performed by nursing home administrators and the knowledges, skills, and abilities identified as necessary to perform those tasks by NAB in its job analysis of nursing home administrator. The NAB domains of practice for nursing home administrator are found in the Final Report of the Job Analysis of the Practice of Nursing Home Administrators prepared for the National Association of Boards of Examiners for Nursing Home Administrators (now National Association of Boards of Examiners for Long-Term Care Administrators), prepared by Patricia Muenzen, et. al., of the Department of Research and Development, Professional Examination Service, New York, NY, November 1996. This document is incorporated by reference. It is available at the state law library and is subject to change every five years.

Subp. 10. License. "License" means a written document issued by the board to indicate that the bearer has been found by the board to meet all requirements for practice as a licensed nursing home administrator in Minnesota. It includes an original license issued for meeting the requirements of part 6400.6000, a renewal license issued for meeting the requirements of part 6400.6700, and a reinstated license issued under part 6400.6750. It does not include a permit to serve as an acting administrator.

Subp. 11. Licensee. "Licensee" means an individual who holds a valid license to practice as a nursing home administrator granted by the board under this chapter.

Subp. 12. NAB. "NAB" means the National Association of Boards of Examiners for Long-Term Care Administrators, Inc.

Subp. 13. Nursing facility. "Nursing facility" means a facility licensed as a nursing home to provide nursing care to five or more persons under *Minnesota Statutes*, sections 144A.02 to 144A.10, by the Minnesota Department of Health or a similar facility licensed under similar provisions in another jurisdiction.

Subp. 14. Nursing home administrator. "Nursing home administrator" means an individual who has the responsibilities outlined in part 4658.0060 in a nursing facility in Minnesota or another jurisdiction and is licensed by the licensing authority of the jurisdiction responsible for the facility.

Subp. 15. Permit. "Permit" means the acting license referred to in *Minnesota Statutes*, section 144A.27, which, for purposes of this chapter, is a temporary authorization issued by the board to an individual who meets the qualifications of part 6400.6770.

Subp. 16. Preceptor. "Preceptor" means a nursing home administrator who meets the standards in part 6400.6600, subpart 3, and supervises an applicant for licensure during the practicum course.

Subp. 17. Related individual. "Related individual" means a spouse, natural or adoptive parent, stepparent, natural or adoptive grandparent, stepgrandparent, natural or adoptive child, sibling, guardian, stepbrother, stepsister, aunt, uncle, niece, nephew, first cousin, or spouse of any person named in the above groups even after the marriage ends by death or divorce.

6400.5200 USE OF TITLE.

Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Nursing Home Administrator" and the abbreviation "L.N.H.A." after the individual's name.

6400.6000 LICENSURE REQUIREMENTS.

The board shall issue an individual a license to practice as a nursing home administrator in Minnesota upon determining that the individual:

- A. has filed a completed application for licensure under part 6400.6100;
- B. meets the requirements specified in *Minnesota Statutes*, section 144A.20;
- C. has obtained a bachelor's degree from an accredited postsecondary institution;
- D. has passed the national examination for nursing home administrator developed by NAB to test knowledge of subjects pertinent to the domains of practice of nursing home administration as identified in the NAB job analysis for nursing home administrator;
- E. has passed the state examination given by the board to test knowledge of Minnesota laws and rules governing nursing facility operations in Minnesota;
- F. has presented evidence, as specified in part 6400.6570, that the applicant has satisfactorily completed courses in each of the areas specified in part 6400.6500, or qualifies for waivers under part 6400.6560;
- G. has not had an application rejected by the board under part 6400.6100, subpart 5; and
- H. has paid the fees required under part 6400.6970.

6400.6100 APPLYING FOR LICENSURE.

Subpart 1. Application contents. An individual applying for licensure shall do so on forms provided by the board. The information requested shall include personal identifying and locating data including name, home and work addresses and telephone numbers, and social security number; education and degree information; employment and practice history; licensure and disciplinary history; and information relating to criminal convictions, use of alcohol and drugs, and other issues which may reflect on ability and fitness to practice.

Subp. 2. Applicant responsibility. An applicant must provide the board with all information, documents, and fees necessary to meet licensure requirements.

Subp. 3. Application expiration. Applications expire 18 months after the date the application form is filed with the board. If the applicant does not fulfill all licensure requirements within the 18-month application period, the applicant must resubmit the application and another application fee to continue to seek licensure.

Subp. 4. Examination score expiration. Examination scores expire two years after the date the examination was taken if the applicant has not become fully licensed within that two years.

Subp. 5. Grounds for rejection. The board shall reject an applicant who does not meet the requirements of part 6400.6000 within the time period of application validity. The board may reject an applicant who has been found to have committed acts in this or any other jurisdiction which, if performed by a licensee of the Minnesota board, would be grounds for discipline under part 6400.6900, subpart 1, taking into account the considerations in part 6400.6900, subpart 3.

Subp. 6. Notice of rejection. An applicant for licensure whose application has been rejected by the board shall be given written notice of the disqualification and the reasons for it and of the right to a hearing under *Minnesota Statutes*, chapter 14.

COURSE REQUIREMENTS**6400.6400 GENERAL COURSE REQUIREMENTS.**

An applicant for licensure must satisfactorily complete courses to prepare the applicant to perform the duties of a nursing home administrator. The courses must include those specified in part 6400.6500.

6400.6500 SPECIFIC COURSE REQUIREMENTS.

Subpart 1. Organizational management. An applicant must complete a course in organizational management covering the basic management functions of:

- A. planning and objective setting;
- B. organizing and delegating; and

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C. observing, monitoring, and evaluating outcomes, including customer satisfaction.

Subp. 2. Managerial accounting. An applicant must complete a course in managerial accounting, beyond introductory accounting, covering:

A. budgeting and fiscal resource allocation; and

B. interpreting financial information to monitor financial performance and position and to make managerial decisions.

Subp. 3. Gerontology. An applicant must complete a course in gerontology covering:

A. the physical, social, and psychological aspects of the aging process; and

B. programs and services designed to meet the needs of the aged population.

Subp. 4. Health care and medical needs. An applicant must complete a course in health care and medical needs of nursing facility residents covering:

A. differentiation between the aging process and the disease process;

B. common conditions, issues, diseases, illnesses, disabilities, and treatments of nursing facility residents including dementia (cognitive decline including Alzheimer's disease); AIDS; pressure sores; infections; mobility, falls, and restraints; incontinence and constipation; sensory impairments; depression; nutrition; iatrogenesis (health care system induced medical problems); drug use; and end-of-life pain management; and

C. medical and pharmacological terminology.

An applicant who applies for licensure before September 1, 1999, may satisfy the requirements of this subpart by completing a course in medical terminology, including a study of commonly accepted medical terms used in long-term care.

Subp. 5. Nursing facility services, programs, and issues. An applicant must complete a course in the organization, operations, functions, services, and programs of nursing facilities covering:

A. governing and oversight bodies and their relationship to the administrator;

B. administrative responsibilities and structures;

C. operations and functions of each facility department;

D. functions and roles of professional and nonprofessional staff and consulting personnel; and

E. for an applicant who applies for licensure on or after September 1, 1997, issues of cultural diversity and human relationships between and among employees and residents of nursing facilities and their family members.

Subp. 6. Human resources. An applicant must complete a course in human resource management covering:

A. staffing;

B. equal employment opportunity, affirmative action, and workforce diversity;

C. compensation and benefits;

D. coaching and performance management;

E. training and development;

F. labor relations, including union contract negotiation and administration; and

G. employment law.

Subp. 7. Regulatory management. An applicant must complete a course in regulatory management covering the legal, regulatory, and funding provisions and requirements governing operation of nursing facilities and health care programs including:

A. resident rights and protection from maltreatment;

B. professional and biomedical ethics, including advance directives;

C. guardianship and conservatorship;

D. liability, negligence, and malpractice;

E. data confidentiality, privacy, and practices;

F. professional licensing, certification, and reporting for staff and consulting personnel;

G. health and safety codes including OSHA and the National Life Safety Code;

H. Medicare and Medicaid, standards for managed care and subacute care, and third-party payer requirements and reimbursement;

I. federal and state nursing home survey and compliance regulations and processes;

J. requirements affecting the quality of care and life of residents, including measurement of outcomes from clinical and resident-satisfaction perspectives;

K. resident acuity and assessment methodology; and

L. quality assessment and assurance.

Subp. 8. Information uses. An applicant who applies for licensure on or after September 1, 1999, must complete a course in the accumulation and analysis of data to inform management decision making including:

A. strategic uses of data and information;

B. data accumulation, storage, integration from multiple sources, manipulation, and presentation;

C. needs assessment and analysis methodologies; and

D. measures, analysis, and assessment of outcomes including customer satisfaction and quality improvement.

Subp. 9. Practicum. An applicant must complete or have waived, based upon prior experience under part 6400.6650, subpart 1, item A, a practicum course as described in part 6400.6600.

6400.6560 WAIVER PROVISIONS.

Subpart 1. Waiver of all course requirements. The board shall waive part 6400.6500 if the applicant meets all other licensure requirements and submits satisfactory evidence of having actively and effectively served full time for a minimum of two continuous years within the immediate past five years as the licensed nursing home administrator and chief executive officer of one or more nursing facilities in a single jurisdiction regulated by the licensing board of that jurisdiction. Time working as an acting administrator under an acting license or permit or as an administrator-in-training does not count to meet this requirement. To determine the effectiveness of the applicant's service, the board shall review the results of the two most recent regulatory inspections of the nursing facilities administered by the applicant.

Subp. 2. Waiver for Church of Christ, Scientist nursing facilities. The board must waive any provision of its rules requiring a demonstration of medical knowledge which is contrary to the religious beliefs of the Church of Christ, Scientist for any applicant who seeks a license restricted to administering a nursing facility operated exclusively in accordance with the teachings of the Church of Christ, Scientist. Any license issued under this subpart must restrict the licensee to administering such institutions.

6400.6570 EVIDENCE OF COURSE COMPLETION.

Subpart 1. Types of evidence. Evidence to verify satisfactory completion of requirements specified in part 6400.6500 must consist of one or more of the following:

A. transcripts showing completion at an accredited academic institution of a course of study approved by NAB as providing coverage of the domains of practice identified in the job analysis performed by NAB for nursing home administrator;

B. transcripts or attestation of the program director showing completion of an academic program designated by the board as an approved academic program under part 6400.6660; or

C. transcripts and other supporting documentation such as course outlines, course catalog descriptions, and text coverage information, showing completion of individual academic courses taken for credit at an accredited postsecondary institution which meet the requirements of part 6400.6500, provided that applicants may supplement evidence of completion of an accredited academic course which covers at least two-thirds of the topics listed in part 6400.6500, subpart 1, 4, 5, 6, 7, or 8, with evidence of completion of continuing education courses for the remaining topics. The continuing education courses must be approved by the board in the same manner as the board reviews and approves clock hours for continuing education courses for licensees under part 6400.6870, subparts 2 and 3.

Subp. 2. Supplementing evidence older than seven years. Evidence presented under subpart 1 for completion of academic programs or academic courses taken more than seven years prior to the submittal of the information to the board must be supplemented by either:

A. evidence that the applicant has been employed within the immediate past seven years in activities requiring use of the knowledge gained in the course; or

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B. evidence that the applicant has completed continuing education within the past two years to renew and update knowledge gained in any academic course taken more than seven years prior.

Subp. 3. No additional fees required. No fees in excess of fees associated with the standard application process may be charged to applicants for review of continuing education courses submitted as evidence to meet course requirements.

6400.6600 PRACTICUM COURSE.

Subpart 1. Requirements and content. The practicum course must be approved by the board and taken for academic credit at an accredited postsecondary institution. It must provide practical learning experiences to complement the student's academic training and work or volunteer experience in long-term care, general health care, and management. Except as provided in this subpart, the practicum must include, but need not be limited to, the following:

A. a rotation through the departments of the nursing facility to provide the student exposure to and knowledge of all functions of the nursing facility. Whenever possible, the student shall be assigned to perform tasks not requiring special skill or licensure within each department. The time to be spent in each department for a student with prior experience shall vary in relation to the prior experience of the student. The time to be spent by a student without prior experience in management, health care, or long-term care must be divided approximately equally between administrative and resident care departments. The rotation experience of every student must include time at the facility during all work shifts;

B. participation in or review of the findings and results of regulatory inspections of the facility;

C. observation of the integrative and administrative role of the administrator through attendance with the administrator at meetings with staff, governing bodies, community groups, resident councils, and other groups;

D. observation of the relationships between the facility and community and other health care providers and organizations operating in the continuum of health care;

E. participation in an in-service education session; and

F. completion of a major project, study, or research effort designed to improve operations at the facility or provide information upon which a major decision facing the facility and its management can be made.

Items B and E need not be included in the practicum of a student taking a practicum of 200 hours or less if the student has participated in the specified activities during prior health care work experience.

Subp. 2. Facility requirements. The practicum course must be conducted within a nursing facility and require the student's attention to practicum activities at the facility for at least 20 hours per week. Upon mutual agreement of the academic institution and nursing facility preceptor, a licensed nursing facility may serve as the practicum site for a student who is employed by the nursing facility, provided that the student is relieved of all previous duties during the time of the practicum experience.

Subp. 3. Preceptor requirements. The practicum must be supervised by a preceptor who is a currently licensed nursing home administrator who has been licensed and practicing as a nursing home administrator for at least two years. A preceptor may not supervise a student who is a related individual or who resides in the immediate household of the preceptor.

Subp. 4. Faculty requirements. Each student practicum must be coordinated with a faculty advisor from an academic institution. The faculty advisor shall work cooperatively with the preceptor to review results of student practicum experiences in the preceptor's facility. The faculty advisor shall consult periodically with each student enrolled in the practicum to review the student's experience and assist the student in relating the facility practicum experience to the other required academic courses.

6400.6650 PRACTICUM DURATION.

Subpart 1. Waiver and minimum number of hours. The minimum number of hours to be spent by each individual in the practicum experience shall vary according to the following schedule:

A. waived for an individual who has one year of continuous full-time employment as the licensed administrator and chief executive officer or the assistant administrator of a nursing facility. Time working as an acting administrator under an acting license or permit in the same nursing facility where the individual also served as the licensed administrator or assistant administrator is counted in meeting this standard if the individual's employment under both titles combined was one continuous year;

B. 80 hours for an individual who has served one year or more full time as a hospital administrator or hospital assistant administrator with responsibility for both resident care and administrative functions, or who has served two or more years full time as the director of nurses in a nursing facility;

C. 200 hours for an individual who has served two or more years as a department manager with supervisory and budgetary responsibility in a hospital or nursing facility. This also applies to:

(1) an individual not meeting the requirements for assistant administrator under item B or the definition in part 6400.5100, but who has otherwise held that title in a nursing facility or hospital and performed under the title for two or more years;

(2) an individual who has served as director of nurses in a hospital for two or more years; and

(3) an individual who has served two or more years as an administrator or assistant administrator of one or more long-term care facilities for 25 or more developmentally disabled residents;

D. 300 hours for an individual who has two or more years of employment in a hospital or nursing facility in any professional capacity or in any direct patient care capacity;

E. 300 hours for an individual with two or more years of non-health-care related managerial or administrative employment experience, including supervision of at least 25 employees and responsibility for an annual budget of at least \$250,000; or

E. 400 hours for an individual with none of the experience specified in items A to E.

Subp. 2. Duration of individual student practicums. Each applicant must complete a 400-hour practicum unless presenting evidence to the board that the applicant has experience as described in subpart 1, items A to E, for a reduction in the number of practicum hours. The board shall determine the minimum number of hours of practicum to be completed by an applicant by comparing the applicant's experience to the requirements in subpart 1 and shall notify the applicant of the board's decision.

6400.6660 ACADEMIC PROGRAM REVIEW.

Subpart 1. Program review and approval. Upon request of an academic institution, the board shall review courses offered by the institution, and upon finding conformity between the proposed program and the requirements of this chapter, shall approve the institution as offering courses which meet all or some portion of the course requirements for licensure. If the institution offers courses which are approved by the board to meet all course requirements of part 6400.6500, the board shall designate the institution as an approved academic program. If the institution offers courses approved by the board to meet five or more of the courses required in part 6400.6500, the board shall designate the institution as an approved course provider.

Subp. 2. Requesting course review. In submitting a program of study offered by an academic institution to meet all or some of the course requirements, the institution shall provide the following information in an application package for review by the board:

A. indication of whether the institution is requesting designation as an approved program or as an approved course provider;

B. evidence of the institution's current accreditation by a regional accrediting agency affiliated with the Federation of Regional Accrediting Commissions of Higher Education;

C. designation of a faculty member to serve as program director to coordinate the institution's program or course offerings with the board. The program director shall have authority to accept courses of equivalent content to those accepted by the board to fulfill academic course requirements specified in part 6400.6500 from students transferring to the institution and the program and from students enrolled in the program who cannot arrange class schedules to permit timely completion of the board-approved courses. The program director must report approval of courses so substituted to the board for each affected student who makes application for licensure to the board;

D. evidence of the establishment and use of an advisory group of administrators and others in the long-term care industry, including names and experience of group members and frequency of meetings, to review course requirements and practicum activities in order to provide guidance to keep courses current and make student experiences reality based and practical;

E. a description of the course of study offered or recommended by the institution for those interested in licensure as a nursing home administrator in Minnesota. Nothing in this chapter restricts institutions from designing or implementing curricula, or establishing requirements for courses, majors, or other designations offered by the institution, more comprehensive than required under this chapter for licensure;

F. a topic-by-topic review of all course requirements outlined in part 6400.6500 showing where and how within the institution's course offerings the outlined topics are covered;

G. an outline of each course offered by the institution to fulfill one or more of the licensure course requirements listing texts and materials used in the course; and

H. identification of one or more qualified faculty members to:

(1) coordinate practicum experiences for students;

(2) ensure that all practicums are conducted according to the requirements of part 6400.6600;

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(3) provide instruction to any administrator becoming a preceptor for the first time after September 1, 1997, regarding objectives for the practicum and procedures to follow to structure and supervise a successful practicum experience for a student; and

(4) ensure that each practicum is initiated with a signed learning agreement between the student, faculty advisor, and preceptor outlining the roles and responsibilities of all three parties, the time to be spent by the student in each facility department in relation to the student's prior experience, and the learning outcomes expected for the student.

Subp. 3. Review and approval process. Upon receipt of an application package for approval of an academic institution program to meet board course requirements, the board shall acknowledge receipt of the request and identify any missing requirements to the program director. Upon receipt of all required information, the board shall review all materials presented and may conduct an on-site visit or request an appearance by one or more representatives of the institution at a meeting to review all material for conformance to requirements. Board members shall base their decision to approve or reject an academic institution program on whether or not the application materials presented provide assurance that students completing the program at the institution will cover the course topics outlined in part 6400.6500 with sufficient depth to enable the board to infer student attainment of the knowledge, skills, and abilities to begin work as a nursing home administrator. If the application package and discussion with program officials fail to show compliance with the rules or to provide sufficient evidence to satisfy the board members that they can infer beginning level competency among students completing the proposed course offerings, the board shall notify the program director in writing of the deficiencies the institution must remedy. Once all deficiencies are satisfactorily remedied, the board shall grant approval to the program or courses in writing and include reference to the institution's offerings in its correspondence with students interested in learning where courses approved by the board to meet licensure requirements are available. If the deficiencies are not corrected, the board shall deny approval for the program by written notice to the program director.

Subp. 4. Annual update. Annually on or before September 1, the program director of an institution with an approved program or courses shall file with the board on forms prescribed by the board for that purpose a report indicating the following:

A. number of students with known intent to pursue licensure as nursing home administrators in Minnesota enrolled during the past academic year in courses meeting board requirements;

B. any changes in any of the information presented to satisfy the requirements outlined in this part and part 6400.6500 since the initial application or since the update report of the preceding year; and

C. to the extent available, a schedule of when throughout the academic year the approved courses will be offered by the institution.

Subp. 5. Five-year program review.

A. Every fifth year following the board's initial approval of an academic institution's program or courses, the program director shall provide a complete review of the institution's program by submitting to the board by September 1 of the fifth year, a review application package in the same format and incorporating the same information as required in subpart 2 for a new program approval application. Where no change has occurred since the initial application, the program director may submit a copy of the initially submitted information with an updated date and attestation that the information is current.

B. The board shall review the five-year program review package submitted by the institution and approve or deny continued board approval for the program as provided in subpart 3. Where the board finds it necessary to deny continued approval to a program or to specific courses, the board shall provide information to the program director about ways in which students currently enrolled in the program may obtain supplementary or alternative courses to complete the requirements for licensure in view of the revocation of approval for courses offered by the institution. The program director shall provide the information to all students enrolled in the previously approved program or courses and shall work with the students to provide a smooth transition to alternative institutions offering approved courses.

Subp. 6. Transition provisions. Academic institutions approved by the board on the effective date of this part as offering courses to meet the requirements specified in *Minnesota Rules 1995*, parts 6400.0100 to 6400.3200, shall continue to be designated as approved programs or course providers until September 1, 1999, provided they submit to the board by September 1, 1997, satisfactory evidence of coverage of *Minnesota Rules 1995*, part 6400.6400, subpart 5, item E, in their program or courses or require students enrolled in their program or courses to complete that topic by continuing education under *Minnesota Rules 1995*, part 6400.6570, subpart 1, item C. To continue to be designated by the board as an approved program or course provider after September 1, 1999, the institutions must submit an application for review and approval under subparts 1 and 2 and have their program or courses approved under subpart 3 by September 1, 1999.

LICENSES AND PERMITS**6400.6700 RECIPROCITY.**

The board shall issue a license to a nursing home administrator who has been issued and currently holds a license as a nursing home administrator in another jurisdiction provided that:

A. the other jurisdiction maintains requirements for nursing home administrator licensure which are substantially equivalent to those required under part 6400.6000;

B. the applicant has passed the Minnesota state examination within the immediate past two years;

C. the applicant is in good standing as a nursing home administrator in each jurisdiction from which the applicant has ever received a nursing home administrator license; and

D. the applicant has made application for licensure under part 6400.6100 and paid the applicable fees under part 6400.6970.

6400.6710 LICENSEE RESPONSIBILITIES.

Each licensee shall:

A. comply with the laws of Minnesota and the rules of the board and other Minnesota state agencies regarding licensure as a nursing home administrator and operation of a nursing facility in Minnesota;

B. provide notice to the board within ten working days of any change in mailing address;

C. provide notice to the board within ten working days of any change in employment as a nursing home administrator for a nursing facility;

D. provide notice to the board within ten working days of the occurrence of any reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action or the bringing of charges against any license the licensee holds as a nursing home administrator or other health care professional in Minnesota or any other jurisdiction; and

E. cooperate with the board by providing data, reports, or information requested by the board and complying with requests to attend conferences, meetings, or hearings scheduled by the board concerning license renewal or complaint investigation and discipline.

6400.6720 DISPLAYING LICENSES.

All licensees actively practicing as nursing home administrators shall display their license in a conspicuous place in the facility which the licensee administers, visible to residents and visitors.

6400.6730 DUPLICATE LICENSES.

Upon receipt of a notarized statement from a licensee that the licensee's license has been lost, mutilated, or destroyed, or that the licensee has had a name change, the board shall issue a duplicate license. Licensees obtaining duplicate licenses are subject to the applicable fee under part 6400.6970.

6400.6740 RENEWING LICENSES.

Subpart 1. Forms, time for renewal. Every individual who holds a valid license as a nursing home administrator issued by the board shall annually apply to the board on or before June 1 for renewal of the individual's license and shall report any information pertinent to continued licensure requested by the board on forms provided for that purpose. The applicant shall submit evidence satisfactory to the board and subject to audit under part 6400.6800, subpart 3, that during the annual period immediately preceding the renewal application the licensee has complied with the rules of the board and completed continuing education requirements for license renewal.

Subp. 2. Fees. Upon making an application for license renewal, the licensee shall pay the annual fee as specified under part 6400.6970. If submitting CE credits which include clock hours for workshops, seminars, institutes, or home study courses which have not been preapproved by the board, the licensee shall also pay a fee for review of clock hours based upon the total number of nonpreapproved clock hours being submitted for CE credit to meet renewal requirements. If the application for renewal has not been received by June 30 of each year, the license shall lapse and the holder of a lapsed license shall be subject to the reinstatement procedure and late renewal fees.

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6400.6750 LICENSE REINSTATEMENT.

A nursing home administrator previously licensed in this state whose license has lapsed may apply under items A to C for reinstatement of a license within five years of the date the individual was last licensed. If an individual's license has been revoked or if the individual has not been licensed for five years or more, the license cannot be reinstated but the former licensee may apply for relicensure under the requirements in part 6400.6000.

A. If a license has been lapsed in Minnesota for less than two years prior to the date of the application for reinstatement, the board must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

(1) files with the board a completed application for reinstatement;

(2) provides evidence of having completed the continuing education requirements under part 6400.6800, subpart 2, for each of the years the license has lapsed; and

(3) pays the license renewal and late fees in part 6400.6970 for each of the years the license has lapsed.

B. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has been continuously licensed as a nursing home administrator in one or more other jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

(1) files with the board a completed application for reinstatement;

(2) provides evidence of having completed the continuing education requirements under part 6400.6800, subpart 2, for each of the years the license has lapsed;

(3) pays the license renewal and late fees specified in part 6400.6970 for each of the years the license has lapsed; and

(4) successfully completes the state examination.

C. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has not been continuously licensed in one or more jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

(1) files with the board a completed application for reinstatement;

(2) provides evidence of having completed the continuing education requirements under part 6400.6800, subpart 2, for each of the years the license has lapsed;

(3) pays the license renewal and late fees specified in part 6400.6970 for each of the years the license has lapsed;

(4) successfully completes the state examination; and

(5) successfully completes the NAB examination.

6400.6760 VERIFICATION OF MINNESOTA LICENSE.

Upon request and payment of a fee under part 6400.6970 by the licensee, the board shall issue a certified statement of the licensee's licensure status and examination scores to another jurisdiction.

6400.6770 ACTING ADMINISTRATOR PERMITS.

Subpart 1. Board to issue permits. When the controlling persons of a nursing home designate an acting nursing home administrator under Minnesota Statutes, section 144A.27, the designee must secure an acting administrator's permit within 30 days of the termination of the previous licensed administrator. The board shall issue a permit to serve a facility as an acting administrator for up to six months from the termination of the facility's previous licensed administrator to an individual who meets the qualifications specified in subpart 2. A permit to serve a facility as an acting administrator is valid only for the holder's work with that facility and shall not be transferable to another facility. A permit to serve as acting administrator is not renewable beyond the six months for which it was issued.

Subp. 2. Qualifications. An applicant for a permit to serve a facility as an acting nursing home administrator must furnish satisfactory evidence that the applicant:

A. has graduated from high school or holds a general education development (GED) certificate of equivalent competency or has completed an associate or higher degree from an accredited postsecondary institution;

B. is at least 21 years of age;

C. has experience in the management of a nursing home or related facility or program or has completed a majority of the courses required for licensure under part 6400.6500; and

D. has passed the state examination.

CONTINUING EDUCATION**6400.6800 CONTINUING EDUCATION REQUIREMENTS.**

Subpart 1. Renewal requirements. At the time of license renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed in the preceding year 20 CE credits of acceptable continuing education activities as specified in this part and part 6400.6850. Licensees in their first year of licensure shall have the number of CE credits required for license renewal prorated for the number of months they were licensed during the preceding year. For purposes of obtaining and presenting CE credits, a year shall run from May 1 to April 30.

Subp. 2. Evidence of CE requirement completion. Licensees must maintain proof as described in part 6400.6850 of having completed the number of CE credits claimed at the time of renewal and shall, upon request of the board, make that proof available for audit to verify completion of the number and validity of credits claimed. Documentation to prove completion of CE credits must be maintained by each licensee for four years from the last day of the licensure year in which the credits were earned.

Subp. 3. Audit. The board shall annually select on a random basis at least five percent of the licensees applying for renewal to have their claims of CE credits audited for compliance with board requirements. Nothing in this subpart shall prevent the board from requiring any individual licensee to provide evidence satisfactory to the board of having completed the CE credits required for license renewal.

Subp. 4. Acceptable content for CE activities. Unless otherwise specified in part 6400.6850, the content of continuing education activities must relate to one or more of the following:

- A. administration of services for persons needing long-term care;
- B. current issues and trends in long-term care;
- C. the relationship of long-term care to other aspects of the health care continuum; and
- D. responsibilities, tasks, knowledges, skills, and abilities required to perform nursing home administrator functions as outlined in the NAB domains of practice.

Subp. 5. Unacceptable content for CE activities. Subjects for continuing education which will not be accepted to meet license renewal requirements include, but are not limited to, general personal development including stress management, facility or company orientation, facility or company policies or procedural issues, organizational functions such as business meetings and election of officers, and medical treatment at a clinical level beyond that required for licensure as a nursing home administrator.

6400.6850 NUMBER OF CE CREDITS FOR ACTIVITIES.

Acceptable activities to meet continuing education requirements for license renewal and the number of CE credits that licensees may obtain for each are described in items A to K.

A. A licensee who attends board-approved seminars, institutes, or workshops shall receive CE credit on a clock-hour basis for the actual amount of time spent in the seminar rounded to the nearest lower one-quarter hour. To verify clock hours of attendance at seminars, institutes, or workshops, a licensee must maintain an attendance certificate provided by the sponsoring organization.

B. A licensee who completes board-approved home study courses, including correspondence work, televised courses, and audio or video tapes, shall receive CE credit for the number of clock hours reasonably required to complete the home study course as determined by the board. To verify completion of the course, the licensee must maintain a certificate of course completion from the sponsor which must include evidence of successful completion of a test corrected by the sponsor to ascertain attainment of the knowledge conveyed in the course.

C. A licensee who attends seminars, institutes, or workshops, or completes home study courses approved by the NAB/National Continuing Education Review Service (NCERS), shall receive CE credit on the basis of clock hours assigned by NAB/NCERS. To verify clock hours of attendance at NAB approved seminars, institutes, or workshops, or completion of NAB approved home study courses, the licensee must maintain a certificate provided by the NAB approved sponsor.

D. A licensee who attends, in another state, seminars, institutes, or workshops approved by the nursing home administrator licensing authority of the other state shall receive CE credit on the basis of the number of clock hours attended. To verify clock hours of attendance at seminars, institutes, or workshops approved by another state licensing authority, the licensee must maintain a certificate of attendance from the sponsor including verification of the approval from the state licensing authority.

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Proposed Rules

E. A licensee who completes academic courses taken at an accredited postsecondary institution shall receive nine CE credits per quarter credit and 12 CE credits per semester credit. To verify completion of academic courses the licensee must maintain a copy of an academic transcript showing the course grade and date it was awarded.

E. A licensee who writes an article on a topic related to long-term care that is published in a national periodical shall receive two CE credits for an article of 500 to 1,000 words and one additional CE credit for each additional 500 words to a maximum of ten credits per year. To verify publication the licensee must maintain a copy of the periodical containing the published article.

G. A licensee who presents a paper or lecture of at least one hour at a national or statewide meeting shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating earlier presented material to a maximum of ten CE credits per year. To verify presentation the licensee must maintain a copy of the text of the information delivered and a copy of the program for the conference or workshop at which the paper or lecture was delivered.

H. A licensee who delivers a lecture of at least one hour at an academic institution shall receive two CE credits per one hour of initially presented lecture and one CE credit per hour of lecture repeating earlier developed material to a maximum of ten CE credits per year. To verify lecture delivery the licensee shall maintain corroboration from the participating academic institution.

I. A licensee who serves as a member of a board, committee, council, or work group which includes members from several nursing facilities or organizations and deals primarily with issues in nursing facility operation or long-term care shall receive one clock hour per membership position provided the group meets at least quarterly or for at least four hours of work in a year to a maximum of six CE credits per year for all membership positions combined. Where the licensee verifies that the licensee's participation on a single board, committee, council, or work group exceeded the minimum specified for a single CE credit by double the amount of hours of attendance, the licensee shall receive two CE credits per membership position to a maximum of six CE credits per year for all membership positions combined. To verify board, committee, council, or work group participation the licensee must maintain written verification of membership and attendance from an officer of the group.

J. A licensee who serves as a preceptor for a student's nursing facility administration practicum shall receive two CE credits per month spent serving as a preceptor to a maximum of 16 CE credits per year. To verify preceptor service the licensee must maintain corroboration of service from the participating academic institution. A licensee who attends training sessions to prepare administrators to be preceptors shall receive CE credit on the same clock-hour basis as for seminars, institutes, and workshops under item A.

K. Other continuing education activities not specified in items A to J may be approved for up to ten CE credits per year on an individual basis upon submission of information to the board concerning the activity in which the licensee has engaged, the results of the learning, the number of hours involved, the number of CE credits requested, and some means of verifying completion of the activity. The board shall consider the information submitted and determine whether to approve the activity and, if so, what number of CE credits to award for the activity and shall notify the requesting licensee of the board's determination. In making its determination, the board shall consider whether the activity contributed to the advancement and extension of professional skill and knowledge of the licensee in matters related to the practice of nursing facility administration.

6400.6870 SPONSORING CONTINUING EDUCATION.

Subpart 1. Applying for program approval. Individuals, groups, or organizations wishing to sponsor educational seminars, institutes, workshops, or home study programs shall submit the following, in writing, to the board to obtain review and approval for clock hours of CE credit for licensees to use in meeting continuing education requirements for license renewal:

A. date, time, and location of presentation;

B. presentation content, showing specific time periods, topic titles, and speakers including their professional qualifications;

C. number of clock hours requested to be approved;

D. a statement indicating the sponsor's willingness to maintain a means of verifying attendance and provide each attendee a certificate of attendance or other appropriate means of attesting to the number of clock hours actually attended by each attendee;

E. for home study programs, evidence of a testing process to measure the participant's attainment of knowledge and information provided in study materials; and

F. a fee under part 6400.6970 based on the number of clock hours requested to be reviewed and approved.

Subp. 2. Licensee sponsored programs and courses. A licensed administrator who attends a seminar, institute, or workshop, or participates in a home study course which has not been reviewed and approved by the board for a sponsor, may serve as the sponsor of a program and obtain review of the program and assignment of clock hours by submitting to the board office:

A. a copy of the seminar program or other document identifying the program content and other information required of program sponsors under subpart 1, items A to C; and

B. a fee in the same amount as would be charged to a sponsor under part 6400.6970, based on the total number of clock hours requested to be reviewed and approved.

Subp. 3. Review of sponsor requests. The board shall review sponsor requests and approve CE credit clock hours for programs with acceptable content, qualified presenters, and acceptable means of verifying attendance or measuring knowledge attainment under subpart 1 and part 6400.6800, subpart 4, and notify the requesting sponsor of the decision.

Subp. 4. Designation of registered continuing education sponsors. An organization which annually sponsors many educational seminars, institutes, workshops, or home study courses, may request designation by the board as a registered continuing education sponsor on an annual basis beginning May 1 and ending April 30. Registered continuing education sponsors may assign CE credit clock hours to their own program offerings applying the provisions of this chapter. The board shall review and approve requests for designation and authority as a registered continuing education sponsor provided the requesting agency meets the following requirements:

A. the sponsor is a regionally accredited university or college or division thereof or a state or national membership organization in the field of health care;

B. the sponsor has been a proven sponsor of continuing education programs acceptable to the board under subpart 3, for the two years preceding the request to be named a registered sponsor;

C. the sponsor has complied fully with the board's criteria for sponsors of continuing education programming;

D. the sponsor has made application on forms prescribed by the board and paid a nonrefundable filing fee of ten percent of the registered continuing education sponsor fee as specified in part 6400.6970;

E. the sponsor has signed an agreement to comply with the rules of the board in assigning clock hours to continuing education programs, providing certificates of attendance to participants, and providing the board with pertinent information concerning sponsored programs; and

F. the sponsor has paid the balance of the registered sponsor fee specified in part 6400.6970 within 30 days of notification by the board of approval of the organization as a registered continuing education sponsor.

Subp. 5. Performance review of registered sponsors. The board shall review performance of registered sponsors annually upon the sponsor's request to renew the one-year sponsor agreement with the board or more frequently if determined necessary in the judgment of the board and may remove registered sponsor status from an organization upon 30 days' notice if the sponsor has been found to violate the terms of the agreement with the board.

DISCIPLINE

6400.6900 DISCIPLINARY ACTION.

Subpart 1. Criteria. The board may impose disciplinary action as described in subpart 2 against an applicant, the holder of a permit to serve as an acting administrator, or a licensee, when the board determines, by a preponderance of the evidence and after due notice and an opportunity to be heard at a contested case hearing, that the applicant, permit holder, or licensee:

A. has been convicted of a felony or gross misdemeanor, including a finding or verdict of guilt, whether or not the adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea, when the felony or gross misdemeanor is reasonably related to the practice of nursing home administration, as evidenced by a certified copy of the conviction;

B. has been convicted of a crime against a minor, including a finding or verdict of guilt, whether or not adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea;

C. is not eligible to be employed as a nursing home administrator under *Minnesota Statutes*, section 144A.04, subdivision 6;

D. has failed to comply with *Minnesota Statutes*, section 626.557, the *Vulnerable Adult Act*;

E. has violated a statute, rule, or order that the board issued or is empowered to enforce or that pertains to administration of a nursing facility or to the responsibilities of a nursing home administrator;

F. has discriminated against any resident or employee, based on age, race, sex, religion, color, creed, national origin, marital status, status with regard to public assistance, sexual orientation, or disability;

G. has committed acts of misconduct substantially related to the qualifications, function, or duties of a nursing home administrator and evidenced unfitness to perform as a nursing home administrator in a manner consistent with protecting resident health, safety, and welfare;

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Proposed Rules

H. has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of nursing home administration, that adversely affects the individual's ability or fitness to practice as a nursing home administrator;

I. has engaged in unprofessional conduct or any other conduct with potential for causing harm to the public or facility residents including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established;

J. has failed to exercise true regard for the safety, health, or life of a resident;

K. has willfully permitted the unauthorized or illegal disclosure of information relating to a resident;

L. has engaged in sexual harassment, made sexual advances toward, or engaged in sexual contact with any resident, student, or trainee under the licensee's supervision, or engaged in sexual harassment of an employee, consultant, or visitor to the facility in which the licensee practices;

M. has practiced fraud, deceit, cheating, or misrepresentation, or provided misleading omission or material misstatement of fact, in securing, procuring, renewing, or maintaining a nursing home administrator license;

N. has used the licensee's professional status, title, position, or relationship as a nursing home administrator or licensee to coerce, improperly influence, or obtain money, property, or services from a resident, resident's family member or visitor, employee, or any person served by or doing business with the nursing facility that the licensee administers or is employed by;

O. has paid, given, has caused to be paid or given, or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for nursing home patronage. Nothing in this item shall be construed to limit or restrict commercial advertisement;

P. has knowingly aided, advised, or allowed an unlicensed person to engage in the unlicensed practice of nursing home administration;

Q. has practiced fraudulent, misleading, or deceptive advertising with respect to the facility of which the licensee is administrator;

R. has wrongfully transmitted or surrendered possession of the licensee's license to any other person, either temporarily or permanently;

S. has falsely impersonated another licensee;

T. has practiced without current licensure;

U. has made a false statement or knowingly provided false or misleading information to the board, failed to submit reports as required by the board, failed to cooperate with an investigation of the board, the office of the attorney general, or the Minnesota Department of Health, or violated an order of the board;

V. has been the subject of a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's nursing home administrator license in another jurisdiction;

W. has failed to report a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's license as a nursing home administrator in another jurisdiction or failed to report the existence of a complaint or other charges against the person's nursing home administrator license in this or another jurisdiction or has been refused a license as a nursing home administrator by any other jurisdiction for reasons not related strictly to a difference in academic or experience requirements among jurisdictions; or

X. has abused or is dependent on alcohol, a legend drug as defined in *Minnesota Statutes*, chapter 151, a chemical as defined in *Minnesota Statutes*, chapter 151, or a controlled substance as defined in *Minnesota Statutes*, chapter 152, and this abuse or dependency has affected the performance of the licensee's duties.

Subp. 2. Actions. If grounds for disciplinary action exist under subpart 1, the board shall take one or more of the following actions:

A. refuse to grant a permit;

B. refuse to grant or renew a license;

C. revoke a license or permit;

D. suspend a license or permit;

E. impose limitations or conditions on a license or permit;

F. censure or reprimand the licensee or permit holder;

G. refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination score; or

H. any other action authorized by statute.

Subp. 3. Considerations. In determining what action to take under subpart 2, the board may consider:

- A. responsibility and response of the individual prior to, during, and after the occurrence;
- B. extenuating circumstances;
- C. repeat complaints against the individual; and
- D. severity of or potential harm to residents.

FEES

6400.6970 FEES.

Subpart 1. Payment types and nonrefundability. The fees imposed in this part shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Examiners for Nursing Home Administrators. All fees are nonrefundable.

Subp. 2. Amounts. The amount of fees may be set by the board with the approval of the Department of Finance up to the limits provided in this part depending upon the total amount required to sustain board operations under Minnesota Statutes, section 16A.1285, subdivision 2. Information about fees in effect at any time is available from the board office. The maximum amounts of fees are:

- A. application for licensure, \$150;
- B. NAB examination, \$150;
- C. state examination, \$75;
- D. initial license, \$200;
- E. acting administrator permit, \$250;
- F. renewal license, \$200;
- G. duplicate license, \$10;
- H. fee to a sponsor for review of individual continuing education seminars, institutes, workshops, or home study courses:
 - (1) for less than seven clock hours, \$30; and
 - (2) for seven or more clock hours, \$50;
- I. fee to a licensee for review of continuing education seminars, institutes, workshops, or home study courses not previously approved for a sponsor and submitted with an application for license renewal:
 - (1) for less than seven clock hours total, \$30; and
 - (2) for seven or more clock hours total, \$50;
- J. late renewal fee, \$50;
- K. fee to a licensee for verification of licensure status and examination scores, \$30; and
- L. registration as a registered continuing education sponsor, \$1,000.

TRANSITION. Individuals whose applications for licensure as nursing home administrators under Minnesota Statutes, section 144A.20, are on file with the board on the effective date of these rules, and who have had courses approved or waivers granted to meet requirements for licensure under Minnesota Rules 1995, parts 6400.0600 and 6400.0700, shall continue to have the requirements approved for licensure after the effective date of these rules, provided the individuals complete all requirements for licensure within one year from the dates of the submission of the applications.

REPEALER. Minnesota Rules, parts 6400.0100; 6400.0200; 6400.0300; 6400.0400; 6400.0450; 6400.0500; 6400.0600; 6400.0700; 6400.0800; 6400.0900; 6400.1000; 6400.1200; 6400.1300; 6400.1400; 6400.1500; 6400.1600; 6400.1700; 6400.1800; 6400.1900; 6400.2000; 6400.2200; 6400.2400; 6400.2500; 6400.2900; 6400.3000; 6400.3100; and 6400.3200, are repealed.

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Children, Families, and Learning

Adopted Permanent Rules Relating to Graduation Rule

The rules proposed and published at *State Register*, Volume 21, Number 22, pages 739-745, November 25, 1996 (21 SR 739), are adopted as proposed.

Department of Health

Adopted Permanent Rules Relating to Hospitals and Surgical Centers; Financial, Utilization, and Services Data

The rules proposed and published at *State Register*, Volume 21, Number 14, pages 439-455, September 30, 1996 (21 SR 439), are adopted with the following modifications:

4650.0166 FEES; HOSPITALS.

Subpart 1. Fee required. A hospital whose reports are reviewed by the commissioner rather than the voluntary, nonprofit reporting organization shall submit a fee to the commissioner with the reports. ~~The fee shall be determined by the commissioner based on the cost of report reviews and the number of beds in the hospital licensed as hospital beds, pursuant to *Minnesota Statutes*, sections 144.50 to 144.58. A fee set under this part must be set at a level that neither significantly over recovers nor under recovers costs, including overhead costs. Before setting a fee under this part, the commissioner of health must submit the proposed fee to the commissioner of finance for review and comment and must address any fiscal and policy concerns raised by the commissioner of finance in the review and comment. The base for calculating the fee is the sum of the nonoperating revenue plus the operating revenue reported by the hospital under part 4650.0112 for the accounting period immediately preceding the reporting year for which the fee is due.~~

Subp. 2. Fee determination. The fee shall be determined as follows:

- A. for a hospital with a base less than or equal to \$12,000,000, the fee is \$1,200;
- B. for a hospital with a base greater than \$12,000,000 but less than or equal to \$40,000,000, the fee is equal to the base multiplied by 0.0001;
- C. for a hospital with a base greater than \$40,000,000 but less than or equal to \$80,000,000, the fee is equal to \$4,000 plus the amount of the base exceeding \$40,000,000 multiplied by 0.00009;
- D. for a hospital with a base greater than \$80,000,000, the fee is equal to \$7,600 plus the amount of the base exceeding \$80,000,000 multiplied by 0.00008. The maximum fee shall not exceed \$8,300;
- E. for a hospital that was not in operation and did not file a report for the accounting period immediately preceding the reporting year for which the fee is due, the fee is \$1,200; or

F. for a hospital that was in operation, but failed to file the report required under this chapter for the accounting period immediately preceding the reporting year for which the fee is due, the commissioner shall determine the amount of the fee after considering some or all of the following factors:

- (1) data submitted by the hospital in a previous year;
- (2) data submitted by the hospital on its Medicare cost report;
- (3) data submitted by the hospital on its audited financial statement; or
- (4) fees paid by similar hospitals.

Department of Labor and Industry

Adopted Permanent Rules Relating to Prevailing Wage Determinations

The rules proposed and published at *State Register*, Volume 20, Number 20, pages 1148-1159, November 13, 1995 (20 SR 1148); Volume 20, Number 51, page 2713, June 17, 1996 (20 SR 2713); and Volume 20, Number 52, page 2800, June 24, 1996 (20 SR 2800), are adopted with the following modifications:

Rules as Adopted

5200.1035 BASIS FOR COMMERCIAL CONSTRUCTION DETERMINATIONS.

Subp. 2. **Projects to be surveyed, criteria.** From information on file and submitted by interested persons, the ~~selections~~ determinations shall be made from projects on which construction work was done in the 12 months preceding the survey, which are located in the county or, if necessary, from adjacent counties, and where the estimated total cost of completing the project is \$2,500 or more.

Board of Veterinary Medicine

Adopted Permanent Rules Relating to License Fee

The rules proposed and published at *State Register*, Volume 21, Number 20, pages 691-692, November 12, 1996 (21 SR 691), are adopted as proposed

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Executive Orders

Office of the Governor

Emergency Executive Order #97-5: Providing for Emergency Assistance to Motor Carriers and Drivers Operating in Minnesota

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

WHEREAS, the severe winter storms that have repeatedly struck Minnesota have seriously affected the necessary transportation of liquid and gaseous heating, motor and aviation fuels; and

WHEREAS, this transportation crisis has resulted in widespread delivery problems and has affected local availability of needed fuels;

NOW, THEREFORE, I hereby order that:

1. A state of emergency exists that requires relief from laws and regulations incorporated in *Minnesota Statutes* section 221.0314 subd. 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles while delivering all grades of liquid and gaseous heating, motor and aviation fuels in Minnesota during this emergency.
2. Nothing contained herein shall be construed as an exemption from the driver qualification requirements of *Minnesota Statutes* section 221.0314 subd. 2, the requirements for driving of motor vehicles in *Minnesota Statutes* section 221.0314 subd. 6 or the parts and equipment necessary for safe operations as referenced in *Minnesota Statutes* section 221.0314 subd 7.
3. No motor carrier operating under terms of this emergency declaration shall require or allow any fatigued or ill driver to operate a motor vehicle. Any driver who informs a carrier that he/she needs immediate rest shall be given at least eight consecutive hours off duty before the driver is required to return to service.

Pursuant to *Minnesota Statutes* 1996, Section 221.0269, this Order is effective immediately and shall remain in effect for fourteen days for those carriers and drivers providing direct assistance to the emergency relief effort. Direct assistance to the emergency relief effort terminates when a driver or commercial motor vehicle is used to transport cargo not destined for the emergency relief effort.

IN TESTIMONY WHEREOF, I have set my hand this seventeenth day of January, 1997.

Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Office of the Governor

Emergency Executive Order #97-6: Providing for Emergency Assistance to Minnesota Sugar Beet Farmers

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

WHEREAS, since mid-November 1996, continuing severe winter storms have affected the entire state of Minnesota; and

WHEREAS, this ongoing weather crisis has affected the ability of farmers to transport their harvest; and

WHEREAS, it is urgent that immediate action be taken to avoid economic loss and to protect the economic health and safety of Minnesota citizens;

NOW, THEREFORE, I hereby order that a State of Emergency exists in Minnesota and do direct the Commissioner of Transportation, with respect to state and local highways, to authorize the transport of sugar beets in excess of the gross weight seasonal weight limitations governed by the provisions of *Minnesota Statutes*, section 169.825 and other applicable statutes.

The authority to transport in excess of these provisions, in addition to any limitations prescribed by the Commissioner of Transportation, is subject to the following restrictions:

Commissioners' Orders

1. This authority permits only permits movement of sugar beets up to a 92,000 pound limit.
2. Only hauls from field storage yards and areas to processing plants is allowed under this authority.
3. The Commissioner of Transportation, in coordination with local transportation authorities and engineers, may exempt certain roads and bridges from this authority.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until March 1, 1997, or is rescinded by proper authority.

IN TESTIMONY WHEREOF, I have set my hand this seventeenth day of January, 1997.

Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Commissioners' Orders

Department of Natural Resources

Trails and Waterways

Trail Designation Order

Commissioner's State Recreational Trail Designation Order: Glacial Lakes Trail, Willmar to Hawick

WHEREAS, the land within what was the former right-of-way of the Burlington-Northern Railroad Company running generally from Willmar, SE 1/4 NE 1/4, Section 1, Township 119 North, Range 35 West, to Hawick, NW 1/4 SE 1/4, Section 28, Township 122 North, Range 33 West, both in Kandiyohi County, Minnesota, and more particularly those lands described in Exhibit "A" attached and made a part here of has been acquired under authority of *Minnesota Statutes* §§ 84.029 and 85.015, Subd. 5 as a State Recreational Trail; and

WHEREAS, the above mentioned trail is now supporting year-round recreational use; and

WHEREAS, the most effective means by which said lands can be developed, maintained and protected for recreational purposes for future generations is by designation as a State Recreational Trail.

NOW THEREFORE, I Rodney W. Sando, Commissioner of the Department of Natural Resources, pursuant to authority vested in me by law, do hereby designate the above described lands as a State Recreational Trail.

IT IS FURTHER ORDERED that the Rules and Regulations for State Recreational Trails promulgated as *Minnesota Rules* 6100.3000 to 6100.4300, shall apply to the use of the above described lands.

Dated: 16 November 1996

State of Minnesota
Department of Natural Resources
Rodney W. Sando, Commissioner

Commissioners' Orders

Department of Natural Resources

**Trails and Waterways
Trail Designation Order**

Commissioner's State Recreational Trail Designation Order: Munger State Trail, Carlton to Wrenshall

WHEREAS, the land within what was the former right-of-way of the Burlington-Northern Railroad Company's Carlton, Minnesota to Superior, Wisconsin branch line, beginning within the NW 1/4 Section 7, and extending southeasterly, to a point within the SE 1/4 NW 1/4 Section 35, all in Township 48 North, Range 16 West of the 4th Principal Meridian all in Carlton County, Minnesota, and more particularly those lands described in Exhibit "A" attached and made a part here of has been acquired under authority of *Minnesota Statutes* §§ 84.029 and 85.015 Subd. 11, as a State Recreational Trail; and

WHEREAS, the above mentioned trail is now supporting year-round recreational use; and

WHEREAS, the most effective means by which said lands can be managed and protected for recreational purposes for future generations is by designation as a State Recreational Trail.

NOW THEREFORE, I Rodney W. Sando, Commissioner of the Department of Natural Resources, pursuant to authority vested in me by law, do hereby designate the above described lands as a State Recreational Trail.

IT IS FURTHER ORDERED that the Rules and Regulations for State Recreational Trails promulgated as *Minnesota Rules* 6100.3000 to 6100.4300, shall apply to the use of the above described lands.

Dated: 16 December 1996

State of Minnesota
Department of Natural Resources
Rodney W. Sando, Commissioner

Department of Natural Resources

**Trails and Waterways
Trail Designation Order**

Commissioner's State Recreational Trail Designation Order: Munger State Trail, Barnum to Carlton

WHEREAS, the land within what was the former right-of-way of the Burlington-Northern Railroad Company's Barnum to Carlton, Minnesota branch line, beginning within the NW 1/4 Section 1, Township 46 North, Range 19 West and extending north-easterly to a point within the SE 1/4 SE 1/4 Section 9, Township 48 North, Range 17 West, all within Carlton County, Minnesota, and more particularly those lands described in Exhibit "A" attached and made a part here of has been acquired under authority of *Minnesota Statutes* §§ 84.029 and 85.015, Subd. 11 as a State Recreational Trail; and

WHEREAS, the above mentioned trail is now supporting year-round recreational use; and

WHEREAS, the most effective means by which said lands can be managed and protected for recreational purposes for future generations is by designation as a State Recreational Trail.

NOW THEREFORE, I Rodney W. Sando, Commissioner of the Department of Natural Resources, pursuant to authority vested in me by law, do hereby designate the above described lands as a State Recreational Trail.

IT IS FURTHER ORDERED that the Rules and Regulations for State Recreational Trails promulgated as *Minnesota Rules* 6100.3000 to 6100.4300, shall apply to the use of the above described lands.

Dated: 16 December 1996

State of Minnesota
Department of Natural Resources
Rodney W. Sando, Commissioner

Department of Natural Resources

Trails and Waterways

Trail Designation Order

Commissioner's State Recreational Trail Designation Order: Paul Bunyan State Trail

WHEREAS, the land within what was the former right-of-way of the Burlington-Northern Railroad Company running generally from Baxter in Crow Wing County near Brainerd through Merrifield, Lake Hubert, Nissua, Pequot Lakes, Jenkins, Pine River, and Backus, terminating in Hackensack in Cass County, and more particularly those lands described in Exhibit "A" attached and made a part here of, has been acquired under authority of *Minnesota Statutes* §§ 84.029 and 85.015, Subd. 15 as a State Recreational Trail; and

WHEREAS, the above mentioned trail is now supporting year-round recreational use; and

WHEREAS, the most effective means by which said lands can be managed and protected for recreational purposes for future generations is by designation as a State Recreational Trail.

NOW THEREFORE, I Rodney W. Sando, Commissioner of the Department of Natural Resources, pursuant to authority vested in me by law, do hereby designate the above described lands as a State Recreational Trail.

IT IS FURTHER ORDERED that the Rules and Regulations for State Recreational Trails promulgated as *Minnesota Rules* 6100.3000 to 6100.4300, shall apply to the use of the above described lands.

Dated: 16 December 1996

State of Minnesota
Department of Natural Resources
Rodney W. Sando, Commissioner

Minnesota Pollution Control Agency

Finding of Fact Conclusions and Order in the Matter of the Petition by the Unincorporated Area on the North Shore of Little Spirit Lake to be Known as Shorewood Acres Sanitary District for the Formation of the Shorewood Acres Sanitary District

The Minneota Township Board Chair, the Chair of the Jackson County Board of Commissioners, and 30 residents of an unincorporated area on the north shore of Little Spirit Lake, in Minneota Township, Jackson County, each filed a petition with the Minnesota Pollution Control Agency (MPCA) requesting the formation of the Shorewood Acres Sanitary District. The Chairpersons were authorized to sign the petitions pursuant to resolutions passed by their respective Boards.

The MPCA published notification of the intent to approve the creation of the Shorewood Acres Sanitary District in the *State Register* on December 2, 1996. The MPCA also notified all the property owners in the affected area by mail of the notification published in the *State Register*.

The MPCA, after reviewing the petition, publishing the notice of intent to approve creation of the sanitary district in the *State Register*, notifying all the property owners of the intent to create the district, and receiving no written comments or request for hearing, being fully advised in this matter, hereby make the following:

FINDINGS OF FACT

1. Little Spirit Lake is located southwest of the city of Jackson, in Minneota Township, Jackson County. Jackson County and Minneota Township are located next to the Iowa border and Little Spirit Lake crosses the Minnesota-Iowa border.
2. The area of the proposed district is in an unorganized area located in the Southeast 1/4 of Section 35 Minneota Township, on the east side of the portion of Little Spirit Lake that is located within the Minnesota boundary. The area proposed for formation of a sanitary district is specifically described in the attached legal description [Attachment 1] and map [Attachment 2].
3. Currently, all homes located within the proposed district are connected to a wastewater collection system which discharges to a one-cell pond system. The existing one-cell pond system does not conform to secondary treatment standards.

Commissioners' Orders

4. On December 12, 1995, Jackson County adopted a resolution authorizing the chair of the County Board of Commissioners to petition the MPCA for establishment of the Shorewood Acres Sanitary District. The resolution was published in the County's official newspaper on December 21, 1995, and became effective forty (40) days after publication.
5. On December 16, 1995, the Minneota Township adopted a resolution authorizing the chair of the Township Board to petition the MPCA for establishment of the Shorewood Acres Sanitary District. The resolution was published in the Township's official newspaper on April 18, 1996, and became effective forty (40) days after publication.
6. On December 13, 1995, a public hearing was held at the Jackson County Courthouse to consider the proposed creation of a sanitary district. Notification of the public hearing was published once each week for two weeks in the *Jackson County Pilot*, a newspaper published in the area, on November 23, 1995 and on November 30, 1995. Attendees of the meeting were given information on the proposed creation of the district, including a description of the district's proposed structure, bylaws, territory, ordinances, budget and charges.
7. On February 12, 1996, a petition was filed with the MPCA requesting approval for the formation of the Shorewood Acres Sanitary District. The respective chairs of the Jackson County Board of Commissioners and the Minneota Township Board each signed the petition for creation of the district as authorized by the resolutions. In addition, the petition was signed by 30 of the property owners in the proposed district supporting the creation of the Shorewood Acres Sanitary District. The petition requesting approval for formation of the district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).
8. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
9. Fifty-eight (58) individuals own property within the area proposed for formation of a sanitary district according to the Jackson County Auditor. The petition was signed by thirty (30) residents of the proposed area.
10. On December 2, 1996, the MPCA published the Notice of Intent to Approve Creation of the Shorewood Acres Sanitary District in the *State Register* at 21 SR 812 and mailed the notice to all the property owners in the area of the proposed district. The public notice period lasted for 30 days and ended January 2, 1997.
11. By January 2, 1997, the end of the public notice, the MPCA had received neither written comments nor written requests for a public hearing.
12. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. Currently, wastewater is collected and conveyed to a one-cell pond system which does not meet current standards for adequate treatment. The existing system is failing and can cause degradation to the nearby lake and ground water.
13. The creation and maintenance of the district will be administratively feasible, and will further the public health, safety and welfare. The district will be administered by a five-member board, made up of Minnesota voters residing within the district and elected by the Minneota Township Board. When formed, the district will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district. The record contains a proposed ordinance establishing sewer use regulation and proposed by-laws of the sanitary district.

CONCLUSIONS

1. The Commissioner has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (1996).
2. The petitioners have complied with all the procedural requirements of *Minnesota Statutes* § 115.20 (1996), as well as other substantive and procedural requirements of law and rule. This matter is, therefore, properly before the Commissioner.
3. The conditions described in *Minnesota Statutes* § 115.19 (1996) for the creation of a sanitary district do exist within the area described in the legal description attached.
4. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might properly be termed Findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

IT IS ORDERED that the Shorewood Acres Sanitary District is hereby created to include the unincorporated area on the north shore of Little Spirit Lake as described in the legal description attached to the petition filed with the MPCA.

Dated: 24 January 1997

Peder A. Larson
Commissioner

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

Department of Agriculture

Rural Finance Authority

Request for Comments on Planned Amendments to Rules Governing the Agricultural Development Bond Beginning Farmer Loan Program, *Minnesota Rules*, part 1650.0501-1650.0571

Subject of the Rule. The Rural Finance Authority requests comments on its planned amendments to rules governing the Agricultural Development Bond Beginning Farmer Loan Program for the issuance of bonds to finance loans made to beginning farmers. The authority is considering amendments that changes eligibility requirements to comply with federal law.

Persons Affected. The amendments to the rule would likely affect agricultural lenders and entry level farmers that participate in the program. The authority does not contemplate appointing an advisory committee to comment on the planned amendments.

Statutory Authority. *Minnesota Statutes*, section 41B.07 allows the authority to adopt rules for the efficient administration of *Minnesota Statutes*, section 41B.01 to 41B.23.

Public Comment. Interested persons or groups may submit comments or information on the planned rule amendments in writing or orally until 4:30 p.m. on Friday, April 4, 1997. The authority has not prepared a draft of the planned rule amendments. Written or oral comments, questions, requests to receive a draft proposed amendments, and requests for more information on the planned rule amendments should be addressed to: Jim Boerboom, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107; Phone 612/297-3395, Fax 612/296-9388. TTY users may call the Department of Agriculture through Minnesota Relay Service at 612/297-5353, or outside the twin cities at 1-800/627-3529.

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 21 January 1997

Jim Boerboom
Executive Director

Department of Agriculture

Agronomy & Plant Protection Services Division

Notice of Cancellation of Minnesota Agricultural Response Compensation Board Meeting

The scheduled Agricultural Chemical Response Compensation Board (ACRRA Board) meeting set for February 19, 1997 has been canceled. The next regularly scheduled meeting will be **March 19, 1996**. This meeting will be held at the Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota, first floor Conference Room at 9:00 a.m. Please call the ACRRA Program, 297-3490, should you require additional information.

Department of Agriculture

Agronomy and Plant Protection Services Division

Notice of Future ACRRA Surcharges

Annually, and pursuant to *Minnesota Statutes* 18E.03., Subd.3. (1996), the Commissioner of Agriculture determines the amount of ACRRA surcharges to be paid by various persons to adequately fund the ACRRA Response & Reimbursement Program.

- For pesticides registered under *Minnesota Statutes* 18B.26 (1996): a surcharge equal to 0.1 percent of sales of the pesticide in the state and sales of pesticides for use in the state during the period January 1, 1997 through December 31, 1997.
- For fertilizer, soil amendment, and plant amendment inspection fees, under *Minnesota Statutes* 18C.425 (1996): ten (10) cents per ton.
- For sites licensed under *Minnesota Statutes* 18B.31 (1996) - Pesticide Dealers; and for sites licensed under *Minnesota Statutes* 18C.415 and 18C.425 (1996) — Agricultural Fertilizer Dealers and Fertilizer Lawn Services: \$75 per license.
- For Structural Pest Control Applicator business license, under *Minnesota Statutes* 18B.32 (1996): \$50 per license.
- For Commercial Pesticide Applicator license, under *Minnesota Statutes* 18B.33 (1996): \$20 per license.
- For Non-Commercial Pesticide Applicator license, under *Minnesota Statutes* 18B.34 (1996): \$20 per license.
- For each site where pesticides are stored and sold for use outside the state: \$1000; unless,
 - (1) the distributor properly documents that it has less than \$2,000,000 per year in wholesale value of pesticides stored and transferred through the site; or
 - (2) the registrant pays the registration surcharge (see above) and the registration fee under section 18B.26, subdivision 3, for all of the pesticides stored at the site and sold for use outside of the state.

The MDA has determined that maintaining the amounts of surcharges for 1997 at the levels previously set and collected for 1996 is reasonable and necessary for the following reasons:

1. The ACRRA, by statute, must maintain an unencumbered balance of \$1,000,000.
2. The ACRRA balance, after the addition of 1996 surcharges collected from November, 1996, to March, 1997 is projected to be more than \$1,000,000 and less than \$5,000,000.
3. Reimbursements or payments expected to be ordered by the ACRRA Board during the next year are estimated to be \$2 million.
4. The majority of ACRRA surcharges for 1997, as detailed above, will not be collected until the period November 1997, to March 1998.

The Agricultural Chemical Response Compensation Board (ACRRA Board) by resolution concurs with the MDA's determination.

Persons desiring further information may contact the ACRRA Program at the Minnesota Department of Agriculture at (612) 297-4872.

Department of Health

Health Policy and Systems Compliance Division

Health Economics Program

Notice Regarding Actual Growth Limits on Health Care Expenditures for 1997

Pursuant to *Minnesota Statutes* section 62J.04, Subdivision 1a, the commissioner of health is required to publish the actual growth limit on the rate of health care expenditures for the calendar year. The growth limit on the rate of health care expenditures is based upon the methodology described in *Minnesota Statutes* 62J.04, Subdivision 1, and the growth limit must reflect the change in the regional consumer price index for urban consumers for the previous year.

The rate of growth in the Consumer Price Index-All Urban Consumers for the North Central region of the United States in 1996 was 3.1%.

The actual growth limit on health care expenditures for calendar year 1997 is 6.5%. The growth limit for health care providers complying by the "fee" method is 3.1%.

Notice Regarding Quarterly Change in the Regional and National Consumer Price Index:

Pursuant to *Minnesota Statutes* section 62J.04 Subdivision 1, the commissioner of health is required to publish the quarterly change in the regional consumer price index for urban consumers. The publication of this change is intended to assist in monitoring movement in the general inflation rate as measured by the quarterly change in the North Central CPI-U index. The quarterly change and annualized seasonally adjusted change in the U.S. city average CPI-U index is also published for comparative purposes.

The change in the average, unadjusted North Central CPI-U index for all items, from the 3rd quarter 1996 to the 4th quarter 1996, is 0.90%.

The change in the average, unadjusted U.S. city CPI-U index for all items, from the 3rd quarter 1996 to the 4th quarter 1996, is 0.70%.

The seasonally adjusted annualized rate of change in the average U.S. city CPI-U index, from the 3rd quarter 1996 to the 4th quarter 1996, is 3.08%.

Notice Regarding the Health Care Financing Administration's Estimated Increase in Health Care Expenditures and the Projected Growth Limit for 1997 and 1998

Pursuant to *Minnesota Statutes* section 62J.04, Subdivision 1, the commissioner of health is required to publish the health care financing administration's forecast of total growth in national health care expenditures. In addition, by April 15 of each year that the interim growth limits are in effect, the commissioner is required to publish the projected growth limit for the following year.

The health care financing administration (HCFA) estimates that national health care expenditures grew 7.4% between 1994 and 1995 and 7.9% between 1995 and 1996. HCFA estimates that national health care spending will grow 8.0% between 1996 and 1997.

The projected growth limit for Minnesota is 5.5% for 1998.

Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf of Macalester College

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Macalester College, a Minnesota nonprofit corporation (the "College"), as owner and operator of Macalester College, an institution of higher education, at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on February 19, 1997 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$19,500,000 to finance some or all of a project generally described as (a) the construction, furnishing and equipping of a residence hall for approximately 113 beds with recreational and instructional space; (b) acquisition and installation of a boiler, central chiller, heating oil tank and related piping; (c) acquisition and installation of voice and data communication cables and relocation of telephone switch; (d) construction, furnishing and equipping of an approximately 68,000 square foot multipurpose campus center; and (e) partial renovation of Wallace and Bigelow Halls to expand capacity by 30 to 35 beds (collectively, the "Project"), owned or to be owned and operated by the College and located on its main campus, the principal street address of which is 1600 Grand Avenue, St. Paul, Minnesota 55105-1899.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 3 February 1997

By Order Of The Minnesota Higher
Education Facilities Authority
J. Luther Anderson
Executive Director

Housing Finance Agency

Request for Comments on Planned Amendment to Rules Governing the Definition of Capital Contributions of Investors for the Redefined Equity Program, *Minnesota Rules*, Section 4900.0010 Subp. 7. A. (2) (d) (e)

PLEASE NOTE: The following Request for Comments is an updated version of that which was previously published in the *Minnesota State Register* on January 21, 1997.

Subject of Rules. The Minnesota Housing Finance Agency (Agency) requests comments on its planned amendment to rules governing the definition of capital contribution of investors for the Redefined Equity Program (Program). The Agency is considering rule amendments that provide incentives for owners of federally subsidized multi-family rental housing to remain in the housing program and preserve the housing as decent, affordable housing for very low income persons and families.

Persons Affected. The amendment to the rules would likely affect the developers and investors in MHFA-financed federally subsidized multifamily rental housing.

Statutory Authority. *Minnesota Statutes*, section 462A.06, subdivision 11 (1994) authorizes the Agency to adopt rules pursuant to *Minnesota Statutes*, Chapter 14, *Minnesota Statutes* Section 462A.03, Subdivision 13, which requires the Agency to determine the return to a limited dividend entity on capital contributions of its investors pursuant to rules.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on April 3, 1997.

Rules Drafts. The Agency has prepared a draft of the planned rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, Attn: Robert J. VandenHoek, telephone number (612) 296-9826. TDD users may call the Agency at (612) 296-7608.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Agency contact person at the address or telephone number listed above.

Dated: 3 February 1997

Katherine G. Hadley, Commissioner
Minnesota Housing Finance Agency

JOINT NOTICE

Housing Finance Agency

Department of Economic Security

Department of Trade and Economic Development

Notice of Comment Period on the 1998 Minnesota Citizen Participation Plan

The Minnesota Housing Finance Agency (MHFA), the Minnesota Department of Trade and Economic Development, and the Minnesota Department of Economic Security announce the availability of the Citizen Participation Plan for public comment from February 10, 1997, through February 24, 1997, at 5 PM.

The Citizen Participation Plan summarizes how the state intends to solicit public input on the 1998 Minnesota Consolidated Plan. The Citizen Participation Plan outlines the policies and procedures that the state will follow when asking for public input on the consolidated plan process. Before public input may begin on the consolidated plan, the public must have an opportunity to examine the means by which the state intends on soliciting public input.

The consolidated plan is a condition of funding for three U.S. Department of Housing and Urban Development grants: the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG), and the HOME Investment Partnerships program (HOME). The 1998 Consolidated Plan will not be available for public comment until November 1997.

The Citizen Participation Plan will be available for public comment from February 10, 1997, through February 24, 1997, at 5 PM. Copies of the Citizen Participation Plan are available for examination at a series of public places. A full list of these public places appears at the end of this notification. Also, a reasonable number of copies will be available through MHFA and may be requested by calling 612/296-7608, 1/800/657-3769, or (TTY) 612/297-2361.

Persons in need of special accommodations should contact Denise Rogers at 612/296-8206. General questions about the Citizen Participation Plan can be directed to C.J. Eisenbarth Hager at 612/296-8147. Those with a teletypewriter (TTY) may use 612/297-2361.

LIBRARIES

Arrowhead Library System
701 11th Street North
Virginia

Bemidji Public Library
6th & Beltrami
Bemidji

Duluth Public Library
520 West Superior Street
Duluth

East Central Regional Library
244 South Birch
Cambridge

Grand Marais Public Library
First Street & West Second Avenue
P.O. Box 280
Grand Marais

Great River Regional Library
405 St. Germain
St. Cloud

Lake Agassiz Regional Library
115 S. 6th Street, Box 699
Moorhead

Marshall-Lyon County Library
301 West Lyon Street
Marshall

Minneapolis Public Library
300 Nicollet Mall
Minneapolis

Minnesota Valley Regional Library
100 E. Main Street
Mankato

Nobles County Library
Post Office Box 99
Worthington

Northwest Regional Library
101 East First Street
Thief River Falls

Owatonna/Steele County Library
105 North Elm Street, Box 387
Owatonna

Pioneerland Public Library System
410 W. 5th Street
Willmar

Red Wing Public Library
225 East Avenue
Red Wing

Rochester Public Library
11 First Street SE
Rochester

St. Paul Public Library
90 West 4th Street
St. Paul

Winona Public Library
151 West 5th Street
Winona

RDCS

Northwest RDC
115 S. Main Ave., Ste 1
Warren

Headwaters RDC
P.O. Box 906
Bemidji

Arrowhead RDC
330 Canal Park Drive
Duluth

Mid-Minnesota
333 West Sixth Street
Willmar

Upper Minnesota Valley RDC
323 West Schlieman
Appleton

East Central RDC
100 South Park Street
Mora

South West RDC
P.O. Box 265
Slayton

Region Nine
P.O. 3367
Mankato

Metro Council
230 East Fifth Street
St. Paul

Region Five
611 Iowa Avenue
Staples

Official Notices

HOUSING PARTNERSHIP'S REGIONAL NETWORK PROJECT OFFICES

Tri-Valley Opportunity Council
PO Box 607
Crookston

Southeast Minnesota Housing Network
1414 NorthStar Drive
Zumbrota

Southwestern MN Housing Partnership
2524 Broadway Avenue, Box 265
Slayton

Central Minnesota Housing Partnership
PO Box 642
St. Cloud

West Central Minnesota Housing Partnership
Norwest Bank Building, Suite B-3
220 West Washington Ave.
Fergus Falls

MINNESOTA INITIATIVE OFFICES

Northwest MN Initiative Fund
722 Paul Bunyan Dr. NW
Bemidji

West Central MN Initiative Fund
220 West Washington, Ste 205
Fergus Falls

Southwest MN Initiative Fund
PO Box 130
Granite Falls

Northland Foundation
332 West Superior, Ste 600
Duluth

Central MN Initiative Fund
70 SE First Avenue
Little Falls

Southeast MN Initiative Fund
540 West Hills Circle, Box 570
Owatonna

COUNCILS, ASSOCIATIONS, AND OTHER LOCATIONS

Spanish Speaking Affairs Council
50 Sherburne Avenue, Room G-4
St. Paul

Council on Black Minnesotans
426 Wright Bldg.
2233 University Ave.
St. Paul

Centro Cultural Chicano
2201 Nicollet Ave. S.
Minneapolis

American Indian Housing Group
1305 E. 24th St.
Minneapolis

Asian Pacific Minnesotans
100 Meridian Bank
205 Aurora Ave.
St. Paul

Upper Midwest American Indian Center
1113 W. Broadway
Minneapolis

CLUES
220 S. Robert St., Ste 103
St. Paul

MHFA
400 Sibley Street, Suite 300
St. Paul

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective February 3, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Cook: Judge Magney State Park Water Treatment Building-Hovland.

Dakota: 1997 Reroofing of Farmington Senior High School-Farmington.

Dodge: 1997 Reroofing Mantorville Elementary IDS 204-Mantorville; 1997 Reroofing Byron Senior High School-Byron.

Faribault: 1997 Reroofing of Blue Earth Middle School-Blue Earth.

Hennepin: Audubon Elementary School Asbestos Abatement Phase 2-Minneapolis; Minnetonka Ice Arena- Minnetonka; Fire Alarm System Installation Morrill Hall/U of M-Minneapolis; Fire Alarm System Installation Como Co-Op Housing/U of M-Minneapolis; Fire Alarm System Installation Child Development Building/U of M-Minneapolis; Edison High School Asbestos Abatement Phase 2- Minneapolis; Kenny Elementary School Asbestos Abatement-Minneapolis; Kenny Elementary School Misc Upgrades & Maintenance-Minneapolis; Sheridan Elementary School Remodeling-Minneapolis.

Nicollet: Secured Juvenile Detention & Treatment Facility-St. Peter.

Ramsey: Boiler/Burner Replacement at Battle Creek Elementary/Franklin Middle & Battle Creek Middle Schools-St. Paul; Animal Holding Addition U of M-St. Paul; Bigelow Building Remodeling RAP Head Start-St. Paul; Como Park Senior High School Window Replacement-St. Paul; Hazel Park Junior High School Window Replacement-St. Paul.

Rock: Hills/Beaver Creek Elementary School Asbestos Abatement-Beaver Creek.

St. Louis: Kirby Student Center Life Safety Project U of M Duluth-Duluth; Renovations to Virginia Regional Medical Center-Virginia.

Stearns: Minnesota Correctional Facility St. Cloud New Perimeter Security Fencing-St. Cloud.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,
Commissioner

Metropolitan Airports Commission

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that on the 24th day of February, 1997 at 9:30 a.m. in the Lindbergh Terminal Building at Minneapolis-St. Paul International Airport, Room 303, the Metropolitan Airports Commission will hold a public hearing to receive testimony relative to the adoption of:

REVISED TAXICAB ORDINANCE

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare and to provide for the equitable allocation of the costs of establishing and maintaining ground transportation facilities at the Airport, by regulating the operation of all Taxicabs at Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, a public airport under the operation, direction and control of the Metropolitan Airports Commission, and repealing Ordinance 79 as it relates to Taxicabs.

The Ordinance regulates taxicab operations at Minneapolis-St. Paul International Airport.

Copies of the draft Ordinance and Summary may be obtained by contacting:

Landside Operations Department
Metropolitan Airports Commission
Minneapolis-St. Paul International Airport, Room 330
4300 Glumack Drive
St. Paul, MN 55111
(612) 726-5463

Dated: 3 February 1997

Mr. Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 - 28th Avenue South
Minneapolis, MN 55450

Official Notices

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Department of Public Safety, MN Auto Theft Prevention Program, will hold its Board of Directors meeting on Thursday, February 6, 1997 at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve, Mendota Hts., MN. (HWY 110 & Lexington-GNB Bldg.). Interested parties may contact 612/405-6155 for more information.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612)297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. **Completed applications are to be submitted to the Secretary of State by February 25, 1997.** Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1996 Annual Compilation is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1996 fiscal year.

To order copies of the 1996 Annual Compilation please call the Minnesota Bookstore at (612)297-3000 or 1-800- 657-3757. This press release is available on the Internet Web site location: www.sos.state.mn.us.

ALCOHOL AND DRUG COUNSELOR LICENSING CULTURAL DIVERSITY COMMITTEE PO BOX 64975, ST. PAUL, MN 55164-0975. (612)282-5619. *Minnesota Statutes* 10.059 & 148C.11

APPOINTING AUTHORITY: Commissioner of Health

COMPENSATION: \$55 per diem, plus expenses.

ONE VACANCY: Applicant must be a representative of the Chicano/Latino community.

The committee advises the Commissioner of Health on issues specific to licensees in their practice of alcohol and drug counseling with clients for whom special licensing criteria has been developed in rules. The committee consists of 12 members including two who are recommended by each of the following councils: MN Commission Serving Deaf & Hard of Hearing People, Council on Affairs of Chicano and Latino Speaking People, Council on Asian Pacific Minnesotans, Indian Affairs Council, Council on Disability and Council on Black Minnesotans. Meetings are held at least monthly for 2 hours at the Department of Health - Metro Square Building. The committee does not expire.

CITIZENS' ADVISORY COMMITTEE - ENVIRONMENT AND NATURAL RESOURCES TRUST FUND 65 STATE OFFICE BLDG., ST. PAUL, MN 55155. (612)296-2406. *Minnesota Statutes* 116P.06.

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 Per diem plus expenses.

ONE VACANCY: Member from any congressional district.

The committee advises the Legislative Commission on Minnesota Resources (LCMR) on a strategic plan for the Environment and Natural Resources Trust Fund. The committee consists of 11 members including: at least one from each congressional district and three at large. Meetings are authorized by the chair of the LCMR as consistent with budget and work program approved by the LCMR. This committee expires on June 30, 1997.

COUNCIL ON AFFAIRS OF CHICANO/LATINO PEOPLE G-4 ADMINISTRATION BLDG., 50 SHERBURNE AVE., ST. PAUL, MN 55155. (612)296-9587. *Minnesota Laws of 1996, Chapter 420*

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 PER DIEM

TWO VACANCIES: One representative from Congressional District 2 and one from Congressional District 7.

This council advises the Governor and the Legislature on the nature of issues confronting Chicano/Latino people in the state including the unique problems encountered by Chicano/Latino migrant agricultural workers. The council consists of 11 members including: one member from each congressional district plus three at-large members. Membership must accurately reflect the demographic composition of Minnesota's Chicano/Latino community, including migrant workers. The council has monthly meetings at various statewide sites. This council does not expire.

METROPOLITAN AIRPORTS COMMISSION 6040 28TH AVE. S., MINNEAPOLIS, MN 55450. (612)726-8100. *Minnesota Statutes 473.603.*

APPOINTING AUTHORITY: Governor

COMPENSATION: \$50 per diem.

ONE VACANCY: Member from district F, which includes the cities of Arden Hills, Roseville, Shoreview, Vadnais Heights, White Bear Lake, Little Canada, Gem Lake, North Oaks, No. St. Paul and a portion of Maplewood.

The commission promotes air transportation locally, nationally, and internationally by developing the Twin Cities as an aviation center. The fifteen member commission includes eight commissioners who reside in the eight MAC districts and four who reside outside the metro area, two from cities, towns or counties containing a key airport, and two from cities, towns or counties containing an intermediate airport. The Mayors of Minneapolis, and St. Paul, or designees, are ex-officio members. The chair receives \$20,226 per year plus expenses and serves at the pleasure of the governor. The members must file with the Board of Ethical Practices. Meetings are held monthly for approximately 15 hours in rm. 301/303-Lindbergh Terminal Bldg., MSP Airport. The commission does not expire.

MINNESOTA INDIAN AFFAIRS COUNCIL: URBAN INDIAN ADVISORY COMMITTEE 1450 ENERGY PARK DR. ROOM 140, ST. PAUL, MN 55108. (612)643-3032. *Minnesota Statutes 3.922, Subd. 8*

APPOINTING AUTHORITY: Minnesota Indian Affairs Council Board of Directors

COMPENSATION: \$55 per diem, plus expenses.

ONE VACANCY: Applicant must be a member of a MN based American Indian Tribe and reside in the vicinity of St. Paul, MN.

The Advisory Council on Urban Indians was created to advise the Board of Directors on the unique problems and concerns of Minnesota Indians who reside in the urban areas of the state. The council consists of 5 members of the Urban Advisory Council, they must be enrolled with a Minnesota based American Indian Tribe, and reside in the vicinity of Minneapolis, St. Paul, and Duluth. At least one of the five must be a resident of each city. Meeting schedules and locations are not determined and will vary. MUIAC will meet a minimum of 4 times a year at various statewide locations. This council has no expiration date.

MINNESOTA ACADEMIC EXCELLENCE FOUNDATION 971 CAPITOL SQUARE BUILDING, 500 CEDAR ST., ST. PAUL, MN 55101. (612)297-1875. *Minnesota Statutes 121.612.*

APPOINTING AUTHORITY: Governor

COMPENSATION: None.

ONE VACANCY: Representative of higher education.

The foundation is a nonprofit, public-private partnership, created in 1983 by legislative statute to be the primary advocate for the promotion and recognition of academic excellence in all students, schools and communities in the state of Minnesota. MAEF coordinates and supports initiatives which promote: systemic change to increase student learning; societal values which demand academic achievement by all learners; increased student and family/guardian expectations for academic learning; expanded opportunities for academic learning and recognition; and partnerships between education, business and government to support the work of MAEF. The 22 members of this foundation shall include a member of the State Board of Education who shall serve as chair, the Commissioner of the Dept. of Education, and twenty members including eight who will represent various education groups and twelve who represent various business groups. Members serve four year terms and are responsible for securing resources for the foundation (fund raising to gain private donations, and work with the Legislature to gain public support) and for establishing policies to guide operations of the foundation. The foundation has meetings quarterly-February, May, August (retreat), November (annual meeting). Meetings are held at the State Capitol or at the Capitol Square Building. The board does not expire.

Official Notices

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE 2700 UNIVERSITY AVE. W., SUITE 20/ AS OF 11-1-96, 2829 UNIV. AVE. SE, #300, ST. PAUL, MN 55114- 1089/AS OF 11-1-96, MPLS., MN 55414-3220. (612)642-0591. *Minnesota Statutes* 148.106.

APPOINTING AUTHORITY: State Board of Chiropractic Examiners

COMPENSATION: \$55 per diem.

TWO VACANCIES: Must be professional chiropractors and available to attend the first meeting on Tues., April 1, 1997 at 12:30 pm.

The committee makes determinations of whether or not chiropractors properly utilized services rendered, or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The seven members include five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the first Tuesday of every month for 5 hours. The meetings are held at the Minnesota Board of Chiropractic Examiner's Office. The committee does not expire.

MINNESOTA COMMISSION SERVING DEAF AND HARD OF HEARING PEOPLE DEPT. OF HUMAN SERVICES, 444 LAFAYETTE RD., ST. PAUL, MN 55155-3814. (612)297-7305. *Minnesota Statutes* 256C.28.

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 per diem.

ONE VACANCY: Must be a member of the Advisory Committee for the Metro Regional Service Center for Deaf and Hard of Hearing People.

The commission advises the Commissioners of the Departments of Human Services, Education, Economic Security, and Health, the Governor and the legislature, regarding policies, programs, services affecting deaf and hard of hearing citizens and creates public awareness of the needs and potential of deaf and hard of hearing people. The fifteen member commission includes seven members who are appointed at-large, plus one member from each advisory committee under section 256C.24, subd. 3. At least fifty percent of the members must be deaf or hard of hearing. Terms are for three years. Members may not serve more than two consecutive terms. Members who are full time state employees or full time employees of political subdivisions of the state will not receive the per diem. There are four to five full commission meetings each year with numerous sub-committee meetings. Meetings are usually held in St. Paul at 130 E 7th St., with occasional meetings in other cities around the state. The commission does not expire.

RURAL HEALTH ADVISORY COMMITTEE 717 DELAWARE ST. SE, MPLS., MN 55414. (612)623-5282. Laws of 1992, Ch. 549, Art. 5, Sec. 7.

APPOINTING AUTHORITY: Governor

COMPENSATION: Expenses.

TWO VACANCIES: One consumer member and one mid-level practitioner member.

The committee advises the Commissioner of Health and other state agencies on rural health issues. The 15 member committee must reside outside the seven-county metropolitan area. Membership must include two members from the Minnesota House of Representatives, one from the minority party and one from the majority party; two members from the Minnesota Senate, one from the minority party and one from the majority party; a volunteer member of an ambulance service based outside the seven-county metropolitan area; a representative of a hospital located outside the seven-county metropolitan area; a representative of a nursing home located outside the seven-county metropolitan area; a medical doctor or doctor of osteopathy licensed under Chapter 147; a mid-level practitioner; a registered nurse or licensed practical nurse; a licensed health care professional from an occupation not otherwise represented on the committee; a representative of an institution of higher education located outside the seven-county metropolitan area that provides training for rural health care providers; and three consumers, at least one of whom must be an advocate for persons who are mentally ill or developmentally disabled. In making appointments the Governor shall ensure that appointments provide geographic balance among those areas of the state outside the seven-county metropolitan area. The chair of the committee shall be elected by the members. The meeting schedule and meeting place is undetermined at this time. The committee does not expire.

STATEWIDE INDEPENDENT LIVING COUNCIL MINNESOTA DEPT. OF ECONOMIC SECURITY, REHAB. SERV., 390 ROBERT ST., ST. PAUL, MN 55102 (612)296- 5646. *Public Laws 93-112* (Rehab. act of 1973 s. 705)

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 per diem plus expenses.

ONE VACANCY: Member with a disability.

The council shall monitor, review, and evaluate the implementation of the state plan for independent living; jointly develop and submit in conjunction with the designated state agencies, the state plan required in section 704 of the Rehabilitation Act of 1973 as amended by *Public Law 93-112*; coordinate activities with the State Rehabilitation Advisory Council and the State Rehabilitation

State Grants and Loans

Advisory Council for the Blind established under section 105 of the Rehabilitation Act and other councils that address the needs of the specific disability populations and issues under other federal law; ensure that all regularly scheduled meetings of the council are open to the public and sufficient advance notice is provided; and submit to the Commissioner of Rehabilitation Services Administration such periodic reports as the Commissioner may reasonably request and keep such records, and afford such access to such records as the Commissioner finds necessary to verify such reports. The council consists of 21 members; including at least one director of a center for independent living by the directors of centers for independent living within the state; and as ex-officio, non-voting members a representative from the Dept. of Economic Security, Division of Rehabilitation Services, and representatives from other state agencies that provide services to individuals with disabilities. The council may include other representatives from centers; parents and legal guardians of individuals with disabilities; advocates of and for individuals with disabilities; representatives from private businesses; representatives from organizations that provide services for individuals with disabilities; and other appropriate individuals. A majority of the members must be individuals with disabilities, as defined in 364.4(b), and not employed by any state agency or center. The council meets on the second Thursday of the month; 9:00a.m. - 3:00p.m. Exceptions to this schedule are determined by the council. The council expires on June 30, 1997.

State Grants and Loans

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

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

Housing Finance Agency

Request for Proposals for Low Income Housing Tax Credit Program

Introduction

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting first competition applications for reservation and allocation of the Low Income Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised. Applications for the low income housing tax credits, administered by the MHFA, for the first competition must be received no later than 4:30 p.m. on Thursday, March 13, 1997. Additional requirements are described in the application packet.

The Low Income Housing Tax Credits offer a ten year reduction in tax liability to owners and investors in eligible low income, new construction, rehabilitation or existing rental housing with rehabilitation.

Credit Formula

The Minnesota Legislature designated the MHFA as the primary apportionment agency for low income housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462A.222, Subd. 1a,2.

Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally:

Duluth (218) 723-3357	St. Paul (612) 266-6616
St. Cloud (612) 252-0880	Dakota County (612) 423-8104
Rochester (507) 285-8224	Washington County (612) 458-6555
Minneapolis (612) 673-5067	

Applicants with eligible buildings located within the jurisdiction of the above local governments must apply to the local administrators for allocation of the low income housing tax credit. Any suballocation to local governments that is not committed by the end of the first competition must be returned to the MHFA for statewide allocation. The MHFA will not make an allocation for projects located within the jurisdiction of the cities or counties that have elected to administer the credits until the amounts reserved have been allocated or returned to the MHFA for allocation, except for the nonprofit set-aside.

Total estimated 1997 tax credits available for the State of Minnesota are based on anticipated U.S. Census Bureau population figures (4,567,000 population x \$1.25 per capita credit amount = \$5,708,705).

State Grants and Loans

MHFA Administration Tax Credits

Applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators, may apply to the MHFA for an allocation of low income housing tax credits.

In addition, the MHFA has been designated as the credit agency to provide low income housing credits for projects involving qualified 501(c)(3) and 501(c)(4) nonprofit organizations statewide. Ten percent of the state ceiling has been set aside for qualified non-profits as required by Section 42 of the *Internal Revenue Code* of 1986. Qualified non-profits can apply to the MHFA for the low income housing tax credit set-aside, regardless of the geographic location of the proposed low income housing building, as specified in the allocation plan.

For additional information or an application packet for buildings located in the MHFA jurisdiction, please write to MHFA at the following address or call (612) 297-3294.

Minnesota Housing Finance Agency
Multifamily Underwriting
Low Income Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101-1998

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability, or familial status.

Department of Human Services

Self-Sufficiency Programs Division

Refugee Services Section

Request for Proposals for Asian American Juvenile Crime Prevention and Intervention Services and Child Welfare Services to Asian and Amerasian Refugee Youth

NOTICE IS HEREBY GIVEN that the Refugee Services Section, Self-Sufficiency Programs Division, Minnesota Department of Human Services, is seeking proposals to provide Asian American Juvenile Crime Prevention and Intervention Services and Child Welfare Services to Asian and Amerasian Refugee Youth.

We are seeking proposals for projects that begin July 1, 1997. We anticipate issuing one-year contracts that can be renewed for four additional years depending on contract performance and the availability of funds.

Funding will be from the State appropriations. An estimated amount of \$500,000 will be available for Asian American Juvenile Crime Prevention and Intervention Services. An estimated amount of \$80,000 will be available for Child Welfare Services to Asian and Amerasian Refugee Youth.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee Services Section by 4:20 P.M., CDT, March 3, 1997. We reserve the right not to act on this Request for Proposals.

Please direct all questions and requests for copies of the full Requests for Proposals to:

Minnesota Department of Human Services
Self-Sufficiency Programs Division
Refugee Services Section
Human Services Building
444 Lafayette Road
Saint Paul, Minnesota 55155-3837
Phone: 612-296-1383

Department of Human Services

Aging and Adult Services Division

Notice of Request for Proposals (REP) for the Homesharing Program

Purpose

The Minnesota Department of Human Services is soliciting proposals (RFPs) from eligible sponsors for the purpose of establishing and/or operating Homesharing Programs throughout the state of Minnesota.

1. There are two types of grants available.

- a. **Homesharing Service Provider Grant (HSP).** These grant programs match low and moderate income homeowners with homeseekers who contribute rent or services in exchange for sharing the home. Either the homeowner or the homeseeker must be elderly, have a physical or developmental disability, or be the head of a single parent family with dependent children. Applicants are expected to work with all of these groups. This income and/or service should help homeowners stay in their homes longer than they would have without the tenants. No two homesharing situations are alike; each is tailored to meet the need and desires of the people involved. There are currently seven grantees. Up to \$246,000 is available.
- b. **Homesharing Technical Assistance Provider Grant (HTAP).** Up to one grant for up to \$4,000 will be available for an organization representing homesharing service providers for the purpose of providing technical assistance to these providers in the operation and promotion of homesharing programs. There is currently one grantee.

It is the intent of this program to assist in the development of homesharing programs in both urban and rural sections of the state with as wide a distribution as possible.

This Notice is contingent upon the appropriation of state funds by the 1997 legislature for the next biennium, July 1, 1997 through June 30, 1999.

Amount of Funds

During the first year of the biennium, (July 1, 1997 through June 30, 1998) contingent upon legislative approval, up to a total of \$250,000 may be available: up to \$246,000 in grant funds may be available for homesharing service provider grants, and up to \$4,000 may be available for a homesharing technical assistance provider grant for an organization that will represent homesharing service providers for the purpose of providing technical assistance to these providers in the operation and promotion of homesharing programs. Contingent upon legislative approval, the same amounts may be available for the second year of the biennium, July 1, 1998 through June 30, 1999. **This level of funding is expected to be the same as is available for the current biennium. There are currently seven homeshare provider grantees and one technical assistance grantee.**

Eligible Sponsors

Eligible grant applicants include non-profit organizations, housing authorities, units of local government that operate or propose to operate homesharing programs within the State of Minnesota, the existing 7 HSP and 1 HTAP grantees, and who have submitted a letter of intent to apply for a grant. Applications will only be accepted from those who have submitted a letter of intent as specified in this "Notice."

Availability of Funds

Existing Grantees may submit an application with a budget equal in size to their current grant budget. Other applicants may submit an application for a budget adequate to carry out their proposal. Grant awards will be for 12 months beginning on July 1, 1997 and ending on June 30, 1998. Productivity, the cost per match, past performance operating DHS grants, and ability to operate a homeshare program will be some of the factors in evaluating the reasonableness of the amount being requested and the merits of the application.

The State has the option of extending the contract for up to four additional 12 month periods after June 30, 1998, contingent upon the availability of funds, satisfactory performance, and contracting requirements.

Application Process

This is a two step process. A letter of intent to apply for grant funds must be submitted and then an application. **Failure to submit a letter of intent by the deadline date will disqualify any subsequent application from consideration.**

1. **The letter of Intent to apply** for grant funds is due at the Aging and Adult Services Division's fourth floor offices by 4:00 PM, on February 21, 1997. The letter of intent must specify:
 1. the intent to apply for a homeshare service provider (HSP) grant or a homeshare technical assistance provider grant (HTAP);

State Grants and Loans

2. the name and address of the applicant organization, and the name and phone number for a contact person; and
 3. letters of Intent for HSP grants must specify the proposed geographic area to be served.
2. **All Application-Proposals must be received by 4:00 PM on March 7, 1997 at the fourth floor offices of the Aging and Adult Services Division.** Completed proposals must be submitted to Ron Abato at the address listed below. Proposals received after the above deadline will not be eligible for consideration.

Applicants may request a copy of the Request for Proposals (RFP) and the application by contacting Dawn Brickner at (612) 296-3868.

Letters of Intent and completed application proposals must be sent to:

Ron Abato, Homesharing Program
Aging and Adult Services Division
444 Lafayette Road,
St. Paul, MN 55155-3843

If you have questions about this notice, the letter of intent, or the proposal, please call Ron Abato at (612) 296-3769.

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

Department of Human Services

Aging and Adult Services Division

Notice of Request for Proposals (RFP) to Provide a Living Skills Program for Persons with Severe or Intractable Epilepsy who Need Assistance in the Transition to Independent Living

Purpose

The Minnesota Department of Human Services is soliciting proposals (RFPs) from qualified parties to provide assistance for persons with severe or intractable epilepsy in the transition to independent living. Objectives to be accomplished include problem solving and interpersonal skills as well as independent living skills such as, communication, stress management, goal setting and money management. Most existing service recipients reside at an HRA building in Minneapolis in which the program maintains a service office. A few service recipients live in private apartments in the vicinity.

This project is contingent upon the appropriation of state funds by the 1997 legislature for the next biennium, July 1, 1997 through June 30, 1999. A contract will be awarded for one year beginning July 1, 1997 and ending June 30, 1998. The State may extend the contract up to four additional 12 month periods after June 30, 1998, contingent upon factors such as the availability of funding, satisfactory performance and contracting requirements.

The Program requires staff who would be available on a 24 hour, seven day a week basis. Individual group counseling, as well as informational sessions about epilepsy and the special aspects of living independently with a chronic illness, are required. Grant funds are not available for room or board.

The Department has estimated that the cost of this contract through June 30, 1998 will not exceed \$200,000. The project will begin on July 1, 1997 and must be completed by June 30, 1998. The State has the option of extending the contract.

Application Process. Those intending to apply must first submit a letter of intent to apply for the "Epilepsy" project, providing the name and address of the applicant organization, and the name, address and phone number of a contact person. Failure to submit a letter of intent by the due date will disqualify an applicant from consideration.

Letter of Intent Due Date: by 4 PM February 21, 1997 at the 4th floor Office of the Aging and Adult Service Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3843.

For a copy of the request for proposal (RFP), please contact Dawn Brickner at (612) 296-3868.

If you have questions about this notice, or proposal, please call Ron Abato at (612) 296-3769.

Application Due Date: by 4 PM March 14, 1997 at the 4th floor Office of the Aging and Adult Services Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3843.

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

Professional, Technical & Consulting Contracts

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

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

Department of Administration

Communications Media Division

Advertisement for Bids for Remodeling/Renovation of Minnesota's Bookstore, Project DSBC

I.D. #97162

Sealed Proposals for Minnesota's Bookstore, Print Communications Division, Department of Administration, 117 University Avenue, Saint Paul 55155 will be received by the Division of Materials Management, State of Minnesota, Room 112, State Administration Building, Saint Paul, Minnesota 55155, until the date and time shown below:

General Contractor Bids until 2:30 p.m. on Tuesday, 11 February 1997.

At the times and dates respectively shown above General Contractor Bids will be opened and publicly read aloud.

The award will be made to the lowest responsible prime bidder who conforms with the language of the specifications, terms of delivery, and any other conditions imposed herein.

The site orientation visit has been scheduled for Wednesday 05 February 1997, starting at 1:00 p.m. in Minnesota's Bookstore, 117 University Avenue, Saint Paul. All prospective bidders are urged to attend.

Proposal forms, Contract Documents, Plans and Specifications as prepared by Bernard Jacob Architects Ltd., 60 South Sixth Street, Suite 2445, Minneapolis 55402-4424 are on file in the Division of Materials Management, Room 112 Administration Building, Saint Paul, Minnesota and the following Builders Exchanges: Saint Paul, Minneapolis, F.W. Dodge, Construction Market Data, and National Association of Minority Contractors of Minnesota.

Copies of Proposal Forms, Plans and Specifications for use by Prime Contractors in submitting a bid or subcontractors submitting a subcontract proposal may be obtained from:

Bernard Jacob Architects Ltd.
60 South Sixth Street, Suite 2445
Minneapolis, MN 55402-4424
(612) 332-5517

with a deposit of \$25.00 per set, made payable to Bernard Jacob Architects Ltd. Deposits are refundable upon return of the complete set(s) in good condition to the Architect's office. A \$5.00 per set handling and postage charge, payable before issuance of plans, will be assessed bidding contractors who request mailing of documents.

Each bid or proposal which totals over \$15,000.00 shall be accompanied by a certified check made payable to the State of Minnesota, or a surety bond of a surety company duly authorized to do business in the State of Minnesota, in an amount equal to five percent (5%) of the total amount of bid, which is submitted as a bid security conditioned upon the bidder's entering into a contract with the State of Minnesota in accordance with the terms of the bid. It is agreed that said bid security of the successful bidder will constitute liquidated damages, not a penalty, for the failure or refusal of the successful bidder to execute and deliver the contractual documents, in a correct form, within ten (10) days after receipt of the contract documents.

Department of Human Services

Request for Proposals for Inpatient Hospital Medical Review Agent

The Minnesota Department of Human Services is requesting proposals for the medical review of inpatient hospital services provided by Minnesota and Minnesota local trade area hospitals under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs. Approximately 200 Minnesota and Minnesota local trade area hospitals are included with an annual budget in state fiscal year 1995 of \$379 million.

Professional, Technical & Consulting Contracts

Responsibilities of the medical review agent are contained in *Minnesota Rules* and will also be supplemented by requirements stated in the Request for Proposal.

The areas of activity generally include the following:

- A. *Minnesota Rules*, parts 9505.0500 to 9505.0540 (Rule 48) establish standards and procedures for the review of medical necessity in an inpatient hospital setting. This involves certification of inpatient admission based on criteria to determine medical necessity, the determination of medical necessity for continuing stay and services provided, and assurance that all medically necessary services were provided. Clinical areas for review include medicine, surgery, obstetrics, and adult, child, and adolescent psychiatry. In addition, readmissions within a specified time frame will be reviewed.
- B. *Minnesota Rules*, parts 9500.1090 to 9500.1140 (Rule 54) relate to inpatient hospital rate setting and payment. This involves the monitoring of transfers and day outliners.
- C. *Minnesota Rules*, parts 9505.5000 to 9505.5105 (Rule 68) establish standards and procedures for second medical opinions. This involves determining the medical appropriateness of specified medical procedures through second medical opinions.
- D. Review of hospitals' implementation of their utilization review plan to assure conformity with federal utilization control and review regulations.
- E. Perform review and certification of the need for admission to Minnesota Regional Treatment Centers for inpatient psychiatric services for persons under age 21, using a properly constituted independent review team of health care professionals.
- F. Perform review and certification of the need for admission and continued stay for inpatient neurobehavioral rehabilitation services at a state-owned rehabilitation hospital for persons with acquired or traumatic brain injury, using a properly constituted independent review team of health care professionals.

The initial contract period will be from July 1, 1997 through June 30, 1999. Extensions may be considered by the state from year to year to a maximum of 5 years. The Department will accept for consideration any size and type of proposal which is responsive to the RFP. The tasks and responsibilities are described in detail in the Request for Proposals. This Request for Proposal does not obligate the Department to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

The deadline for receipt of proposals is April 14, 1997 at 4:00 p.m. Late proposals will not be accepted. Selection and notification of any contract award will occur by April 25, 1997. A detailed description of the contract requirements and specifications for submission of the proposal may be obtained from, and all proposals must be sent to and received by:

Richard Tester
Payment Policy Division
Minnesota Department of Human Services
444 Lafayette Road
Saint Paul, Minnesota 55155-3853
612/296-5596

Other Department personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

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

Department of Human Services

Performance Measurement and Quality Improvement Division

Notice of Request for Proposal for Review of Quality of Health Care

The Department of Human Services is seeking proposals from qualified organizations to review the quality of health care provided to Medical Assistance and General Assistance Medical Care populations participating in the Prepaid Medical Assistance and Prepaid General Assistance Medical Care Programs in 16 counties.

Using medical record abstraction, two HEDIS 3.0 measures will be studied in 1997. Data from 1996 will be used to collect HEDIS 3.0 prenatal care measures (all Domains) as well as the childhood immunization Effectiveness of Care measures. In addition to the HEDIS 3.0 measures, other data elements of interest to DHS and the health plans have been identified for study for both the childhood immunization and prenatal care areas. The Birth Certificate Validation Project will also be conducted in 1997. Selected data elements from health plan medical records will be abstracted and compared to filed birth certificate information to check the validity of this information.

This independent, external, quality assurance review must be conducted by a Peer Review Organization (PRO), by an entity that is eligible to be a PRO or by a private accreditation body. A non-PRO organization that has a contract to review HMO services is also considered to be a PRO for purposes of this quality assurance review.

A contract will be awarded for a one year period. Contract renewal for additional years may be considered, up to a maximum of five years. This Request for Proposals does not obligate the State to complete this project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Proposals are due February 28, 1997, at 3:00 p.m.

For a copy of the complete Request for Proposals, please contact:

Debra Stenseth
Supervisor, Quality Improvement Managed Care
Performance Measurement and Quality Improvement Division
State of Minnesota
444 Lafayette Road
St. Paul, MN 55155-3865
Phone: (612) 296-3958

Department of Natural Resources

Division of Administration

Notice of Request for Proposal for Development of a Comprehensive Recreational Guidance Document

NOTICE IS HEREBY GIVEN to request proposals for the development of a comprehensive recreational guidance document for capital planning purposes in the future acquisition and development of recreational facilities including trails, water accesses, canoe and boating routes, and the preservation, enhancement, and promotion of existing scenic, historic, and cultural recreation areas within the Minnesota River Watershed. Special emphasis will be placed on development of a trail that extends from Belle Plaine to the South Dakota border. Through this contract, partnership groups will be established in each of three different segments of the Minnesota River Watershed to provide input into identification of existing recreational facilities within the watershed and long-term recreation needs and development of the guidance document. Proposals shall be based on services to be provided to the Department of Natural Resources from January 1, 1997, to June 30, 1998. Proposals must be submitted by 4:30 p.m., Tuesday, February 18, 1997.

To submit proposal or for additional information, contact:

Cheryl Heide
Regional Administrator, DNR
261 Highway 15 South
New Ulm, MN 56073
(507) 359-6010

Professional, Technical & Consulting Contracts

Department of Transportation

Notice of Availability of Contract for Incident Management Workshop Coordinator

The Minnesota Department of Transportation is requesting proposals to coordinate an Incident Management Workshop.

Scope of Project: Coordinate the planning and implementation of an Incident Management Workshop to be held in spring of 1997 by working with a multi-agency planning committee.

The Contractor shall complete the following tasks: Coordinate Planning and implementation of workshop. Duties to include, but not limited to, preparing and printing invitations; developing contact lists; arranging for facilities, including meeting rooms, lunch and breaks; tracking registration and coordinating volunteers; working closely with the project manager to ensure desired results.

Assist planning committee in developing the workshop goal and objectives and develop the workshop content to achieve the desired results. This may include arranging for Key note speakers to address the main session and provide for speaker fees and expenses.

Facilitate the break out sessions during the workshop including recording issues and ideas from those in attendance to improve the management of freeway incidents.

Summarize findings and present a final report to planning committee outlining the attendee's key findings from the breakout sessions along with next steps and action items and summarizations of presentations within 2 weeks after the workshop.

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

Contractor will provide: Documentation of workshop registration, speakers, issues and ideas, workshop summary.

Mn/DOT will provide the following: A project Manager.

It is anticipated that the contract period will begin late February or early March and continue through early June, 1997.

Targeted Group Business and/or Economically Disadvantaged Business participation in this contract has been determined to be at 0%.

NOTE: No more than 90% of the full amount due under the contract may be paid until the final deliverables of the contract have been reviewed by the agency and the agency has determined that the contractor has satisfactorily fulfilled the terms of the contract.

Prospective responders who have any questions regarding this request for proposal may call or write:

NOTE: Other Mn/DOT personnel are not allowed to discuss the project with responders before the submittal of proposed deadline.

Cory Johnson, Project Manager
Mn/DOT Metro Division, Freeway Operations
1500 W. County Road B2
Roseville, MN 55113
Phone: (612) 341-7176

Proposals must be received by 2:30 p.m. Thursday, February 13, 1997. **(LATE PROPOSALS WILL NOT BE ACCEPTED)**

Submit Proposals To:

Linda Moline, Associate Agreement Administrator
Consultant Services Unit, Mail Stop 680
Transportation Building, Seventh Floor
395 John Ireland Boulevard
St. Paul, MN 55155

Submit 5 copies of the proposal. Proposals are to be sealed in a mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized representative of the company. Prices and terms of the proposal as stated must be valid for the length of the project.

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.
2. Identify and describe the deliverables to be provided by the responder.
3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work including all subcontractors. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the prior approval of Mn/DOT's Contract Administrator.

Non-State Public Bids, Contracts & Grants

4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a schedule and managing tool, as well as the basis for invoicing.
5. Identify the level of the Mn/DOT's participation in the project as well as any other services to be provided by the Mn/DOT.
6. Indicate if your firm is Targeted Group Business, Economically Disadvantage Business.

All proposals received by the deadline will be evaluated by representatives of Mn/DOT. In some instances, an interview may be part of the evaluation process.

Factors upon which proposals will be judged the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the company.

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

This request for proposal does not obligate Mn/DOT to complete the project, and Mn/DOT reserves the right to cancel the solicitation if it is considered to be in its best interest.

Non-State Public Bids, Contracts & Grants

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

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

Fillmore County

Notice to Professional Soil Classifiers and Mappers: Soil Classification and Mapping Consultant Services Sought

The Fillmore County Board of Commissioners anticipates retaining soil classification and mapping consultants to update the Fillmore County Soil Survey. Consultants are sought for this multi-year project. The initial work will occur in the western part of Fillmore County in Major Land Resource Area (MLRA) 104. Funding has been provided by the Legislative Commission on Minnesota Resources (LCMR) and Fillmore County. The project will be done according to standards of the National Cooperative Soil Survey (NCSS) and the USDA Natural Resources Conservation Service is responsible for quality control and approval of the work.

Consultants are sought with experience in classifying soils according to soil taxonomy and correlating and mapping soils according to NCSS standards on an MLRA basis. Experience in managing a project soil survey is highly desirable. Qualified firms or individuals desiring to be considered as a potential contractor must submit information demonstrating their qualifications to Darrell Brekke, Manager, Fillmore Soil and Water Conservation District, 900 Washington N.W., Preston, MN 55965, telephone (507) 765-3878.

Submissions from firms must include the names of personnel who would perform the work and their qualifications. Information must be received by 4:30 p.m. on Friday, February 14, 1997. Applicants may be interviewed.

Non-State Public Bids, Contracts & Grants

Metropolitan Council Environmental Services

Public Notice for Letters of Interest for Professional Services

NOTICE IS HEREBY GIVEN that the Metropolitan Council Environmental Services (MCES) is soliciting qualifications for professional services for Step I Facility Planning for the Southeast Regional Plant Interceptors project. This project is to be completed within 180 calendar days after issuance of Notice To Proceed. The cost for this Step I Facility Plan is estimated to be less than \$500,000.

This project will have two distinct facility planning components: (i) an interceptor from Cottage Grove and eastern Woodbury, and possibly southern Lake Elmo and (ii) an interceptor to phaseout the existing Cottage Grove WWTP; each to convey wastewater to the new Southeast Regional WWTP.

The tentative schedule for selecting a consulting firm for this project is as follows:

Receive Letters of Interest	February 1997
Request for Qualifications (RFQ) issued	February 1997
Statement of Qualifications (SOQ) received	February 1997
Short list of firms developed	March 1997
Request for Proposals (RFP) issued	March 1997
General Informational Meeting	March 1997
Proposals Received	April 1997
Select Consultant	April 1997
Negotiate final Contract Agreement	April/May 1997
Notice To Proceed given	May 1997

All firms interested in being considered for this project are invited to submit a Letter of Interest asking for the Request For Proposals package.

All inquiries are to be addressed to:

Administrative Assistant, Contracts and Documents
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101

Metropolitan Mosquito Control District

Request for Proposals for Non-target Impact Study

A review panel for the Metropolitan Mosquito Control District (MMCD) is seeking a contractor to determine effects of *Bti* and methoprene treatments on non-target macroinvertebrates in wetlands that have been treated for 7 years. This is a follow-up to previous studies, and will require benthic sampling, including identification of chironomids. Work is to be completed in 1997. An RFP is available by contacting Nancy Read or Susan Shaw at (612) 645-9149 (TDD use MN Relay Service). Proposals are due 2:00 p.m. Monday, February 24, 1997, to Metropolitan Mosquito Control District, 2099 University Avenue West, St. Paul, MN 55104-3431 (Affirmative Action Employer).

Wild About Birds

The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

Carrol L. Henderson, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," "Wild About Birds: The DNR Bird Feeding Guide" provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make "Wild About Birds" a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

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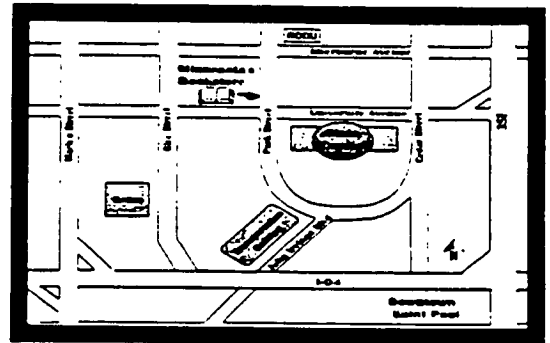
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