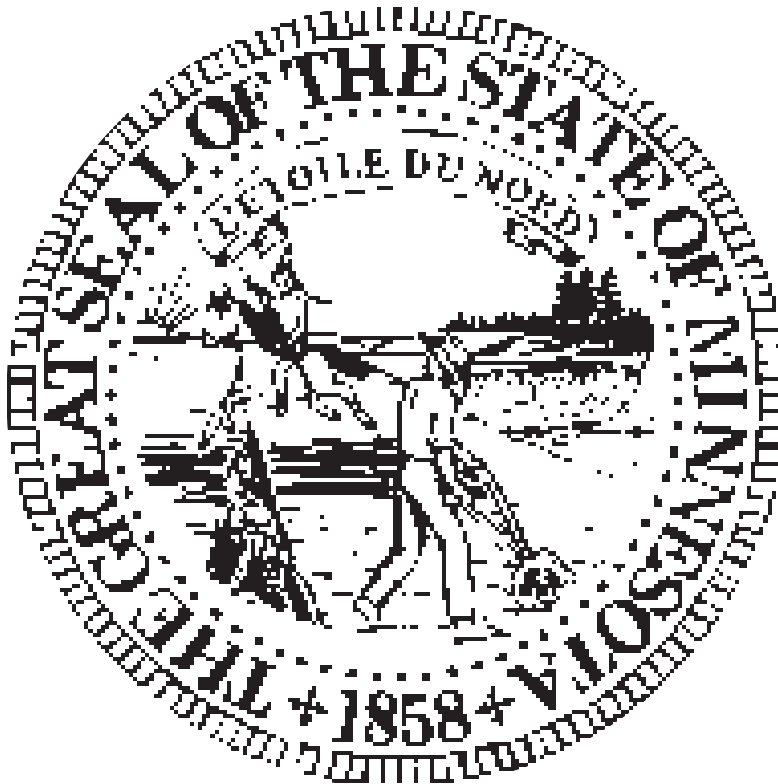


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State Register

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. 22 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
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# 22	Monday 1 December	Monday 17 November	Friday 21 November
# 23	Monday 8 December	Friday 21 November	Monday 1 December
# 24	Monday 15 December	Monday 1 December	Monday 8 December

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FOR LEGISLATIVE NEWS

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

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

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

Minnesota Rules: Amendments & Additions

Volume 22, issues #14-21 (issues #1-13 cumulative appeared in issue #13) 904

Proposed Rules

Housing Finance Agency

Urban and rural homesteading program 905

Human Services Department

Hospital admission certification 908

Secretary of State

Presidential primary nominating petitions 918

Veterinary Medicine Board

Inactive licenses 922

Official Notices

Agriculture Department

Rural Finance Authority public hearing Friday 12 December 1997 on agricultural development revenue bond issue for 155 acres of bare farmland in Des Moines Township, Jackson County 924

Animal Health Board

Quarterly meeting Friday 19 December 1997 of the board.... 924

Executive Council

State Board of Investment

Investment Advisory Council

Meetings scheduled for Tuesday 2 December, and Friday 12 December 1997 924

Human Services Department

Public notice of changes in the Medical Assistance (MA) program..... 925

Labor and Industry Department

Correction on prevailing wage rates for ironworkers in Clay and Norman Counties 925

Social Work Board

Comments sought for planned amendments to rules for social work practice and regulation 926

State Grants & Loans

Trade and Economic Development Department

Minnesota Job Skills Partnership Board seeks grant proposals from educational and training organizations for training programs designed for specific businesses..... 927

Professional, Technical & Consulting Contracts

Administration Department

Proposals sought for interpreter services for American Sign Language (ASL) 927

Proposals sought for translation services for written materials in: Hmong, Spanish, Vietnamese, Laotian, Cambodian, Chinese (Mandarin), Russian, Somali, Croatian, Arabic (standard), Ethiopian (Amharic, Oromo), German, Japanese, and French 928

Human Services Department

Brainerd Regional Human Services Center seeks services of a licensed dentist 929

Natural Resources Department

Proposals sought for a wolf management plan 929

Proposals sought for preparation of forest stewardship plans ... 930

Non-State Public Bids, Contracts & Grants

City of St. Paul

Proposals sought for traffic modeling and forecasting 931

Dakota County

Proposals sought for probation monitoring services for low and medium risk adult offenders 931

Metropolitan Council Environmental Services

Letters of interest sought for professional engineering services for the Metropolitan Wastewater Treatment Plant liquid treatment project 932

Commodity, Service and Construction contracts are published in a bulletin, the *State Register Contracts Supplement*, published Tuesday, Wednesday and Friday. Award results are available from the Materials Management Helpline 612/296-2600.

Professional, Technical and Consulting contract awards are published monthly in an *Awards Report*.

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.

Volume 22, issues #14-21

Commerce Department

2642.0010; .0100; .0110; .0120; .0140; .0180; .0190; .0200; .0210; .0220; .0300; .0310; .0320; .0330; .0350; .0370; .0380; .0390; .0450; .0510; .0650; 2644.0010; .0100; .0110; .0120; .0150; .0190; .0300; .0330; .0360; .0370; .0380; .0400; .0410; .0510; .0600; .0620; .0670; .0730; .0750 (adopted).....	594
2642.0010 s.2, 3, 5, 6, 8, 10, 12, 18, 21; .0170; .0180 s.3; .0620; 2644.0010 s.18, 21; .0120 s.1; .0150 s.1, 2, 3; .0160; .0170; .0180; .0350 (repealed).....	594

Dietetics and Nutrition Practice Board

3250.0100; .0110; .0120; .0125; .0130; .0135; .0140; .0145; .0150 (adopted).....	595
3250.0050 (proposed).....	595

Education Board

3525.1150 (adopted exempt).....	596
---------------------------------	-----

Health Department

4717.7000; 4720.5100; .5110; .5120; .5130; .5200; .5205; .5210; .5220; .5230; .5240; .5250; .5270; .5280; .5290; .5300; .5310; .5320; .5330; .5340; .5350; .5360; .5400; .5500; .5510; .5520; .5530; .5540; .5550; .5555; .5560; .5570; .5580; .5590 (adopted)...	668
---	-----

Higher Education Services Office

4830.7100; .7500; .7800 (proposed).....	617
4850.0014; .0015 (proposed).....	737

Housing Finance Agency

4900.2400; .2420; .2440; .2520; .2540 (proposed).....	905
---	-----

Labor and Industry Department

5205.0010; .0065 (proposed exempt).....	687
5207.0260 (proposed repealer).....	687

Natural Resources Department

6212 (planned proposed rules withdrawn).....	880
6216.0100; .0200; .0230; .0250; .0260; .0265; .0270; .0280; .0290; .0300; .0350; .0400; .0500; .0600 (proposed).....	651
6216.0200 s.4 (proposed repealer).....	651
6216.0350 (superseding permanent rule proposed repealer).....	651

Peace Officer Standards and Training Board

6700.0600; .0800; .1000; .1101 (proposed).....	589
--	-----

Pharmacy Board

6800.0400; .1150; .1250; .1300 (proposed).....	769
--	-----

Pollution Control Agency

7007.0501; .0801; .1400; 7011.0551; .0625; .1201; .1205; .1210; .1215; .1220; .1225; .1227; .1228; .1229; .1230; .1235; .1240; .1260; .1265; .1270; .1272; .1275; .1280; .1281; .1282; .1283; .1284; .1285; .1290; (proposed).....	741
7011.1201 s.7, 10, 47; .1240 s.4, 6; .1265 s.9; .1285 s.4a (proposed repealer).....	741
7011.7340; .7360; .7380; .7400; .7420; .7440 (proposed).....	665

Public Safety Department

7506.0100; .2100; .2200; .2300; .2500; .2600; .2700; .2900 (adopted).....	711
7506.0120 (repealed).....	711

Public Service Department

7670.0100; .0325; .0610; .0800; .1115; 7672.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; 7674.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; 7676.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; 7678.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800 (proposed).....	771
7670.0495; .0610 s.2, 5, 6, 9, 10, 11, 13; .0660; .0800 s.4 (proposed repealer).....	771
7670.1115 (proposed).....	592

Minnesota State Retirement System (MSRS)

7905.0100; .0300; .0600; .1200; .1600; .1700; .1800; .1900; .2100; .2200; .2300; .2400; .2600; .2900; .3000 (adopted Exempt).....	713
---	-----

Secretary of State

8205.1000; .2000; .2010; .2100; .2110; .2120 (proposed).....	918
--	-----

Veterinary Medicine Board

9100.0500 (proposed).....	922
---------------------------	-----

Human Services Department

9505.0501; .0505; .0515; .0520; .0530; .0540; .0545 (proposed).....	908
9505.0500; .0510; .0520 s.4, 5, 6, 9a, 12, 13, 14; .0521; .0522; .0540 s.1, 2, 6 (proposed repealer).....	908

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*.

Minnesota Housing Finance Agency

Proposed Permanent Rules Governing the Urban and Rural Homesteading Program

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing the Rural and Urban Homesteading Program, *Minnesota Rules*, Sections 4900.24 - 4900.L6.

Introduction. The Minnesota Housing Finance Agency 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. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the Agency contact person. The Agency contact person is: Reed Erickson, Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, (612) 296-8843. TTY users may call the Minnesota Housing Finance Agency at (612) 297-2361.

Subject of Rules and Statutory Authority. The Agency is considering rule amendments that: 1) amend the name of the program to the Urban and Rural Homesteading Program; and 2) amend the rules to modify the eligibility requirements for the program to make the delivery of the program more effective. The proposed rules increase the median income eligibility standard for the program, and ease the requirements for exceeding the maximum acquisition costs. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on December 23, 1997, to submit written comment in support of or in opposition to the proposed rules and 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 and the reason for the comment. 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 December 23, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed

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

Proposed Rules

rules 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. 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, please contact the Agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the Agency, 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.

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. Copies of the statement may be obtained at the cost of reproduction from the Agency.

Adoption and Review of Rules. 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.

Dated: 24 October 1997

Katherine G. Hadley, Commissioner

RURAL AND URBAN AND RURAL HOMESTEADING PROGRAM

4900.2400 SCOPE.

Parts 4900.2400 to 4900.2600 govern the implementation of the ~~rural and~~ urban and rural homesteading program under *Minnesota Statutes*, section 462A.057.

4900.2420 DEFINITIONS.

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

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant under the ~~rural and~~ urban and rural homesteading program.

Subp. 4. **Application.** "Application" means a submittal requesting a grant of funds under the ~~rural and~~ urban and rural homesteading program.

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

Subp. 7. **Eligible organization.** "Eligible organization" means an applicant that has been selected to receive a grant under the ~~rural and~~ urban and rural homesteading program.

[For text of subps 8 to 11, see M.R.]

Subp. 12. **Program.** "Program" means the ~~rural and~~ urban and rural homesteading program administered under parts 4900.2400 to 4900.2600.

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

4900.2440 THE RURAL AND URBAN AND RURAL HOMESTEADING PROGRAM.

Subpart 1. **Purpose of program.** The ~~rural and~~ urban and rural homesteading program provides grants to eligible organizations to acquire and rehabilitate existing single family residences and sell them through contracts for deed to eligible homebuyers who are considered to be at risk and are willing to strengthen the neighborhood by adhering to a good neighbor policy reference.

Subp. 2. **Uses of grant money.** The agency may award grants to eligible organizations of up to \$300,000. The grants must be used by eligible organizations to buy eligible properties and pay for the cost of rehabilitating those properties. The agency may establish an allocation plan for the program to provide for the greater likelihood of awarding such grants among ~~rural and~~ urban and

rural properties. The agency may also establish requirements pertaining to maximum allowable administrative costs under the program, but in no instance may the administrative costs exceed \$30,000 per eligible organization from funds appropriated for the program during the period of acquisition, rehabilitation, and sale.

4900.2520 ELIGIBLE PROPERTIES.

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

Subp. 3. **Appraisal.** Eligible properties must be appraised ~~before the beginning~~ after the completion of rehabilitation work by an appraiser approved to conduct appraisal for the Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation. ~~The appraiser shall be informed as to the proposed improvements so that the value of the eligible property after rehabilitation may be estimated.~~ The purchase price for the eligible property to be paid by the at-risk homebuyer must be less than or equal to 125 percent of the appraised value of the eligible property after rehabilitation.

Subp. 4. **Acquisition and rehabilitation costs.** The total ~~initial acquisition cost of the property may not exceed \$50,000 unless costs over \$50,000 are attributed to rehabilitation or improvement to make the property accessible for the physically disabled. The sales cost of the property may also not exceed \$50,000 unless sales cost over \$50,000 are attributed to rehabilitation or improvement to make the property accessible for the physically disabled.~~ cost of the acquisition, rehabilitation, and closing costs must be no greater than an amount equal to 90 percent of the home sale price limitation established for the agency's home mortgage programs for limited unit developments. The maximum may be exceeded if the excess costs are attributed to rehabilitation or improvements to make the property handicap accessible.

4900.2540 ELIGIBLE HOMEBUYERS.

An individual or family eligible to purchase a home under the program must be an at-risk homebuyer as described in part 4900.2420, subpart 5, and must also:

- A. not have owned a residential dwelling for the three years before the date of execution of the contract for deed;
- B. have household income before the date of execution of the contract for deed at or below limits established by the eligible organization, but in no instance may such income limits be established at a level higher than ~~70~~ 80 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development;
- C. have sufficient gross household income so that on the date of execution of the contract for deed at least 25 percent of that income will be adequate to pay monthly installments of real estate taxes and hazard insurance premiums; ~~and~~
- D. agree to either apply 25 percent of their adjusted gross monthly household income or ten percent of their gross monthly household income, whichever is greater, to the debt incurred under the contract for deed; and
- E. immediately inform the eligible organization of significant changes in gross household income; and cooperate and participate in annual recertification of gross household income by the eligible organization.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

Department of Human Services

Proposed Permanent Rules Relating to Hospital Admission Certification

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Inpatient Hospital Admission Certification in the Medical Assistance, General Assistance Medical Care, and MinnesotaCare programs, *Minnesota Rules*, Parts 9505.0500 to 9505.0545.

Introduction. The Department of Human Services 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. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Robert Klukas at Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-2794, fax number (612) 297-3173. TTY users may call the Department of Human Services at (612) 296-5705.

Subject of Rules and Statutory Authority. The proposed rules establish a system for reviewing the utilization of inpatient hospital services under the Medical Assistance [MA], General Assistance Medical Care [GAMC], and MinnesotaCare programs. These rules are designed to guard against excess payments and to reduce expenditures which result from inappropriate hospitalization of MA, GAMC, and MinnesotaCare recipients. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 256B.04, subdivision 15, 256D.03, subd. 7(b), and 256.9353, subd. 3(c). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. 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 Monday, December 29, 1997, to submit written comment in support of or in opposition to the proposed rules and 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 comment should identify the portion of the proposed rules addressed and the reason for the comment. 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 December 29, 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. 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, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, 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.

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. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. 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.

Dated: 7 November 1997

David S. Doth, Commissioner
Minnesota Department of Human Services

9505.0501 SCOPE.

Parts 9505.0501 to 9505.0545 establish the standards and procedures for admission certification to be followed by admitting physicians and hospitals seeking payment under parts 9500.1090 to 9500.1140 for inpatient hospital services provided to medical assistance, general assistance medical care, and MinnesotaCare recipients under *Minnesota Statutes*, chapters 256B and 256D, and section 256.9353, subdivision 3, paragraph (c). Parts 9505.0501 to 9505.0545 are to be read in conjunction with *Code of Federal Regulations*, title 42, and titles XVIII and XIX of the Social Security Act, *United States Code*, title 42, chapter 7, subchapters XVIII and XIX. The department retains the authority to approve prior authorizations established under parts 9505.5000 to 9505.5030 and second medical opinions established under parts 9505.5035 to 9505.5105 in addition to admission certification.

9505.0505 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9505.0501 to 9505.0545, the following terms have the meanings given them.

Subp. 2. **Admission.** “Admission” means the time of birth at a hospital or the act that allows the recipient to officially enter a hospital to receive inpatient hospital services under the supervision of a physician who is a member of the medical staff.

Subp. 3. **Admission certification.** “Admission certification” means the determination of the medical review agent that all or part of a recipient’s inpatient hospital services are medically necessary and that medical assistance, general assistance medical care, or MinnesotaCare funds may be used to pay the admitting physician, hospital, and other vendors of inpatient hospital services for providing medically necessary services, subject to parts 9500.1090 to 9500.1140; 9505.0170 to 9505.0475; 9505.1000 to 9505.1040; and 9505.5000 to 9505.5105.

Subp. 4. **Admitting physician.** “Admitting physician” means the physician who orders the recipient’s admission to the hospital.

Subp. 5. **Certification number.** “Certification number” means the number issued by the medical review agent that establishes that all or part of a recipient’s inpatient hospital services are medically necessary.

Subp. 6. **Commissioner.** “Commissioner” means the commissioner of human services or an authorized representative of the commissioner.

Subp. 7. **Concurrent review.** “Concurrent review” means a review and determination performed while the recipient is in the hospital and focused on the medical necessity of inpatient hospital services. The review consists of admission review, continued stay review, and, when appropriate, procedure review.

Subp. 8. **Continued stay review.** “Continued stay review” means a review and determination, after the admission certification, of the medical necessity of continued inpatient hospital services to the recipient.

Subp. 9. **Department.** “Department” means the Minnesota Department of Human Services.

Subp. 10. **Diagnostic categories.** “Diagnostic categories” means the diagnostic classifications established under *Minnesota Statutes*, section 256.969, subdivision 2.

Subp. 11. **Diagnostic category validation.** “Diagnostic category validation” means the process of comparing the medical record to the information submitted on the inpatient hospital billing form to ascertain the accuracy of the information upon which the diagnostic category was assigned.

Subp. 12. **Emergency.** “Emergency” has the meaning given in part 9505.0175, subpart 11.

Subp. 13. **General assistance medical care or GAMC.** “General assistance medical care” or “GAMC” means the program established by *Minnesota Statutes*, section 256D.03.

Subp. 14. **Hospital.** “Hospital” means a facility defined in *Minnesota Statutes*, section 144.696, subdivision 3, and licensed under *Minnesota Statutes*, sections 144.50 to 144.58, or an out-of-state facility licensed to provide acute care under the requirements of the state in which it is located or an Indian health service facility designated by the federal government to provide acute care.

Subp. 15. **Inpatient hospital service.** “Inpatient hospital service” means a service provided by or under the supervision of a physician after admission to a hospital and furnished in the hospital, including outpatient services provided by the same hospital that immediately precede the admission.

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Proposed Rules

Subp. 16. Medical assistance or MA. “Medical assistance” or “MA” means the program established under title XIX of the Social Security Act, *United States Code*, title 42, chapter 7, subchapter XIX, and *Minnesota Statutes*, chapter 256B. For purposes of parts 9505.0501 to 9505.0545, “medical assistance” includes general assistance medical care and MinnesotaCare unless otherwise specified.

Subp. 17. Medical record. “Medical record” means the information required in part 9505.2175, subpart 2.

Subp. 18. Medical review agent. “Medical review agent” means the representative of the commissioner who is authorized by the commissioner to administer procedures for admission certifications, medical record reviews and reconsideration, and perform other functions as stipulated in the terms of the agent’s contract with the department.

Subp. 19. Medically necessary. “Medically necessary” means an inpatient hospital service that is consistent with the recipient’s diagnosis or condition, and under the criteria in part 9505.0530 cannot be provided on an outpatient or other basis.

Subp. 20. Medicare. “Medicare” means the federal health insurance program for the aged and disabled under title XVIII of the Social Security Act, *United States Code*, title 42, chapter 7, subchapter XVIII.

Subp. 21. MinnesotaCare. “MinnesotaCare” means the program established in *Minnesota Statutes*, section 256.9352.

Subp. 22. Physician. “Physician” means a person licensed to provide services within the scope of the profession as defined in *Minnesota Statutes*, chapter 147.

Subp. 23. Physician adviser. “Physician adviser” means a physician who practices in the specialty area of the recipient’s admitting or principal diagnosis or a specialty area related to the admitting or principal diagnosis.

Subp. 24. Prior authorization. “Prior authorization” means the prior approval for medical services by the department as required under *Minnesota Statutes*, sections 256.9353, subdivisions 1 and 3, and 256B.0625, subdivision 25, and applicable rules adopted by the commissioner.

Subp. 25. Principal diagnosis. “Principal diagnosis” means the condition established, after study, as the reason for the admission of the recipient to the hospital for inpatient hospital services.

Subp. 26. Principal procedure. “Principal procedure” means a procedure performed for definitive treatment of the recipient’s principal diagnosis rather than one performed for diagnostic or exploratory purposes or a procedure necessary to take care of a complication. When multiple procedures are performed for definitive treatment, the principal procedure is the procedure most closely related to the principal diagnosis.

Subp. 27. Provider. “Provider” means an individual or organization under an agreement with the department to furnish health services to persons eligible for the medical assistance, MinnesotaCare, or general assistance medical care programs.

Subp. 28. Provider number. “Provider number” means a number issued by the department to a provider who has signed a provider agreement under part 9505.0195.

Subp. 29. Readmission. “Readmission” means an admission that occurs within 15 days of a discharge of the same recipient. The 15-day period does not include the day of discharge or the day of readmission.

Subp. 30. Recertification. “Recertification” means the procedure by which a physician, or physician assistant or nurse practitioner acting within the scope of practice as defined by state law and under supervision of a physician, authorizes a recipient’s continued need for inpatient hospital services as required by federal regulations. An admission must be recertified for every 60 days of continuous hospitalization of a recipient beginning from the date of the admission and must be documented in the medical record. Recertification does not apply to general assistance medical care or MinnesotaCare recipients.

Subp. 31. Recipient. “Recipient” means a person who is eligible for the medical assistance, general assistance medical care, or MinnesotaCare program.

Subp. 32. Recipient ID number. “Recipient ID number” means the unique eight digit identification number assigned to a recipient who has been determined eligible for medical assistance, general assistance medical care, or MinnesotaCare.

Subp. 33. Reconsideration. “Reconsideration” means a review of a denial or withdrawal of admission certification according to part 9505.0520, subparts 9, 9b, and 9c.

Subp. 34. Retrospective review. “Retrospective review” means a review conducted after inpatient hospital services are provided to a recipient. The review is focused on validating the diagnostic category, verifying recertification, where applicable, and determining the medical necessity of the admission, the medical necessity of any inpatient hospital services provided, and whether all medically necessary inpatient hospital services were provided.

Subp. 35. Transfer. “Transfer” means the movement of a patient after admission from one hospital directly to another hospital or to or from a unit of a hospital recognized as a rehabilitation distinct part by Medicare as provided by *Minnesota Statutes*, section 256.969, subdivision 12.

9505.0515 MEDICAL REVIEW AGENT'S QUALIFIED STAFF.

The medical review agent must provide professional and technical expertise to conduct the hospital admission certification program for medical assistance, general assistance medical care, and the MinnesotaCare programs. Unless otherwise specified in parts 9505.0501 to 9505.0545, the professional and technical expertise must consist of persons who are licensed physicians or who are registered nurses licensed under *Minnesota Statutes*, sections 148.171 to 148.285, to practice professional nursing and who are qualified by training and experience to review the medical necessity of admissions.

9505.0520 INPATIENT ADMISSION CERTIFICATION.

Subpart 1. **Requirement for admission certification.** Except as provided in subparts ~~subpart 2 and 14, an admission providing a hospital or admitting physician furnishing inpatient hospital service services to a recipient must receive obtain~~ admission certification ~~prior to the recipient's admission~~ in order for the admitting physician, the hospital, or other ~~vendor provider~~ of an inpatient hospital service to receive medical assistance ~~or general assistance medical care program~~ payment for the inpatient hospital service services to the recipient.

A. Admission certification must be obtained when a recipient is admitted, readmitted, or transferred to a hospital unless the admission is combined under the readmission criteria of part 9505.0540.

B. An admission certification number is valid only for the hospital admission for which it is issued, except in circumstances specified in part 9505.0540.

C. Admission certification for the admission of a MinnesotaCare recipient must be requested within 30 days of the date of admission or be subject to penalties under *Minnesota Statutes*, section 256.9353, subdivision 3, paragraph (c).

Subp. 2. **Exclusions from admission certification or prior admission certification.** Admission Admissions for inpatient hospital services under items A to C shall be excluded from the requirement in subpart 1. The admissions are subject to retrospective review as stated in subpart 10.

A. Admission certification is not required before an emergency admission and shall be subject to subpart 4, item B.

B. Admission certification is not required for delivery of a newborn or a stillbirth, inpatient dental procedures, or inpatient hospital services for which a recipient has been approved under Medicare. However, if an inpatient hospital service is also covered under Medicare, then denial of the service under Medicare on grounds other than medical necessity shall also constitute sufficient grounds for denying admission certification for the service under medical assistance. The admission of a pregnant woman that does not result in the delivery of a newborn or a stillbirth within 24 hours of her admission shall be subject to retroactive admission certification.

C. Admission of a recipient who has been approved by the county for inpatient hospital services for chemical dependency as specified in parts 9530.6600 to 9530.6655 may occur without admission certification, provided that the inpatient hospital chemical dependency services to the recipient during the recipient's stay in the hospital are not to be billed to medical assistance under parts 9500.1090 to 9500.1155.

A. The admission of a pregnant woman that results in the delivery of a newborn or a stillbirth, and the admission of a newborn resulting from birth.

B. The admission is for Medicare Part A covered inpatient hospital services which are provided to a recipient who is also eligible for medical assistance and for which medical assistance payment is requested for the coinsurance and deductible payments only.

C. An admission to a hospital that is not located in Minnesota or the local trade area for which a prior authorization has been obtained according to parts 9505.5000 to 9505.5030.

Subp. 3. **Admitting physician and hospital responsibilities.** The admitting physician ~~who or hospital that~~ seeks medical assistance ~~or general assistance medical care program~~ payment for an inpatient hospital service to be services provided to a recipient shall must follow the procedures in items A to C.

A. Obtain prior authorization from the department for any service requiring prior authorization. Medical assistance and general assistance medical care payment shall be denied when a required prior authorization is not obtained prior to admission.

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Proposed Rules

~~B.~~ Request admission certification by contacting the medical review agent either by telephone or in writing and providing the information in subitems (1) to (8):

- (1) hospital's medical assistance provider number and name;
- (2) recipient's name, ~~medical assistance or general assistance medical care identification~~ recipient ID number, sex, and date of birth;
- (3) admitting physician's name and medical assistance provider number;
- (4) primary procedure ~~code~~, or principal procedure, when applicable, according to the most recent edition of Current Procedural Terminology published by the American Medical Association or the International Classification of Diseases — Clinical Modification, published by the ~~Commission on Professional and Hospital Activities, Green Road, Ann Arbor, Michigan 48105~~ Practice Management Information Corporation, 4727 Wilshire Boulevard, Los Angeles, CA 90010 which are incorporated by reference. These books are available through the Minitex interlibrary loan system and are subject to change;
- (5) date of admission, or expected date of admission;
- (6) whether the admission is a readmission or a transfer;
- (7) admitting diagnosis by ~~diagnostic code~~, or principal diagnosis, when applicable, according to the most recent edition of the International Classification of Diseases — Clinical Modification; and
- (8) information from the plan of care and the reason for admission as necessary for the medical review agent to determine if admission is or was medically necessary.

~~C. B.~~ Inform ~~the hospital~~ all providers involved in the recipient's inpatient hospital services of the certification number.

~~D. C.~~ For purposes of billing, enter the certification number and any required prior authorization number on invoices submitted to the department for payment.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Ineligibility to serve as physician or physician adviser.** A physician shall not be eligible to serve as a physician adviser ~~determine the medical necessity of an admission under parts 9505.0501 to 9505.0545~~ if:

A. the physician is the admitting physician for the admission for which certification is being requested; ~~or~~

B. during the previous 12 months, the physician issued treatment orders or participated in the formulation or execution of the treatment plan for the recipient for whom admission certification is requested; ~~or~~

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

Subp. 8. **Procedure for admission certification.** The ~~procedure~~ procedures for admission certification ~~shall be as are listed in items A to H I.~~

A. Upon receipt of the information requested in subpart 3, item ~~B A~~, if applicable, the ~~clinical evaluator~~ medical review agent shall review the information and determine whether the admission is medically necessary.

B. If the ~~clinical evaluator~~ medical review agent determines that the admission is medically necessary, the medical review agent shall issue a certification number.

C. If the ~~clinical evaluator~~ medical review agent is unable to determine that the admission is medically necessary, the ~~evaluator~~ medical review agent shall contact a physician adviser.

D. If the physician adviser determines that the admission is medically necessary, the medical review agent shall issue a certification number.

E. If the physician adviser determines that the admission is not medically necessary or is unable to determine that the admission is medically necessary, the physician adviser shall notify the clinical evaluator by telephone; the clinical evaluator medical review agent shall notify the admitting physician provider by telephone, and the admitting physician provider may request within 24 hours, exclusive of weekends and holidays, a second physician adviser's physician's opinion.

F. If the admitting physician does not request a second physician adviser's opinion, the medical review agent shall deny the admission certification, shall not issue a certification number, and shall notify the admitting physician, the hospital, and the recipient of the denial. The notice to the recipient shall be in writing and shall state the reasons for the denial and the recipient's right to appeal under *Minnesota Statutes*, section 256.045, and part 9505.0522. The notices to the admitting physician and the hospital shall be in writing; shall state the reasons for the denial; and shall state that the admitting physician or the hospital may request reconsideration of the denial under subpart 9 or may directly appeal the denial under *Minnesota Statutes*, chapter 14.

If the ~~admitting physician provider~~ requests a second ~~physician adviser's~~ physician's opinion about an admission, the ~~clinical evaluator medical review agent~~ shall contact a second physician adviser.

~~G.~~ If the second physician ~~adviser~~ determines that the admission is medically necessary, the medical review agent shall issue a certification number.

~~H. G.~~ If the second physician ~~adviser~~ determines that the admission is not medically necessary, or is unable to determine that the admission is medically necessary, or if the provider does not request a second physician's opinion when the first physician determines that the admission is not medically necessary or is unable to determine that the admission is medically necessary, then the medical review agent shall deny the admission certification; and shall not issue a certification number; and shall notify the admitting physician, the hospital, and the recipient of the denial. The notice to the recipient shall be in writing and shall state the reasons for the denial and the recipient's right to appeal under *Minnesota Statutes*, section 256.045, and part 9505.0522. The notices to the admitting physician and the hospital shall be in writing and shall state the reasons for the denial and shall state that the admitting physician or the hospital may request reconsideration of the denial under subpart 9 or may directly appeal the denial under *Minnesota Statutes*, chapter 14.

H. The medical review agent shall make the determination about medical necessity and inform the provider by telephone within 24 hours of the receipt of the information requested in subpart 3, item A, exclusive of weekends and holidays, unless the provider requests a second physician's opinion. If the provider requests a second physician's opinion, the medical review agent shall make the determination of medical necessity within 24 hours of the request, exclusive of weekends and holidays. The medical review agent shall send a written notice of the determination to the hospital and admitting physician within five working days of the determination. In the case of a denial, the written notices to the hospital and the admitting physician required under this item must be sent by certified mail. The denial notices to the admitting physician and hospital must state the reasons for the denial and inform the admitting physician or hospital that a reconsideration may be requested under subpart 9. In the case of a denial when the recipient has not received the inpatient hospital services, the medical review agent shall send a written notice of the denial to the recipient within five working days of the determination. The denial notice to the recipient must state the recipient's right of appeal under part 9505.0545 and *Minnesota Statutes*, section 256.045.

I. When there is a need to further substantiate the medical necessity of the admission, the department or medical review agent may request that the provider submit, at the provider's expense, a copy of the recipient's medical record. If the provider fails to submit a requested record within 30 days of the date of the request, the department or the medical review agent shall make a determination based on the information available.

Subp. 9. **Reconsideration requested.** The admitting physician or the hospital may request reconsideration of a decision to deny or withdraw an admission certification ~~number under subpart 8, item F or subpart 11; if:~~

A. the medical review agent denies an admission certification number because the admission is not medically necessary;

B. the medical review agent withdraws an admission certification number for all or part of a recipient's stay because all or part of the stay was not medically necessary based on a concurrent or retrospective review; or

C. the medical review agent denies or withdraws an admission certification number or considers an admission and readmission to be a transfer under the readmission criteria in part 9505.0540 because the admission and readmission meet the criteria specified in part 9505.0540.

The admitting physician or the hospital shall submit ~~the a written request in writing for reconsideration~~ to the medical review agent together with the recipient's medical record and any additional information within 30 days of the date of receipt of the certified letter from the medical review agent denying or withdrawing an admission certification number. Upon receipt of the request, the medical record, and any additional information, the medical review agent shall appoint at least three physician advisers, none of whom shall have been involved previously in the procedure for the recipient's admission certification number, to hear the reconsideration. The reconsideration may be conducted by means of a telephone conference call. The physician advisers may seek additional facts and medical advice as necessary to decide whether the admission is medically necessary. The reconsideration shall be completed within 45 days of the receipt of the information necessary to complete the reconsideration. The outcome of the reconsideration shall be the one chosen by the majority of the physician advisers appointed to consider the request. The admitting physician or the hospital may appeal the determination of the physician advisers according to the contested case provisions of *Minnesota*

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Proposed Rules

Statutes, chapter 14, by filing a written notice of appeal with the commissioner within 30 days of the date of receipt of the certified letter upholding the denial or withdrawal of admission certification number. However, an admitting physician or hospital that does not request reconsideration or appeal under the contested case procedures of *Minnesota Statutes*, chapter 14, within 30 days after the denial or withdrawal of an admission certification number is not entitled to an appeal under *Minnesota Statutes*, chapter 14. The request must include the recipient's name and the recipient's ID number; the disputed admission; the reason for the dispute; the medical record or the part of the medical record needed to make a determination of the medical necessity of the admission or appropriateness of a readmission and any other information related to the admission and determination; and the name, address, and telephone number of the person to contact about the reconsideration.

Subp. 9a. [See repealer.]

Subp. 9b. Reconsideration; physician advisers appointed by medical review agent. Upon receipt of a request for reconsideration under subpart 9, the medical review agent shall appoint at least three physician advisers who did not take part in the decision to deny or withdraw all or part of the admission certification. Each physician adviser shall determine the medical necessity of the admission or the continued stay or, in the case of a readmission, determine whether the admission and readmission meet the criteria in part 9505.0540. The reconsideration decision must be the majority opinion of the physician advisers. In making the decision, the three physician advisers shall use the criteria of medical necessity set out in part 9505.0530.

Subp. 9c. Completion of reconsideration. The medical review agent shall complete the reconsideration requested under subpart 9 within 60 days of receipt of the information required under subpart 9. The medical review agent shall notify the provider who requested the reconsideration, by telephone, of the decision within 24 hours of receipt of the physician adviser's determination, exclusive of weekends and holidays. A written notice of the decision must be sent by certified mail to the hospital and the admitting physician by the medical review agent within ten working days of the receipt of the physician adviser's determination. In the event a denial is upheld, the notice must inform the admitting physician and hospital of the right to request an appeal of the reconsideration decision within 30 days of receiving the notice according to *Minnesota Statutes*, section 256.9685, subdivisions 1b to 1d.

Subp. 10. Medical record review and determination after admission. As specified in the contract between the department and the medical review agent, upon the request of The department ; or upon the initiative of the medical review agent; the medical review agent shall may conduct a concurrent, continued stay; or retrospective review of a recipient's medical record to validate establish the diagnostic category recipient's diagnosis and procedure codes and to determine whether the recipient's admission was medically necessary; whether and all the inpatient hospital services provided to the recipient were medically necessary, whether a continued stay was medically necessary or will be medically necessary, and whether all medically necessary inpatient hospital services were provided to the recipient. The procedure for concurrent, continued stay, and retrospective reviews shall be as in items A to F. In making a determination under this subpart, the medical review agent must follow the procedure in items A to G.

A. A clinical evaluator The medical review agent shall review the medical record and to establish the diagnosis and procedure codes for diagnostic category validation. Additionally, the medical review agent may review the bills, invoices, and all supporting documentation pertaining to a request for medical assistance and general assistance medical care payment.

B. The medical review agent may request additional information from the admitting physician or the hospital as necessary to clarify the medical record if the clinical evaluator medical review agent is unable to determine that the recipient's admission was medically necessary, that all inpatient hospital services provided to the recipient were medically necessary, that the recipient's continued stay was medically necessary or will be medically necessary, or that all medically necessary inpatient hospital services were provided; the clinical evaluator shall request additional information from the admitting physician or the hospital as necessary to clarify the medical record. The additional information must be submitted at the expense of the admitting physician or hospital.

C. If, after additional information is submitted, the clinical evaluator medical review agent is unable to determine that the recipient's admission was medically necessary, that the recipient's continued stay was medically necessary or will be medically necessary, or that all medically necessary inpatient hospital services were provided, the medical review agent must consult a physician adviser shall be consulted.

D. If a physician adviser determines that the recipient's admission was not medically necessary, that the recipient's continued stay will not be medically necessary, or that all medically necessary inpatient hospital services were not provided, the medical review agent shall withdraw the previously issued certification number and shall notify the admitting physician and hospital by telephone within 24 hours of the determination and by certified letter mailed within five working days, exclusive of weekends and holidays, of the determination. The notice shall state the right of the admitting physician and hospital to request a reconsideration or appeal under subpart 9.

E. If the diagnostic category validation shows that the diagnostic category was inaccurately assigned, the department shall adjust the reimbursement as applicable to the diagnostic category that is accurate for the recipient's condition. If a physician determines that the recipient's continued stay was not medically necessary or will not be medically necessary, the portion of the stay determined not to be medically necessary will be denied. If the recipient is still an inpatient, the medical review agent shall notify the admitting physician and hospital of the determination by telephone within 24 hours of receipt of the determination, exclusive of

weekends and holidays, and by certified letter mailed within five working days of receipt of the determination. If the recipient has been discharged, the medical review agent shall notify the admitting physician and hospital of the determination by certified letter mailed within five working days of receipt of the determination. The notice must state the right of the admitting physician and hospital to request a reconsideration under subpart 9.

F. If recertification of a recipient's need for inpatient hospital services was required but was not documented in the medical record, the medical review agent shall deny that portion of the admission that was not recertified.

G. If the ~~clinical evaluator~~ medical review agent is unable to determine from the documentation in the recipient's medical records the reasons for the recipient's discharge and readmission according to criteria in part 9505.0540, the ~~clinical evaluator~~ medical review agent shall submit the medical records of the recipient's ~~discharge~~ admission and readmission to a physician adviser. The physician adviser shall review the records and determine the nature of the discharge and readmission according to the criteria in part 9505.0540, ~~subparts 3 to 5~~, and if the determination of the medical review agent is different from that of the admitting physician or hospital, then the medical review agent shall notify the admitting physician ~~or~~ and hospital by certified letter mailed within five working days, ~~exclusive of weekends and holidays, of the determination~~. The notice ~~shall~~ must state the right of the admitting physician and hospital to request a reconsideration under subpart 9.

Subp. 11. **Consequences of withdrawal of admission certification number; general Payment adjustments.** The department or the medical review agent shall withdraw the certification number and may take action as specified in items A to E if the medical review agent determines any of the following: (1) that the admission was not medically necessary; (2) that all medically necessary inpatient hospital services were not provided; (3) that some or all of the inpatient hospital services were not medically necessary; or (4) that within 20 days, exclusive of weekends and holidays, the hospital has failed to comply with the department's or the medical review agent's request to submit the medical record or other required information to support that the admission was medically necessary; that all medically necessary inpatient hospital services were provided; or that some or all of the inpatient hospital services provided were medically necessary; or, that the information submitted by the hospital was inadequate to support that the admission was medically necessary; that all medically necessary inpatient hospital services were provided; or that some or all of the inpatient hospital services provided were medically necessary. The department may make payment adjustments according to the circumstances in items A to E.

A. For hospitals receiving payments under parts 9500.1090 to ~~9500.1155~~ 9500.1140, and admitting physicians and other providers of inpatient hospital services receiving payments through medical assistance, if the admission was not medically necessary or the medical record does not adequately document that the admission was medically necessary, the entire payment shall be denied or recovered ~~as provided in subpart 15~~. If the hospital, admitting physician, and other providers of inpatient hospital services failed to provide inpatient hospital services that were medically necessary, ~~the matter shall be referred to the department which~~ may take action under parts 9505.2160 to 9505.2245.

B. For hospitals receiving payments under parts 9500.1090 to ~~9500.1155~~ 9500.1140, and admitting physicians and other providers of inpatient hospital services receiving payments through medical assistance, if the admission was medically necessary but some or all of the additional inpatient hospital services were not or will not be medically necessary, or the medical record does not adequately document that the additional inpatient hospital services were or will be medically necessary, payment for the additional services shall be denied or recovered ~~as provided in subpart 15~~. If the hospital, admitting physician, and other providers of inpatient hospital services failed to provide inpatient hospital services that were medically necessary, ~~the matter shall be referred to the department which~~ may take action under parts 9505.2160 to 9505.2245.

C. ~~If the admission was not medically necessary or the medical record does not adequately document that the admission was medically necessary, payment shall be denied or recovered from the admitting physician and other vendors of inpatient hospital services as provided in subpart 15. If the admitting physician and other vendors failed to provide services that were medically necessary, the matter shall be referred to the department which may take action under parts 9505.2160 to 9505.2245. If the diagnostic category validation indicates a discrepancy between the diagnostic category assigned to the claim and the diagnostic category established from the medical record, the department may adjust the payment as applicable to the diagnostic category that is accurate for the recipient's condition according to the medical record.~~

D. ~~If additional inpatient hospital services were not or will not be medically necessary, or the medical record did not adequately document that the additional inpatient hospital services were medically necessary, payment for the additional services shall be denied or recovered from the admitting physician and other vendors of inpatient hospital services as provided in subpart 15. If~~

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

~~the admission was medically necessary but some or all of the inpatient hospital services were not medically necessary; the matter shall be referred to the department which may take action under parts 9505.2160 to 9505.2245. If the admitting physician and vendors failed to provide services that were medically necessary, the matter shall be referred to the department which may take action under parts 9505.2160 to 9505.2245.~~

~~E. If, within 20 30 days, exclusive of weekends and holidays, the hospital failed to comply with the department's or the medical review agent's request to submit the medical record or other required information to support (1) that the admission was medically necessary; (2) that all medically necessary inpatient hospital services were provided; or (3) that some or all of the inpatient hospital services provided were medically necessary; or, if the information submitted by the hospital was inadequate to support clauses (1) to (3), all or part of the payment shall be denied or recovered as provided in items A to D C.~~

~~E. The provider may not seek payment from the recipient for inpatient hospital services provided under parts 9505.0501 to 9505.0545 if the certification number is not issued or is withdrawn.~~

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. [See repealer.]

Subp. 15. [See repealer.]

9505.0530 INCORPORATION BY REFERENCE OF CRITERIA TO DETERMINE MEDICAL NECESSITY.

Subpart 1. Determinations using medical necessity criteria. ~~The medical review agent shall follow the medical necessity criteria specified in subparts 2 and 3 in determining the following:~~

A. whether a recipient's admission is medically necessary;

B. whether the inpatient hospital services provided to the recipient were medically necessary;

C. whether the recipient's continued stay was or will be medically necessary; and

D. whether all medically necessary inpatient hospital services were provided to the recipient.

Subp. 2. Criteria for inpatient hospital admission; general. The most recent edition of the Appropriateness Evaluation Protocol of the National Institutes of Health is incorporated by reference. The book ~~is available at~~ was published in 1984 by the Health Data Institute, 20 Maguire Road, Lexington, Massachusetts, 02173, and it is ~~also~~ available through the Minitex interlibrary loan system. The book is not subject to change.

Subp. 3. Criteria for inpatient psychiatric treatment. The Criteria for Inpatient Psychiatric Treatment, 1981 edition, published by Blue Cross and Blue Shield of Minnesota are incorporated by reference. The criteria are available at Blue Cross and Blue Shield of Minnesota, P.O. Box 64560, Saint Paul, Minnesota 55164, and at the State Law Library, Minnesota Judicial Center, 25 Constitution Avenue, Saint Paul, Minnesota 55155. The criteria are not subject to frequent change.

9505.0540 CRITERIA TO DETERMINE MEDICAL NECESSITY OR APPROPRIATENESS FOR READMISSIONS.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. **Readmission considered as a second admission.** The medical review agent shall issue a certification number for a readmission that meets the criteria for medical necessity specified in ~~subpart 1~~ part 9505.0530, whether the admitting and readmitting hospitals are the same or different. The medical record of the admission must state why the recipient was discharged from the hospital and what the recipient's medical status was upon discharge, and the medical record of the readmission must state why the recipient is being readmitted and what the recipient's medical status is at readmission. Both the admission and the readmission shall be subject to a retrospective review as provided in part 9505.0520, subpart 10. If the reason for the discharge and the reason for the readmission meet one set of circumstances specified in items A to D, the medical review agent shall determine that both the admission and the readmission shall retain the certification number subject to the hospitals' and admitting physicians' compliance with all requirements of parts ~~9505.0500 9505.0501 to 9505.0540~~ 9505.0545.

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

Subp. 4. **Readmission considered as continuous with admission.** The medical review agent shall determine that a readmission of a recipient is continuous with the recipient's admission whether the admitting and readmitting hospitals are the same or different if the circumstances requiring the recipient's readmission meet one set of the circumstances specified in items A to C. The medical review agent shall issue a certification number if the readmission meets the criteria for medical necessity specified in ~~subpart 1~~ part 9505.0530. The medical record of the admission must state why the recipient was discharged from the hospital and what the recipient's medical status was upon discharge, and the medical record of the readmission must state why the recipient is being readmitted

and what the recipient's medical status is at readmission. Both the admission and the readmission ~~shall be~~ are subject to a retrospective review as provided in part 9505.0520, subpart 10. Upon completing the retrospective review and determining whether the readmission and admission are consistent with item A, B, or C, the medical review agent shall take the action specified in the item that applies. Medical assistance payment for the inpatient hospital services retaining the certification number after the determination resulting from the retrospective review ~~shall must~~ be paid according to parts 9500.1090 to ~~9500.1155~~ 9500.1140 for the diagnostic category assigned to the recipient's principal diagnosis of the admission and readmission. In each circumstance, retention of the certification number ~~shall be~~ is subject to the hospital's and admitting physician's compliance with all requirements of parts ~~9505.0500~~ 9505.0501 to ~~9505.0540~~ 9505.0545.

A. The recipient was discharged from the admitting hospital without receiving the procedure or treatment of the condition diagnosed during the admission because of the hospital's or physician's preference or because of a scheduling conflict. If the admitting and readmitting hospitals are the same, the medical review agent shall withdraw the certification number of the readmission and determine the admission eligible to retain the certification number. If the admitting and readmitting hospitals are not the same, the medical review agent shall apply the requirements under subpart 5, item C, regarding admission and readmission eligible for a transfer payment.

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

C. The recipient's discharge and readmission to the same hospital results from the preference of the recipient or the recipient's family that the recipient's treatment be delayed, that the recipient be discharged without receiving the necessary procedure or treatment, and that the recipient be readmitted for the necessary procedure or treatment. If the admitting and readmitting hospitals are the same, the medical review agent shall determine the admission eligible to retain the certification number and withdraw the certification number of the readmission. If the admitting and readmitting hospitals are not the same, the medical review agent shall apply the requirements under subpart 5, item A, regarding admission and readmission eligible for a transfer payment. For purposes of this part, "preference of the recipient or the recipient's family" means that the recipient or the recipient's family makes a choice to delay or change the location of inpatient hospital services, and the choice is compatible with prevailing medical standards, practices, and usage.

Subp. 5. **Admission and readmission eligible for transfer payment.** The medical review agent shall issue a certification number for ~~a an~~ an admission and readmission that ~~is are~~ are eligible for a transfer payment if the admission and readmission ~~meets meet~~ the criteria for medical necessity specified in ~~subpart 4~~ part 9505.0530, and a set of circumstances in item A, B, or C. The medical record of the admission must state why the recipient was discharged from the hospital and what the recipient's medical status was upon discharge, and the medical record of the readmission must state why the recipient is being readmitted and what the recipient's medical status is at readmission. The medical review agent shall conduct a retrospective review of the medical records, determine whether the admission and readmission ~~is are~~ consistent with the circumstances in item A, B, or C, and take the action specified in the item. Retention of the certification number by the hospital ~~shall is~~ also be subject to the admitting physician's and hospital's compliance with all requirements of parts ~~9505.0500~~ 9505.0501 to ~~9505.0540~~ 9505.0545.

A. The readmission results from the preference of the recipient or the recipient's family that the recipient be discharged from the admitting hospital without receiving the necessary procedure or treatment and that the recipient be readmitted to a different hospital to obtain the necessary procedure or treatment. In this case, both hospitals shall retain their certification numbers subject to the hospitals' and admitting physicians' compliance with all requirements of parts ~~9505.0500~~ 9505.0501 to ~~9505.0540~~ 9505.0545, and medical assistance payment to each hospital ~~shall must~~ be made according to the transfer payment established under part 9500.1128, subpart 2, item D, for the inpatient hospital services necessary for the recipient's diagnosis and treatment.

B. The readmission results from a referral from one hospital to a different hospital because the recipient's medically necessary treatment was outside the scope of the first hospital's available inpatient hospital services. In this case, both hospitals shall retain their certification numbers, and medical assistance payment to each hospital ~~shall must~~ be made according to the transfer payment established under part 9500.1128, subpart 2, item D, for the inpatient hospital services necessary for the recipient's diagnosis and treatment. If, however, the admission to the first hospital is not due to an emergency and the first hospital knew or had reason to know at the time of admission that the inpatient hospital services that were medically necessary for the recipient's treatment or condition were outside the scope of the hospital's available inpatient hospital services and the readmission to another hospital resulted because of the recipient's need for those services, the first hospital's certification number will be withdrawn.

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

Subp. 6. [See repealer.]

9505.0545 APPEALS.

Subpart. 1. **Appeal by admitting physician or hospital.** The admitting physician or hospital may appeal the determination of the reconsideration under part 9505.0520, subparts 9, 9b, and 9c, according to Minnesota Statutes, section 256.9685, subdivisions 1b to 1d. The request for the appeal must be in writing and must be submitted to the commissioner within 30 days after receiving notice that the denial was upheld. An admitting physician or hospital that did not request a reconsideration under subpart 9 within

Proposed Rules

30 days of receiving the certified letter denying or withdrawing admission certification is not entitled to further appeal. The commissioner shall determine the medical necessity of the hospital admission based upon a review of the recipient's medical record and the information submitted by the provider during the reconsideration process and the medical review agent's basis for the determination that the services were not medically necessary for inpatient hospital services. The commissioner's decision under this subpart is the final agency decision.

Subp. 2. **Judicial review.** If the commissioner upholds the denial or withdrawal of admission certification, a hospital or admitting physician may appeal the commissioner's order to the district court of the county in which the hospital or physician is located. The appeal must be in writing and served upon the commissioner within 30 days after the date of the commissioner's order denying or withdrawing admission certification. The appeal must also be filed with the court administrator of the district court. The procedures to be followed by the court in processing the appeal are set out in *Minnesota Statutes*, section 256.9685, subdivisions 1c and 1d.

Subp. 3. **Appeal by recipient.** A recipient who is denied inpatient hospital services because of the medical review agent's determination that the inpatient hospital services are not medically necessary may appeal the medical review agent's determination according to *Minnesota Statutes*, section 256.045.

REPEALER. *Minnesota Rules*, parts 9505.0500; 9505.0510; 9505.0520, subparts 4, 5, 6, 9a, 12, 13, 14, and 15; 9505.0521; 9505.0522; and 9505.0540, subparts 1, 2, and 6, are repealed.

Secretary of State

Proposed Permanent Rules Relating to Presidential Primary Nominating Petitions

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Recall Petitions, *Minnesota Rules*, Chapter 8205.

Introduction. The Secretary of State 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. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Joseph Mansky
Director, Election Division
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299
(612) 215-1440

TTY users may call the Election Division at (612) 297-5353 or (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about the form required for a recall petition and the procedures required for submission and verification of a recall petition. The proposed rules also concern technical changes to *Minnesota Rules*, part 8205.1000 that are necessary to differentiate the rules governing presidential primary nominating petitions from the proposed rules governing recall petitions and to conform the rules governing presidential primary nominating petitions to the drafting rules used by the Revisor of Statutes. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 207A.09, 211C.03, 211C.04, and 211C.06. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on December 24, 1997, to submit written comment in support of or in opposition to the proposed rules and 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 comment should identify the portion of the proposed rules addressed and the reason for the comment. 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 December 24, 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. 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, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, 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.

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. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. 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.

Dated: 7 November 1997

Joan Anderson Growe
Secretary of State

CHAPTER 8205

SECRETARY OF STATE

PRESIDENTIAL PRIMARY PETITIONS

PRESIDENTIAL PRIMARY NOMINATING PETITIONS

8205.1000 PRESIDENTIAL PRIMARY NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

Subpart 1. **Form of petition.** Petitions used on behalf of candidates for the nomination of a major political party for president of the United States must be prepared in accordance with items A to E.

A. The petition must be prepared on paper ~~8-5~~ 8-1/2 inches wide and 14 inches long. Each petition page must include space for the names, addresses, and signatures of ten persons.

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

[For text of subps 2 to 7, see M.R.]

RECALL PETITIONS

8205.2000 FORM OF PROPOSED RECALL PETITION.

Subpart 1. **Form of proposed recall petition.** Proposed recall petitions must be prepared in accordance with items A to D.

A. The proposed petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. Only one side of the paper may be used.

B. The words "PROPOSED RECALL PETITION" must be printed at the top of each page of the petition. Each page of the proposed petition must include the following information in no less than eight-point type:

(1) the information required by *Minnesota Statutes*, section 211C.03;

(2) the statement "All information provided on this petition is subject to public inspection."; and

(3) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

Proposed Rules

C. Each page of the petition must be consecutively numbered. The signature lines on each page must be consecutively numbered from 1 to 10.

D. Separate petitions must be used to propose the recall of more than one state officer.

E. The secretary of state shall provide sample proposed recall petition pages.

Subp. 2. Completing the proposed recall petition. The information required in subpart 1, item B, subitem (1), must be completed by the person who signed the proposed petition. A person physically unable to complete the proposed petition may ask another for assistance. An eligible voter may sign a proposed petition only once.

Subp. 3. Submitting the proposed recall petition. The proposed recall petition must be submitted to the secretary of state. The proposed recall petition may be submitted by mail, messenger, or similar delivery service. Filing of a proposed recall petition is effective upon receipt of the petition by the secretary of state. A proposed petition page must not be altered after it has been submitted to the secretary of state.

The persons submitting the proposed recall petition also shall submit a written statement designating no more than three consenting signatories of the petition who will represent all petitioners in all matters relating to the recall. The secretary shall provide sample written statements.

The petition must be accompanied by a fee of \$100. If the filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, the secretary of state shall send notice of the worthless instrument to the petitioners via registered mail with return receipt requested. The petitioners have five days from the time the secretary receives proof of receipt to provide the secretary of state with sufficient funds. If adequate payment is not made, the secretary of state shall dismiss the proposed petition.

Subp. 4. Receipt of proposed recall petition. The secretary of state shall provide the person submitting the proposed recall petition a receipt for the petition. The receipt must include the name of the state officer who is the subject of the proposed petition; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

8205.2010 VERIFYING THE PROPOSED RECALL PETITION.

Subpart 1. Verifying the proposed recall petition. The secretary of state shall inspect each proposed recall petition to determine whether it has been signed by at least 25 persons eligible to vote in the district where the state officer subject to the proposed recall petition serves or, in the case of a statewide officer, within the state. The secretary of state shall verify that the address given by each signatory is in the district served by the state officer subject to the proposed recall petition and that the birth date given by each signatory establishes that the signatory was at least 18 years old when the petition was signed.

If the secretary of state determines that less than 25 eligible voters have signed a proposed recall petition, the secretary of state shall immediately dismiss the petition and send written notice to the person submitting the petition.

If the secretary of state determines that the proposed recall petition is sufficient, the secretary shall immediately send written notice to the state officer subject to the proposed recall petition and the petitioners and shall forward the proposed petition to the clerk of the appellate courts.

Subp. 2. Time for verification. The secretary of state shall complete the verification of a proposed recall petition no later than three working days after the day on which the petition was filed.

8205.2100 ISSUING THE RECALL PETITION.

Subpart 1. Secretary of state's duties. When the secretary of state receives a recall order from the supreme court, the secretary shall provide the petitioners with:

A. a sample recall petition page that includes the statement of facts and grounds for recall ordered by the supreme court;

B. the number of signatures needed for the petition to be valid; and

C. the date by which the petition must be filed with the secretary of state to meet the filing deadline.

Subp. 2. Photocopies. The petitioners may use photocopies of the sample page provided by the secretary of state under subpart 1, item A, for the recall petition.

8205.2110 FORM OF RECALL PETITION.

Subpart 1. Form of recall petition. Recall petitions must be prepared in accordance with items A to D.

A. The petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. Only one side of the paper may be used.

B. The words "RECALL PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information in no less than eight-point type:

(1) the information required by *Minnesota Statutes*, section 211C.03;

(2) the statement "All information provided on this petition is subject to public inspection."; and

(3) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. Each page of the petition must be consecutively numbered. The signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be used for the recall of each state officer.

Subp. 2. **Completing the recall petition.** The information required in subpart 1, item B, subitem (1), must be completed by the person who signed the petition. A person physically unable to sign the petition may ask another for assistance. An eligible voter may sign a recall petition only once.

Subp. 3. **Submitting the petition.** The completed petition must be filed with the secretary of state. The petition may be filed by mail, messenger, or similar delivery service. Filing of a petition is effective upon receipt of the petition by the secretary of state. A petition page must not be altered after it has been submitted to the secretary of state.

Subp. 4. **Receipt of recall petition.** The secretary of state shall provide the person submitting the recall petition a receipt for the petition. The receipt must include the name of the state officer who is the subject of the petition; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

8205.2120 VERIFYING THE RECALL PETITION.

Subpart 1. **Verifying the recall petition.** The secretary of state shall verify each recall petition by the following method.

A. The secretary of state shall inspect each petition to determine whether it was filed within 90 days after the date of issuance. If the secretary of state determines that the petition was not filed within 90 days after the date of issuance, the secretary shall dismiss the petition and notify the petitioners of the reason for dismissal.

B. The secretary of state shall inspect each petition to determine whether it has been signed by a number of persons eligible to vote in the district served by the state officer subject to the recall petition that is equal to at least 25 percent of the number of votes cast at the most recent general election for the office held by the state officer subject to the recall petition. If the petition has not been signed by the required number of eligible voters and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reason for the dismissal. If the petition has not been signed by the required number of eligible voters but the 90-day time limit has not expired, the secretary shall notify the petitioners:

(1) that the petition has not been signed by the required number of voters;

(2) of the number of additional signatures needed;

(3) that the 90-day time limit has not expired;

(4) of the number of days left in the 90-day time limit; and

(5) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires.

If the petitioners do not provide the necessary number of additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the necessary number of required signatures within the 90-day time limit, the secretary shall continue the verification process.

C. The secretary of state shall use a random sampling technique to verify that the persons signing the petition are eligible voters.

(1) If a member of the house of representatives or senate is the subject of the recall petition, the sample size must be 650 signatures.

(2) If the governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general, or a supreme court, court of appeals, or district court judge is the subject of the recall petition, the sample size must be 2,000 signatures.

(3) The signatures on the petition that correspond to the random numbers generated constitute the sample for the verification process.

Proposed Rules

(4) The secretary of state shall verify that the address given by each signatory in the sample is in the district served by the state officer subject to the recall petition and that the birth date given by each signatory in the sample establishes that the signatory was at least 18 years old when the petition was signed. Signatures determined by the secretary to be invalid must not be counted.

(5) The secretary shall determine what percentage of the signatures in the sample are valid.

(6) The secretary shall multiply the total number of signatures on the petition by the percentage of valid signatures in the sample to determine how many of the signatures on the petition are deemed to be valid.

(7) If the statistical sampling shows the number of signatures deemed to be valid on the petition is less than 100 percent of the required number and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(8) If the statistical sampling shows the number of signatures deemed to be valid on the petition is less than 100 percent of the required number but the 90-day time limit has not expired during the verification process, the secretary shall notify the petitioners:

(a) that the petition has not been signed by the required number of eligible voters;

(b) of the number of additional signatures needed;

(c) that the 90-day time limit has not expired;

(d) of the number of days left in the 90-day time limit; and

(e) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires.

If the petitioners do not provide the secretary with additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary with additional signatures, the secretary shall reverify the petition using the procedure described in subpart 1.

D. If the secretary of state determines that the petition has been filed within the 90-day time limit, that the petition has been signed by the required number of signatories, and that the statistical sampling shows the number of valid signatures is 100 percent or greater of the required number, the secretary shall certify the petition and immediately send written notice to the governor, the petitioners, and the state officer subject to the petition.

Subp. 2. Time for verification. The secretary of state shall complete the verification of a petition no later than ten working days after the day on which the petition was filed.

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Inactive Licenses

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Inactive License Renewal Fees, *Minnesota Rules* 9100.0500, Subp. 7.

Introduction. The Board of Veterinary Medicine 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. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Dr. Roland C. Olson at Board of Veterinary Medicine, 2829 University Ave. SE #540, Minneapolis, MN 55414-3250, 612-617-2170, and fax 612-617-2172.

Subject of Rules and Statutory Authority. The proposed rules are about establishing a reduced fee inactive license category. The statutory authority to adopt the rules is *Minnesota Statutes*, section 156.07 and section 214.06, Subd. 1. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on December 29, 1997, to submit written comments in support of or in opposition to the proposed rules and 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 comment should identify the portion of the proposed rules addressed and the reason for the comment. 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 December 29, 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. 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, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different from these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement 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. Copies of the statement may be obtained from the agency.

Adoption and Review of Rules. 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.

Dated: 7 November 1997

Roland C. Olson, DVM
Executive Director

9100.0500 INITIAL AND RENEWAL FEE.

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

Subp. 7. Inactive license. A person holding a current unrestricted license to practice veterinary medicine in Minnesota may, at the time of the person's next biennial license renewal date, renew the license as an inactive license at one-half the renewal fee of an unrestricted license. The license may be continued in an inactive status by renewal on a biennial basis at one-half the regular license fee.

A. A person holding an inactive license is not permitted to practice veterinary medicine in Minnesota and remains under the disciplinary authority of the board.

B. A person may convert a current inactive license to an unrestricted license upon application to and approval by the board. The application must include:

(1) documentation of licensure in good standing and of having met continuing education requirements of current state of practice, or documentation of having met Minnesota continuing education requirements retroactive to the date of licensure inactivation;

(2) certification by the applicant that the applicant is not currently under disciplinary orders or investigation for acts that could result in disciplinary action in any other jurisdiction; and

(3) payment of a fee equal to the full difference between an inactive and unrestricted license if converting during the first year of the biennial license cycle or payment of a fee equal to one-half the difference between an inactive and an unrestricted license if converting during the second year of the license cycle.

C. Deadline for renewal of an inactive license is March 1 of the first year of the biennial license renewal period. A late renewal penalty of one-half the inactive renewal fee must be paid if renewal is received after March 1.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking 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 mat-

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond for 155 Acres of Bare Farmland in DesMoines Township, Jackson County Under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on December 12, 1997, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 155 acres of bare farmland located in NW 1/4 of Section 33, DesMoines Township, Jackson County, Minnesota on behalf of Jeffrey R. Tewes, a single man (the Borrower). The maximum aggregate face amount of the proposed bond issue is \$249,500. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 5 November 1997

Jim Boerboom
RFA Director

Board of Animal Health

Notice of Quarterly Meeting of the Board of Animal Health

The Board of Animal Health quarterly meeting will be Friday, December 19, 1997. The meeting will convene at 9:30 a.m. at the Board office in the Minnesota Department of Agriculture Building, 90 W. Plato Blvd., St. Paul, MN 55107.

Executive Council

State Board of Investment

Investment Advisory Council

Official Notice of Meetings of the Executive Council, State Board of Investment, and the Investment Advisory Council

The Executive Council and the State Board of Investment will meet on Friday, December 12, 1997 at 8:30 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, December 2, 1997 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

Department of Human Services

Community Supports for Minnesotans with Disabilities

Public Notice Regarding Changes in the Medical Assistance (MA) Program

NOTICE IS HEREBY GIVEN to recipients and providers of services under the Medical Assistance (MA) Program, of certain changes to Intermediate Care Facilities for the Mentally Retarded (ICF/MR) rates that were enacted by the Third Special Session of the 1997 Minnesota Legislature. This notice is published pursuant to the *Code of Federal Regulations*, Title 42, section 447.205, which requires public notice of any significant proposed change in the methods and standards for payment rates for services.

The actual text of this change is contained in *1997 Minnesota Session Laws* at the chapters cited below. Minnesota Session Laws are available at most law libraries. Also you may obtain a copy of the bill summarized in this notice by calling the House or Senate Index at (612) 296-6646 or (612) 296-0504. It is important to note that not all changes made to this program by the 1997 Legislature are mentioned in this notice.

A change was made in the following area:

I. Medical Assistance (MA)

Effective July 1, 1997, the ICF/MR rate setting methodology was changed effective for the rate year beginning October 1, 1997. In computing a facility's payment rate for October 1, 1997, commissioner must modify the application of the spend up limitation to give the provider the greater rate affect of using its allowed operating cost base for October 1, 1996, rates actually paid, or its operating cost base resulting from the "shadow" rate methodology for the October 1, 1996, rate period. (*Laws of Minnesota, 1997 Third Special Session*, Chapter 3, section 15)

Effective July 1, 1997, the rate years for which an ICF/MR may be exempt from spend-up limits was extended two years through the year 2000. (*Laws of Minnesota, 1997 Third Special Session*, Chapter 3, section 16)

Department of Labor and Industry

Labor Standards Division

Notice of Correction on Prevailing Wage Rates

Commercial wage rates certified 10/20/97 have been adjusted for specific classes of labor due to errors in calculation for the following counties:

Clay County and Norman County: (Code 412, Ironworkers)

Copies of the certified wage rates may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306 or by calling (612) 296-6452. The charge for the cost of copying and mailing is \$1.00 for the first page and 50¢ for each additional page. Make check or money order payable to the State of Minnesota.

Gary W. Bastian
Commissioner

Minnesota Board of Social Work

Request for Comments on Planned Amendments to Rules Governing Social Work Practice and Regulation, *Minnesota Rules*, Chapter 8740

Subject of Rules. The Minnesota Board of Social Work requests comments on its planned amendments to rules governing social work practice and regulation. The Board is considering amendments to all of the Board's rules in Chapter 8740.

Persons Affected. The amendment to rules would likely affect all licensed social workers and all potential applicants for social work licensure.

Statutory Authority. *Minnesota Statutes*, section 148B.20 authorizes the Board to adopt rules establishing standards and methods of determining whether applicants and licensees are qualified to practice social work.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on February 13, 1998. The Board intends to request that its current Advisory Committee comment on the planned rules. This Advisory Committee includes representatives from various social work associations, including the Association for Administrators in Health Care (Minnesota), the Coalition of Licensed Social Workers, the Minnesota Conference on Social Work Education, the Minnesota Nursing Home Social Workers Association, the Minnesota School Social Workers Association, the Minnesota Society for Clinical Social Work, and the National Association of Social Workers (Minnesota Chapter). A list of contact persons for these associations is available from the Board of Social Work contact person listed below.

Rules Drafts. The Board has not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned amendments to rules should be addressed to: Tom McSteen, Executive Director, Minnesota Board of Social Work, 2829 University Avenue Southeast, Suite 340, Minneapolis, Minnesota, 55114. (612) 617- 2100 or toll-free at (888) 234-1320. TTY users may call the Board at (800) 627-3529.

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.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 14 November 1997

Jane Braun, LSW, Board Chair
Board of Social Work

State Grants & 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.

Department of Trade and Economic Development

Minnesota Job Skills Partnership

Notice of Availability of Grants for Training Programs Designed for Specific Businesses

The Minnesota Job Skills Partnership (MJSP) Board solicits grant proposals from educational and training organizations for training programs designed for specific businesses.

The next deadline for submission of *draft* proposals for both the MJSP regular program and the Pathways welfare-to-work program is 4:00 P.M. on January 12, 1997. The deadline for submission of *completed* proposals for both programs is 4:00 P.M. on January 26, 1997. No draft proposals will be accepted after January 12, 1997. Proposals needing revisions must be completed by January 26, 1998, for consideration at the next scheduled MJSP Board meeting on March 2, 1998.

A meeting of the MJSP Board is scheduled for Monday, March 2, 1998 at 8:30 A.M. in the Executive Board Room, Third Floor, World Trade Tower, 30 East 7th Street, St. Paul, Minnesota, to hear completed proposals accepted by January 26, 1998.

Please contact the Partnership office at 612/296-0388 for details.

Professional, Technical & Consulting Contracts

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

Materials Management Division

Notice of Request for Proposals for Interpreter Services for American Sign Language

The state of Minnesota is seeking certified individuals and firms to provide interpreter services for American Sign Language (hereinafter "ASL"). This Request for Proposal (RFP) will be used to establish multiple contracts for certified interpreting services:

- Ensure fair and equal access to communication for individuals using American Sign Language.

Contracts which result from this RFP may be used by all state agencies, institutions and political subdivisions for an initial period of up to two years, with the state reserving the right to grant extensions up to 3 years. No contract shall be for a period greater than 5 years.

Initial proposals are due by December 22, 1997 and should be received by the Materials Management Division by 3:00 PM. The State will continue to keep this opportunity open until further notice.

This RFP does not obligate the State to enter into any ASL interpreter contracts. The State may reject any or all responses to this RFP if it is considered to be in the State's best interest. The State reserves the right to cancel this solicitation without liability with a 30 day notice if it is considered to be in the State's best interest.

Professional, Technical & Consulting Contracts

A complete copy of the RFP may be obtained by calling or request a copy in writing at the following address or phone number:

Department of Administration
Materials Management Division
Attn: Brenda Thielen Willard
112 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Phone: 612.296.2600
Fax: 612.297.5347
E-mail: brenda.willard@state.mn.us

Department of Administration

Materials Management Division

Notice of Request for Proposals for Translation Services for Written Materials in Hmong, Spanish, Vietnamese, Laotian, Cambodian, Chinese (Mandarin), Russian, Somali, Croation, Arabic (standard), Ethiopian (Amharic, Oromo), German, Japanese, and French

The state of Minnesota is seeking qualified individuals and firms to provide translation services, for the accurate translation of written materials for the following languages: Hmong, Spanish, Vietnamese, Laotian, Cambodian, Chinese (Mandarin), Russian, Somali, Croation, Arabic (standard), Ethiopian (Amharic, Oromo), German, Japanese, and French. This Request for proposal (RFP) will be used to establish multiple contracts for translation services.

Contracts which result from this RFP may be used by all state agencies, institutions and political subdivisions for an initial period of up to two years, with the state reserving the right to grant extensions up to 3 years. No contract shall be for a period greater than 5 years.

Proposals are due by December 23, 1997 and must be received and time/date stamped by the Materials Management Division by 3:00 PM.

This RFP does not obligate the State to enter into any translation service contracts. The State may reject any or all responses to this RFP if it is considered to be in the State's best interest. The State reserves the right to cancel this solicitation without liability if it is considered to be in the State's best interest.

A complete copy of the RFP may be obtained by calling or requesting a copy in writing at the following address or phone number:

Department of Administration
Materials Management Division
Attn: Brenda Thielen Willard
112 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Phone: 612.296.9075
Fax: 612.297.5347
E-mail: brenda.willard@state.mn.us

Department of Human Services

Brainerd Regional Human Services Center

Request for Proposals for Dental Services

NOTICE IS HEREBY GIVEN that Brainerd Regional Human Services Center is seeking the following services for the period December 8, 1997 through June 30, 1998. These services are to be performed as requested by the Medical Director of the Brainerd Regional Human Services Center. The amount of the contract is estimated not to exceed \$28,400.00

Services of Licensed Dentist to provide dental services to patients of Brainerd Regional Human Services Center. Dental services will be provided on a part-time basis, two days per week. Contractor will provide dental services to include prophylactic hygiene, operative dentistry, endodontics, oral surgery and referral service; provide written reports where indicated on treatments; complete all required dental records; refer clients to other professionals as indicated; provide consultant services to dental staff on procedures and techniques in dental care, safety, sanitation, quality control and methodology; and actively participate in peer review activities and committee assignments. Contractor must have current dental licensure under Minnesota Statute, Chapter 150A, and possess a valid federal narcotics number.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to the Request for Proposal.

Direct inquiries and proposals to:

Keith R. Bernard, Director, Finance & Information Services
Brainerd Regional Human Services Center
1777 Highway 18 East, Brainerd, MN 56401
218/828-6161

Proposals on the above services must be received by **11:00 a.m., December 12, 1997**. Submit one copy of the proposal. The proposal must be signed, in ink, by an authorized member of the organization. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

Award of this contract is contingent upon the availability of funds. This request does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Natural Resources

Division of Fish and Wildlife

Notice of Request for Proposals for a Wolf Management Plan

NOTICE IS HEREBY GIVEN THAT the Department of Natural Resources (DNR), through its Division of Fish and Wildlife, requests proposals to provide technical assistance and professional guidance in the development and production of a management plan for the timber wolf (*Canis lupus*) in Minnesota.

It is the goal of this project to produce a state management plan for the wolf that assures its long term survival in Minnesota, addresses to the greatest extent possible the negative consequences of wolves living in close proximity to people, and obtains the support or informed consent of citizens with widely differing views and attitudes toward wolves and their management.

The contractor will attend citizen roundtables convened to discuss wolf management issues and develop management recommendations to DNR, providing scientific, technical, and other professional guidance to the roundtables. Following completion of the roundtable process, the contractor will draft a wolf management plan for Minnesota.

The DNR has estimated that the cost of this contact should not exceed \$40,000. This proposal does not obligate the agency to spend the estimated dollar amount.

The contract will begin immediately upon execution and will be completed by December 31, 1998.

Professional, Technical & Consulting Contracts

Call or write for the full Request for Proposal which will be sent free of charge to interested vendors. Please contact:

Michael W. DonCarlos, Furbearer Specialist
Minnesota Department of Natural Resources
Box 7, DNR Building
500 Lafayette Road
St. Paul, MN 55155-4007
Phone (612) 297-3208
FAX (612) 297-4961

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

In accordance with *Minnesota Rules*, part 1230.1810, subpart B, and *Minnesota Rules*, part 1230.1830, certified targeted group businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline at 612.296.2600 TTY 612.282-5799.

All proposals must be received or post-marked not later than 4:30 on Monday, December 15, 1997.

Dated: 17 November 1997

Gail Lewellan
Asst. Commissioner/Human Relations & Legal Affairs
Department of Natural Resources

Department of Natural Resources

Division of Forestry

Notice of Request for Proposals for Preparation of Forest Stewardship Plans

NOTICE IS HEREBY GIVEN that the Department of Natural Resources through its Division of Forestry is requesting proposals to help provide technical assistance to non-industrial private forest landowners to manage their land using ecosystem concepts. Preparation of Forest Stewardship plans for individual private landowners is the main activity. A higher education degree in a natural resource science such as forestry is required. Human relation skills, ability to perform year round field work, and proficiency in technical writing are required.

The funding source is federal forest stewardship funding and a state appropriation based on the Minnesota Forestry Association proposal to the Legislative Commission on Minnesota Resources. The funds are limited to local units of government and private sector for-profit and non-profit organizations, individuals, and companies. All proposals are reviewed and ranked by the 30 member State Forest Stewardship Committee.

To obtain a copy of the Request for Proposal, please contact:

Sharon Schmitz
DNR-Forestry
500 Lafayette Road
St. Paul, MN 55155-4044
612-297-7298

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.

City of Saint Paul

Notice of Request for Proposals for Traffic Modeling and Forecasting (RFP-19336-3)

The City of Saint Paul Public Works Department is currently seeking proposals from interested firms to provide traffic modeling and forecasting of the Saint Paul downtown street network using TRANPLAN to evaluate street capacities and CORSIM software, or approved equivalent to model and simulate the network operation. Proposals Due: December 17, 1997 at 2:00 p.m. Contract to commence on or about January 1, 1998. Interested parties may obtain proposals by calling 266-8900, and requesting RFP-19336-3.

Dakota County

Community Services Division

Request for Proposals: Probation Monitoring Services for Low and Medium Risk Adult Offenders

Issuing Department: Dakota County Community Corrections Department

Issued: November 19, 1997

Informational Meeting: Monday, December 8, 1997

Purpose: This Request for Proposals (RFP) provides information and guidelines for submitting proposals to initiate Probation Monitoring Services for Low and Medium Risk Offenders.

Available Funds & Contract Period: Fees will be charged to offenders to support the Probation Monitoring Services. County staff will set, bill and collect the fees. Respondents are asked to submit a per offender annual cost. This will be one of the criteria used to select a vendor. The contract period will be for one year beginning July 1, 1998. A contract extension is contingent upon contractor outcomes, fee collections and County Board authorization.

Eligible Applicants: Community agencies including non-profit and profit are eligible applicants. Individuals also are eligible to apply. The successful applicant(s) will enter into a contract with Dakota County Community Services and must provide evidence of professional insurance.

Description: The sole purpose of supervision of low and medium risk adult offenders is to monitor compliance with court orders. Offenders are contacted by phone/mail/in-person to review court conditions. Expected outcomes include successful completion of probation conditions and restitution paid to victims. The successful applicant is expected to provide: staff; office space; group meeting space in three locations as agreed to with the County; phones, office equipment and supplies; and, any other materials, funds or expertise required to deliver the service. The County will provide: a part-time project Coordinator to act as a liaison and three work stations in a County office space for contract staff to access required information systems.

There are three types of monitoring. These are: Administrative/paper supervision; Probation Service Center/in-person supervision (PSC); and, All Conditions Complete (ACC). While some offenders are assigned to the ACC following intake others are transferred "down" from more intensive levels for supervision. Monitoring activities for the three monitoring types include initial contact; phone/mail and in-person contacts; referral to services; monitoring of offender activities; verifying compliance with court conditions such as collecting restitution, and responding to violation behavior.

For additional information and the complete RFP, contact:

Tom Adkins
Dakota County Community Corrections Department
201 Concord Exchange North
South St. Paul, MN 55075
(612) 552-3065

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 engineering services for the Metropolitan Wastewater Treatment Plant (MWWTP) Liquid Treatment project. Services are required in the areas of Structural, Architectural, HVAC, Electrical and Instrumentation to support the previously selected lead process consultant.

The Liquid Treatment project will be based on recommendations contained in the recently completed MWWTP Master Plan and will incorporate improvements as necessary for process optimization, facility rehabilitation, capacity expansion and regulatory compliance to meet current and future demands of the MWWTP liquid treatment stream. The consulting team will support MCES efforts in the areas of facility planning, detailed design and construction support services.

All supporting consultants on this project will be selected jointly by MCES and the lead process consultant and will be expected to enter into subconsulting agreements with the lead process consultant.

All firms interested in being considered for any or all of the disciplines identified above are invited to submit a Letter of Interest asking for the Statement of Qualifications package. Statements of Qualifications will tentatively be due December 12, 1997.

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