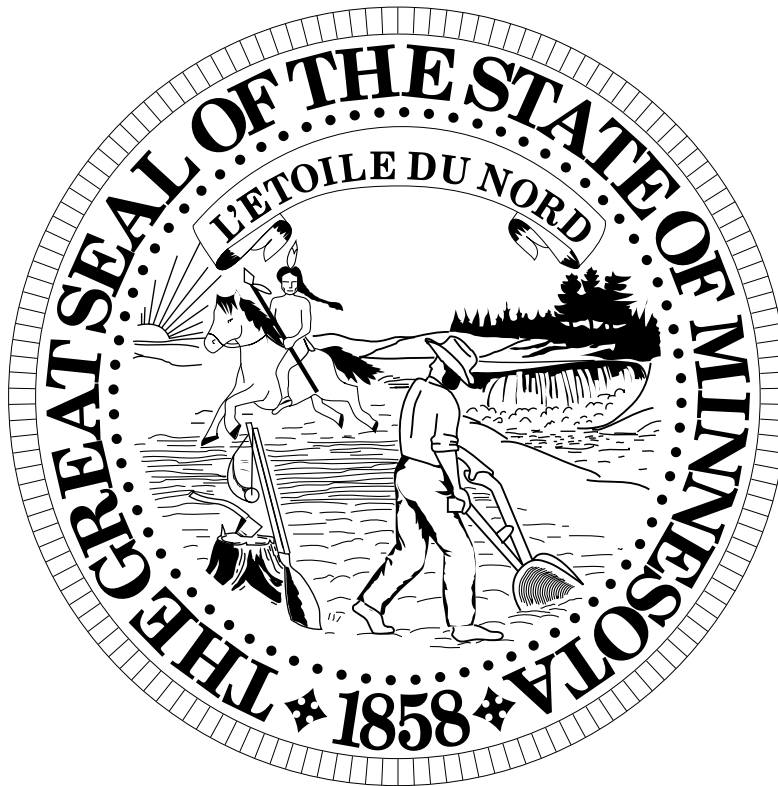


State of Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 23 December 2002

Volume 27, Number 26

Pages 941-988

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, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$12.20 per tenth of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

SUBSCRIPTION SERVICES: Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*. See the *State Register* and *Solicitation Announcements* at website: <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register* -- Rules and Official Notices Edition (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00.
 - *Solicitation Announcements* -- State Register Supplement (published every Tuesday and Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
 - On-line subscription -- \$180, includes links, index, sidebar table of contents and *State Register* SENT TO YOU via Email.
 - 13-week trial subscription which includes both the *State Register* and *Solicitation Announcements* \$65.00
 - Single issues are available for a limited time: *State Register* \$5.00, *Solicitation Announcements* \$1.00. Shipping is \$3.00 per order.
- "Affidavit of Publication" costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

Printing Schedule and Submission Deadlines

Vol. 27 Issue Number	PUBLISH DATE	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	Deadline for both Adopted and Proposed RULES
#26	Monday 23 December	Noon Tuesday 17 December	Noon Wednesday 11 December
#27	Monday 30 December	NOON MONDAY 23 DECEMBER	Noon Wednesday 18 December
#28	Monday 6 January	NOON MONDAY 30 DECEMBER	NOON TUESDAY 24 DECEMBER
#29	Monday 13 January	Noon Tuesday 7 January 2003	NOON TUESDAY 31 DECEMBER

Copyright © 2002 Communications Media Division, Department of Administration, State of Minnesota.
Publication Number: 326630 (ISSN 0146-7751)

THE STATE REGISTER IS PUBLISHED by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

Jesse Ventura, Governor (651) 296-3391	Mike Hatch, Attorney General (651) 297-4272	Mary Kiffmeyer, Secretary of State (651) 296-2079
Mae Schunk, Lt. Governor (651) 296-3391	Judi Dutcher, State Auditor (651) 297-3670	Carol Johnson, State Treasurer (651) 296-7091
Department of Administration:	Communications Media Division:	Robin PanLener, Editor (651) 297-7963
David F. Fisher, Commissioner (651) 296-1424	Mary Mikes, Director (651) 297-3979	Jane Schmidley, Assistant Editor (651) 296-4273
Kirsten Cecil, Deputy Commissioner (651) 296-4398	Chris Schanus, Manager (651) 282-2974	Jessie Rahmeyer, Subscriptions (651) 297-8774

Legislative Information

Senate Public Information Office (651) 296-0504
State Capitol, Room 231, St. Paul, MN 55155
Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

House Information Office (651) 296-2146
State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office - Fax: (202) 512-1262
Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

Minnesota State Court System

Court Information Office (651) 296-6043
Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155
Website: www.courts.state.mn.us

Minnesota Rules: Amendments & Additions		
Volume 27, Issues #15-26.....	944	
Proposed Rules		
Administration Department		
Administrative Actions	946	
Exempt Rules		
Human Services Department		
Adopted Exempt permanent rules relating to Diagnosis Related Groups Classifications	950	
Labor and Industry Department		
Proposed Exempt permanent rules relating to OSHA	979	
Official Notices		
Commerce Department		
Request for comments on possible amendment to rules governing energy audits and energy auditor certification...	981	
Labor and Industry Department		
Correction to highway/heavy prevailing wage rates for region 10, Common Laborer (Gen Labor Wrk).....	981	
Metropolitan Airports Commission		
Notice of adoption of Metropolitan Airports Commission Ordinance No. 97: restricting operations of aircraft at and from St. Cloud Airport.....	982	
Transportation Department		
Office of Motor Carrier Services request for comments on possible amendment to rules governing special transportation service	982	
State Grants		
Agriculture Department		
Request for proposals for the 2003 AgBMP Loan Program Allocation.....	983	
Historical Society		
Historic preservation grant application deadlines.....	984	
State Contracts		
Colleges and Universities, Minnesota State (MnSCU)		
Dakota County Technical College requests proposals for three used truck/tractors	984	
Economic Security Department		
Workforce Wage Assistance Branch request proposals for the unemployment insurance technology initiatives project phase II.....	985	
Minnesota Historical Society		
Request for bids for trail construction and renovation on the Forest of Today Trail at Forest History Center, Grand Rapids, Minnesota.....	985	
Public Safety Department		
Re-submitted notice of availability of contract for a state safety oversight program related to Hiawatha Light Rail Fixed Guideway system.....	986	
Transportation Department		
Availability of contract for OMRR Laboratory Information Management (LIMS) application.....	986	
Professional / Technical contract opportunities	987	
Non-State Contracts & Grants		
University of Minnesota		
Bid information service (BIS) available for all potential vendors.....	987	
Commodity, Service, and Construction contracts are published Tuesday and Friday in a bulletin, the <i>Solicitation Announcements</i> . Award results are available from the Materials Management Helpline (651) 296-2600. Website: www.mmd.admin.state.mn.us		
Individual copies and subscriptions or the <i>State Register</i> and <i>Solicitation Announcements</i> are available through Minnesota's Bookstore, (651) 297-3000, or (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 1999 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 27, Issues # 15-26

Accountancy Board

1105.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .6800; .6900; .7000; .7100; .7200; .7300; .7400; .7500; .7600; .7700; .7800; .7900; (proposed).....	603
--	-----

1100.0100; .0200; .0300; .0400; .0500; .0600; .0650; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1700; .1750; .1900; .2110; .2115; .2120; .2130; .2150; .2200; .2400; .2500; .2900; .3200; .3250; .3300; .3400; .3550; .3600; .3700; .4000; .4100; .4200; .4300; .4400; .4500; .4650; .4700; .4800; .4900; .4950; .5100; .5300; .5700; .5800; .5850; .6100; .6400; .6500; .6600; .6700; .6800; .6900; .7000; .7100; .7200; .7700; .7800; .8000; .9100; .9150; .9200; .9300; .9400; .9500; .9600; .9700; .9800; .9900 (proposed repealer).....	603
---	-----

Administration Department

1300 (proposed).....	567
1301 (proposed).....	569
1301.1200 (proposed repealer).....	946
1301.1201 (proposed).....	946
1303 (proposed).....	571
1305 (proposed).....	573
1306 (proposed).....	575
1309 (proposed).....	577
1311 (proposed).....	579

Architecture, Engineering, Land Surveying, Landscape

Architecture, Geoscience and Interior Design Board	
1800.0300; .0800; .0900; .3505; .3600; .3700; .3850 (adopted).....	584
1800.3500 (repealed).....	584

Commerce Department

2890.0005; .0015; .0020; .0030; .0040; .0050; .0060; .0065; .0070; .0073; .0081; .0200; .1000; .1100; .1150; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800 (proposed).....	860
---	-----

2890.0010 s. 6, 7; .0072; .0073 s. 1, 2, 3, 5, 6, 8, 9, 10, 17, 18, 20, 23, 25, 27, 29, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 51, 52, 53, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69; .0075 s. 2, 4, 5; .0076 s. 3, 4; .0077 s. 5; .0078 s. 1; .0080; .0081 s. 1, 7, 11, .0084 s. 1; .0089 (proposed repealer).....	860
---	-----

Dentistry Board

3100.3600; .8500; .8700 (proposed).....	485
---	-----

Children, Families and Learning Department

3525.0850; .0851; .0952; .0853; .0854; .2710; .2810 (proposed)....	631
3525.0200 s. 1d, 1e, 1g, 2a, 2c, 8e, 8f, 25a, 25b; .2900 s.5 (proposed repealer).....	631

Administration and Health Departments

4715 (proposed).....	582
----------------------	-----

Health Department

4717.7000; 4727.0050; .0100; .0150; .0200; .0250; .0350; .0400; .0500; .0550; .0600; .0700; .0830; .0840; .0850; .0860; .0910; .0920; .0922; .0925; .0930; .0935; .0940; .0942; .0945; .0947; .0950; .0975; .0980; .0985; .1000; .1100; .1250 (proposed).....	725
4727.0100 s. 2, 4, 9, 13, 16, 17; .0800; .0900; .1200; .1300 (proposed repealer).....	725
4760.0015 s. 6; 4760.0035 (proposed repealer).....	804

Labor and Industry Department

5205.0010 (adopted exempt).....	766
5205.0010 (proposed exempt).....	979

Mediation Services Bureau

5510.0310 (adopted).....	637
5530.0600 (adopted).....	529

Physical Therapy Board

5601.3200 (proposed).....	763
---------------------------	-----

Natural Resources Department

6105.1680 (adopted exempt).....	585
6110.1100; .1200; .1400; .1500; .1900 (proposed).....	799
6110.1300 (proposed repealer).....	799
6115.0150; .0160; .0170; .0190; .0191; .0200; .0201; .0210; .0211; .0215; .0216; .0217; .0220; .0221; .0230; .0231; .0240; .0250; .0255; .0260; .0270; .0271; .0280 (adopted).....	529
6115.0170 s. 26, 36; .0191 s. 2; .0211 s. 2 (repealed).....	529
6264.0050 (adopted exempt).....	816

Minnesota Rules: Amendments and Additions

Pollution Control Agency

7005.0100; 7007.0150; .0300; .0500; .1115; .1120; .1125; .1130; .1300; 7008.0050; .0100; .0200; .0300; .2000; .2100; .2200; .2250; .4000; .4100; 7011.0850; .0865; .0870 (proposed).....	489
7011.0850 s. 2,3,4,5, and 7011.0860 (proposed repealer).....	489
7045.0990 (proposed)	804

Mediation Services Bureau

7315.0400; .0500; .0650; .0750; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2100; .2200 (adopted)	637
7315.0400; .0500; .0650; .0750; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900 (withdrawn).....	638

Public Safety Department

7410.6000; .6100; .6120; .6140; .6160; .6180; .6200; .6220; .6240; .6260; .6280; .6290; .6300; .6320; .6340; .6360; .6380; .6400; .6420; .6440; .6460; .6480; .6500; .6510; .6520; .6540 (proposed)	806
7503.0100; .0200; .0300; .0500; .0600; .0700; .0800; .0900; .1000; .1200; .1250; .1300; .1500; .1600; .1700; .1800; .2000; .2400; .2500; .2800; .2900; .3000 (adopted).....	707
7503.0100 s. 7; .1000 s. 2, 3, 4, 5, 6; .1100; .1300 s. 3; .1700 s. 4a; .1750; .1900; .2000 s. 4; .2300; .2400 s. 1; .2700 (repealed)	707

7510.3510; .3520; .3530; .3534; .3535; .3536; .3538; .3542; .3560; .3580; .3585; .3610; .3611; .3625; .3640; .3650; .3670; .3674; .3675; .3710 (proposed)	491
7510.3520 s.4, 5, 6; .3540; .3550; .3560, s.1, 6, 7, 11, 16; .3570; .3580 s. 5, 6, 7, 8; .3590; .3600; .3610 s.1, 2, 3, 6; .3620; .3630; .3640 s.2, 3; .3650 s.1; .3660; .3680; .3690; .3700; .3710 s.2, 3, 4, 5, 6, 7, 8, 9, 10 (proposed repealer).....	491
7510.3510; .3520; .3530; .3534; .3535; .3536; .3538; .3542; .3560; .3580; .3585; .3610; .3611; .3625; .3640; .3650; .3670; .3674; .3675; .3710 (errata)	639
7510.3520 s.4, 5, 6; .3540; .3550; .3560, s.1, 6, 7, 11, 16; .3570; .3580 s. 5, 6, 7, 8; .3590; .3600; .3610 s.1, 2, 3, 6; .3620; .3630; .3640 s.2, 3; .3650 s.1; .3660; .3680; .3690; .3700; .3710 s.2, 3, 4, 5, 6, 7, 8, 9, 10 (errata repealed).....	639
Revenue Department	
8120.0600; .1000; .1200; .1500; .1800; .1900; .3100; .4100; .5200 (adopted)	585
8120.1000 s.5; .1100; .2400; .2600; .4200; .4700; .4800; .5200 s.3 (repealed).....	585
Human Services Department	
9500.1100 (adopted exempt).....	950

Available at Minnesota Bookstore

Order form on back page

Views on the Mississippi:

The Photographs of Henry Peter Bosse

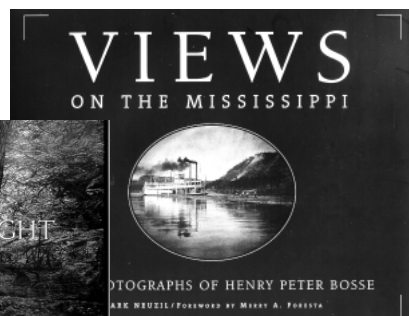
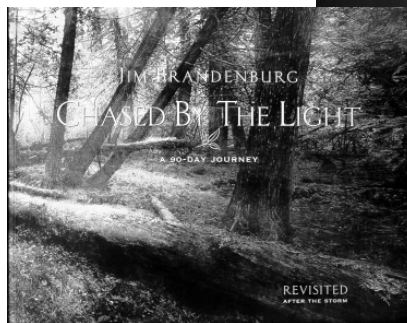
So unassuming and original, these photographs are a record of the great Mississippi's topography when the river was turning from frontier territory to a route for human commerce and convenience. A total of 84 photo plates fill the book's center. Narrative about the life and photographs of Bosse accompany the photo selection as does one of Bosse's maps, an 1887-88 map of the Mississippi River from the Falls of St. Anthony to the Junction of the Illinois River (27 sheets). Hardcover, 253pp.

Stock No. 19-136 \$39.95

Chased by the Light Revisited:

A 90-Day Journey

This popular release by photographer Jim Brandenburg features the stunning color photos first published in the National Geographic. Shooting only one exposure each day over a 90 day period, Brandenburg has captured the essence of Minnesota's breathtaking nature and wildlife from autumn to the winter solstice. Brandenburg also shares his innermost thoughts with passionate essay. Hardcover, 128pp. Stock No. 19-72 \$35.00



Prices shown do NOT include shipping or applicable sales tax.

...for the coffee table

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*.

Department of Administration

Building Codes and Standards Division

Proposed Permanent Rules Relating to Administrative Actions

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

Proposed Amendment to Rules Governing Building Official Certification, *Minnesota Rules*, chapter 1301

Introduction. The Department of Administration intends to adopt the proposed amendments to the rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 23, 2003, a public hearing will be held in Conference Rooms B and C of the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Tuesday, February 4, 2003. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 23, 2003 and before February 4, 2003.

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: Colleen Chirhart at the Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed amendments to the rules describe the duties, responsibilities, and purpose of the code administration oversight committee. The proposed amendments also provide a graduated schedule of administrative actions and penalties against certified building officials, which was required by new statutory language in *Minnesota Statutes*, section 16B.65. This rule chapter also proposes certification requirements for Certified Building Officials - Limited, Class I Certification, and the Accessibility Specialist, which were proposed for adoption in December 2002. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, 16B.64, and 16B.65. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rules are also available on the Division's **web site** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is available from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Thursday, January 23, 2003, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, January 23, 2003. 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 when 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 valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

Cancellation of Hearing. The hearing scheduled for February 4, 2003, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-4329 after January 23, 2003 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Steve Mihalchick assigned to conduct the hearing. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 349-2544, and **fax:** (612) 349-2665.

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

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

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

<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>
--

Proposed Rules

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **phone:** (651) 296-5148 or 1-800-657-3889.

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

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

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

Dated: 11 December 2002

Kath Ouska
Assistant Commissioner

1301.1201 CODE ADMINISTRATION OVERSIGHT COMMITTEE; GRADUATED SCHEDULE OF ADMINISTRATIVE ACTIONS AND PENALTIES.

Subpart 1. Definitions. The definitions in this subpart apply to this part.

A. "Certified building official" means a person classified as a certified building official in part 1301.0200.

B. "Level" means a set of actions, as established in the graduated schedule in subpart 5, that are grouped together in a graduated manner to reflect the culpability, frequency, and severity of the violator's actions. A first-level action is considered least severe whereas a third-level action is most severe in nature.

C. "Oversight committee" means the committee established under *Minnesota Statutes*, section 16B.65, subdivision 5.

Subp. 2. Scope. *Minnesota Statutes*, section 16B.65, subdivision 5, provides for the creation and membership of a code administration oversight committee. In accordance with *Minnesota Statutes*, section 16B.65, subdivision 5a, this part establishes a graduated schedule of administrative actions against certified building officials for violations of *Minnesota Statutes*, sections 16B.59 to 16B.75, and rules adopted under those sections.

Subp. 3. Certified building official duties and responsibilities. The duties and responsibilities of a certified building official for code administration are established in chapter 1300, and *Minnesota Statutes*, sections 16B.59 to 16B.75.

Subp. 4. Oversight committee; purpose and duties. In accordance with *Minnesota Statutes*, section 16B.65, subdivision 5, and for purposes of this part, the code administration oversight committee shall evaluate, mediate, and recommend to the commissioner any administrative action, penalty, suspension, or revocation with respect to complaints filed with or information received by the commissioner alleging or indicating the unauthorized performance of official duties or unauthorized use of the title certified building official, or a violation of statute, rule, or order that the commissioner has issued or is empowered to enforce.

A. The oversight committee shall evaluate written complaints or information received by the commissioner regarding a certified building official by:

- (1) obtaining evidence related to the allegations;
- (2) examining the relevant and jurisdictional evidence; and
- (3) determining if that evidence substantiates the allegations.

B. If the committee determines that the evidence does not substantiate the allegations, the committee shall recommend to the commissioner that the complaint be dismissed.

C. If the committee determines that the evidence substantiates the allegations, the committee shall mediate a resolution. In doing so, the committee shall consider the degree of responsibility, and the frequency and severity of the violator's actions.

D. The oversight committee shall recommend in writing to the commissioner a resolution based on the graduated schedule in subpart 5.

Subp. 5. Graduated schedule. Notwithstanding *Minnesota Statutes*, section 16B.65, subdivision 5b, one or more of the actions from one or more levels in this subpart may be imposed upon a certified building official for a failure to fulfill the duties and responsibilities of a certified building official.

A. First level:

(1) The commissioner may issue a letter of reprimand to the certified building official outlining substantiated unacceptable actions and the corrective action that is expected of that building official in the future.

(2) The certified building official may be required to issue a letter of apology to the complainant and any other affected parties as determined necessary by the committee. The committee shall review the letter for acceptability before it is sent to the complainant and any affected parties.

B. Second level:

(1) The commissioner may require the certified building official to perform unremunerated service as recommended by the committee.

(2) The commissioner may require the certified building official to attend and successfully complete one or more training courses or programs designed to address any deficient practice identified by the committee.

(3) The commissioner may limit the scope of work that can be performed by the certified building official for a prescribed period of time as determined by the committee. The limitations may include performing plan review or field inspection services only, performing residential or nonresidential duties only, or performing duties that include only specific inspections or specific components of plan review.

(4) The commissioner may impose conditions on the certified building official for a prescribed period of time as determined by the committee. The conditions may include mandatory supervision, monitoring, reporting, or minimizing or controlling public contact.

C. Third level:

(1) The commissioner may impose a prescribed term of probation on the certified building official as determined by the committee. The probationary period must include monitoring by a person approved in advance by the committee and may include remedial training and regular follow-up meetings. The monitor shall provide progress reports to the committee on a schedule set by the committee. Upon completion of the probationary period, the monitor shall provide the committee with a final recommendation regarding the building official's fitness to perform duties in an unrestricted capacity or whether further action from the schedule is necessary.

(2) The commissioner may impose upon a certified building official's certification a permanent condition or limitation as established in subitems (3) and (4) of the second level in the graduated schedule.

(3) The commissioner may deny the certification or recertification of an applicant.

(4) The commissioner may suspend the certification of a certified building official for a prescribed period of time as determined by the committee.

(5) The commissioner may revoke the certification of a certified building official.

(6) The commissioner may impose an administrative penalty not exceeding \$700 for each separate violation upon the certified building official. The amount of the penalty imposed upon the building official may be fixed for each separate violation to match any economic advantage gained as a result of the official's actions.

Subp. 6. **Notification of investigation.** During the course of any investigation into complaints filed with or information received about a certified building official or an applicant as set forth in *Minnesota Statutes*, section 16B.65, subdivision 5, the person named in the complaint must be notified in writing of information received and that an investigation is being conducted into the matter. As part of the investigation, the committee shall provide the named person an opportunity to meet with the committee and respond to the allegations.

Subp. 7. **Failure to cooperate.** If a certified building official provides false or incorrect information or otherwise fails to cooperate with an investigation of the committee or the committee's designees, the committee shall recommend additional actions to the commissioner from the schedule in subpart 5.

Subp. 8. **Municipal notification.** If the building official is designated in a municipality by its appointing authority, the commissioner shall notify the appointing authority of actions imposed upon the building official.

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

Subp. 9. Additional penalties. In accordance with *Minnesota Statutes*, section 16B.65, these penalties may be in addition to any criminal or civil penalties imposed for the same violation.

Subp. 10. Satisfaction of an action. Upon completion by a certified building official of subpart 5, item A, subitem (2); item B, subitem (1), (2), (3), or (4); or item C, subitem (1) or (4), in the graduated schedule that have been imposed by the commissioner, the commissioner shall review the documentation evidencing the completion and if it is acceptable to the commissioner, issue a letter of satisfaction of the actions to the certified building official.

Subp. 11. Appeal of commissioner's decision. Any person who is aggrieved by a final decision of the commissioner is entitled to a review of that decision through a contested case proceeding under *Minnesota Statutes*, chapter 14.

Subp. 12. Appeal of contested case decision. In accordance with *Minnesota Statutes*, section 14.63, any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under *Minnesota Statutes*, chapter 14.

Subp. 13. Support to oversight committee. The Department of Administration's Building Codes and Standards Division shall provide staff and administrative support to the committee.

REPEALER. *Minnesota Rules*, part 1301.1200, is repealed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* § 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Human Services

Adopted Exempt Permanent Rules Relating to Diagnosis Related Groups Classifications

Notice of Revision of Diagnosis Related Groups Classifications for Inpatient Hospital Payment, *Minnesota Rules*, part 9500.1100, subparts 20b to 20g pursuant to *Minnesota Statutes*, section 256.969, subdivision 2

This notice provides information about revisions of the diagnostic categories for inpatient hospital services under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) programs.

Minnesota Statutes, section 256.969, subdivision 2 and *Minnesota Rules*, 9500.1100, subpart 2 authorize the commissioner of Human Services to reconfigure the diagnostic categories after notice in the *State Register* and a 30-day comment period.

The diagnostic category revisions are based on a review of the 1998/99 base-year claims that will be used to establish the effective January 1, 2003. The change in base-year makes it necessary in some cases to combine previously separate diagnostic categories which had either zero or very low claim counts.

Exempt Rules

Categories have been added to reduce the variances in cost within the diagnostic categories and to create diagnostic categories for high-usage diagnoses and procedures.

The diagnostic category revisions do not alter the aggregate payments to the industry for inpatient hospital services. A report of the relative values for the diagnostic categories will be sent to each hospital with the rate notice by December 31, 2002.

Written comments on the diagnostic category revisions may be sent to:

Ann Gjerstad
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3853
Telephone calls about the diagnostic category changes may be directed to Ann Gjerstad at (651) 297-2814 or Richard Tester at (651) 296-5596.

9500.1100 DEFINITIONS.

[For text of subps 1 to 20a, see M.R.]

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

DIAGNOSTIC CATEGORIES	DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES	INTERNATIONAL CLASSIFICATION OF DISEASES, 9th Ed., CLINICAL MODIFICATIONS CODES
A. Nervous System Conditions		
(1) Treated with Craniotomy, age > 17, <u>and spinal procedures</u>	001, 002, <u>004</u>	
(2) Treated with Craniotomy, age 0-17, <u>and cochlear implants</u>	003, <u>049</u>	<u>049 includes procedures 20.96-20.98 only</u>
(3) [Reserved for future use]		
(4) [Reserved for future use]		
(5) [Reserved for future use]		
(6) Nervous system neoplasms	010, 011	
(7) [Reserved for future use]		
(8) [Reserved for future use]		
(9) [Reserved for future use]		
(10) [Reserved for future use]		
(11) [Reserved for future use]		
(12) [Reserved for future use]		
(13) [Reserved for future use]		
(14) [Reserved for future use]		
(15) [Reserved for future use]		

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.

Exempt Rules

(16)	Treated with other surgical procedures <u>Extracranial vascular procedures</u>	004, 005, 007	
(17)	Peripheral, cranial, and other nerve procedure without ee	<u>007, 008</u>	
(18)	Other nervous system diseases treated without surgery	013, 015, <u>016, 017, 019</u>	
(19)	Spinal disorders/injuries and nervous system infection	009, 020	
(20)	Specific cerebral vascular and cranial/peripheral nerve disorders	<u>012, 014, 018, 019</u>	
(21)	Degenerative disorders and nonspecific cerebral vascular disorders with ee <u>Nervous system infection</u>	012, 016 020	
(22)	Seizure and headache	024-026 <u>024, 026</u>	
(23)	Traumatic stupor and coma > 1 hr and coma < 1 hour, age > 17 with CC	027, 028, <u>031</u>	
(24)	Viral meningitis, hypertensive encephalopathy, concussion age > 17 with CC, other stupor, and coma	021-023, 029, 031	
(25)	Concussion, age 0-17 or > 17 without CC	<u>025, 032, 033</u>	
(26)	Stupor and coma, < 1 hr, age 0-17 and other disorders of the nervous system	030, 034, 035	
B.	Eye Diseases and Disorders	036-048	
C.	Ear, Nose, Throat, and Mouth Diseases and Disorders		
(1)	Treated with Tonsillectomy/adenoidectomy only <u>or myringotomy</u>	059, 060, <u>062</u>	
(2)	Treated with myringotomy with tube insertion, age 0-17 <u>Miscellaneous ear, nose, and throat procedures</u>	062 <u>055, 058</u>	
(3)	Otitis media and URI	068-070	
(4)	Dental and oral disorders	185-187	
(5)	[Reserved for future use]		
(6)	Other ear, nose, throat, and mouth conditions	049-058, 049-054, 056, 057, 061, 063-067, 071-074, 168, 169	Codes in DRG 049 except 20.96-20.98
D.	Respiratory System Conditions		
(1)	Treated with Ventilator support < 96 hrs	475	excludes 96.72

(2)	[Reserved for future use]		
(3)	Treated with Ventilator support 96+ hrs	475	includes 96.72
(4)	Treated with Tracheostomy except for face, mouth, and neck diagnoses	483	
(5)	[Reserved for future use]		
(6)	Respiratory neoplasms	082	
(7)	[Reserved for future use]		
(8)	[Reserved for future use]		
(9)	[Reserved for future use]		
(10)	Treated with Tracheostomy for face, mouth, and neck diagnoses	482	
(11)	Simple pneumonia and pleurisy, age 0-17 and age > 17 without CC	090, 091	
(12)	Major chest procedures and OR procedures with CC	075, 076	
(13)	Major respiratory diseases and disorders treated without surgery	078, 079, 085 , 087, 092 , 101	
(14)	Other OR procedures without CC	077	
(15)	Specific respiratory system diseases and other diseases with CC	080, 081, 083, 085 , 088, 089, 092 , 094, 099	
(16)	Respiratory system diseases without CC and bronchitis age > 17	084, 086, 093, 095-097, 100, 102	
E. Circulatory System Conditions			
(1)	[Reserved for future use]		
(2)	[Reserved for future use]		
(3)	Percutaneous cardiac <u>Permanent cardiac pacemaker</u> and other vascular <u>cardiovascular</u> procedures	111, 112 , 114, 116-120, 479, <u>517, 518</u>	
(4)	Major cardiac surgeries and <u>implantable defibrillator</u>	104-106, 108, <u>514, 515</u>	
(5)	Other cardiac interventional and surgical procedures	107, 109, 110, 115	

<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>
--

Exempt Rules

- (6) [Reserved for future use]
- (7) [Reserved for future use]
- (8) [Reserved for future use]
- (9) [Reserved for future use]
- (10) Major cardiac disorders
including uncomplicated acute MI, treated without surgery ~~122-125~~, 122, 124, 125, 127, 129, 137, 138, 144
- (11) Acute MI and congenital heart disease with CC and endocarditis 121, 123, 126, 135
- (12) Other circulatory conditions 132-134, 136, 139-143, 145
- (13) Deep vein thrombophlebitis and peripheral vascular disorders 128, 130, 131
- (14) Percutaneous and other procedures for vascular circulatory diseases and conditions ~~111~~, 113, 478, 516
- F. Digestive System Diseases and Disorders
- (1) ~~Treated with~~ Anal and stomal procedures ~~157-158~~ 157, 158, 159
- (2) ~~Treated with~~ Hernia procedures ~~159~~ 160-163
- (3) ~~Treated with~~ Appendectomy with ~~compl. Prn Dx~~ complicated principal diagnosis or CC 164-166
- (4) ~~Treated with~~ Appendectomy without ~~compl. Prn Dx~~ complicated principal diagnosis or CC 167
- (5) ~~Treated with~~ Other surgical procedure of digestive system ~~146-156, 170, 171, 147,~~ 149-151, 153, 155, 156
- (6) Esophagitis, ~~gastroent~~ gastroenteritis, or ~~misc. miscellaneous~~ digestive disorders, ~~age > 17~~ 182-183, 184
- (7) Other digestive system condition ~~172-181~~ 171, 175-181, 188-190
- (8) Other bowel, stomach, digestive OR procedure with CC 146, 148, 152, 154, 170
- (9) Digestive system malignancy and G.I. hemorrhage with CC 172-174

G. Hepatobiliary System Conditions

(1) [Reserved for future use] <u>Cholecystectomy</u> <u>without C.D.E. or CC</u>	<u>194, 196-198</u>	
(2) [Reserved for future use]		
(3) Cirrhosis and , alcoholic hepatitis, and other <u>disorders of liver except</u> <u>malignancy</u>	<u>202, 205</u>	
(4) Malignancy of hepatobiliary system or pancreas	203	
(5) Disorders of pancreas except malignancy	204	
(6) Other disorders of liver	205 , 206	
(7) Disorders of biliary tract	207, 208	
(8) Treated with surgical procedure	191- 193 , <u>195</u> , <u>199-201</u> , 493, 494	Codes in DRG 191 except 52.80-52.86

H. Diseases and Disorders of the Musculoskeletal System and Connective Tissues

(1) Treated with Major joint and limb reattachment procedures	209, 471 , 491
(2) Treated with Hip and femur procedures or amputation	210-213
(3) [Reserved for future use]	
(4) [Reserved for future use]	
(5) Treated with Wound debrid <u>debridement</u> or skin graft except hand	217
(6) Treated with Lower extremity and humer <u>humerus</u> procedure except hip, foot, femur	218-220
(7) [Reserved for future use]	
(8) Treated with Upper extremity procedure	223, 224
(9) Treated with Foot procedure	225
(10) Treated with Soft tissue procedure	226, 227
(11) [Reserved for future use]	
(12) [Reserved for future use]	
(13) [Reserved for future use]	
(14) [Reserved for future use]	
(15) Other musculoskeletal system and connective tissues conditions	<u>235-239</u> , <u>241-256</u>

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.

Exempt Rules

- (16) [Reserved for future use]
- (17) Spinal fusion: combined anterior/posterior and fusion with CC 496, 497
- (18) ~~Treated with~~ Back and neck procedures 498, ~~499~~ 519
- (19) ~~Treated with~~ Knee procedure 501-503
- (20) ~~Treated with~~ Biopsy or other surgical procedures 216, 233, 234, 240, 471
- (21) Hand and wrist procedures and carpal tunnel release 006, 228, 229
- (22) ~~Treated with~~ Local excision and removal of internal fix devices 230, 231
- (23) Arthroscopy, other back and neck procedures without CC 232, ~~499~~, 500, 520

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

J. Endocrine, Nutritional, and Metabolic Diseases and Disorders

- (1) ~~Treated with~~ Major surgical procedures 285-288, 292, 293
- (2) Diabetes ~~age > 35, all ages~~ 294, 295
- (3) ~~Diabetes age 0-35~~ 295, 296, 297
Nutritional and miscellaneous metabolic conditions, age > 17
- (4) ~~Nutritional and~~ Metabolic disorders, age 0-17 and errors in metabolism ~~296-299~~ 298, 299
- (5) [Reserved for future use]
- (6) Other endocrine, nutritional, and metabolic conditions ~~289-293, 289-~~ 291, 300, 301

Codes in
DRG-292
except
52.80-52.86

K. Kidney and Urinary Tract Conditions

- (1) ~~Treated with~~ Kidney, ureter, or major bladder procedure ~~303-305~~ 303, 304, 308, 315
- (2) ~~Treated with~~ Prostatectomy, minor bladder, or urethral procedure ~~306~~ 305-307, 309-314
- (3) ~~Treated with other surgical procedure~~ Neoplasms, infection, other kidney and urinary tract condition with CC or age 0-17 ~~315~~ 318, 320, 325, 331, 333
- (4) Renal failure 316

(5) Other kidney and urinary tract conditions	317-333 <u>317, 319, 321-324, 326-330, 332</u>
L. Male Reproductive System Conditions	334-352
M. Female Reproductive System Conditions	
(1) Treated with Tubal interruption procedure	361, 362
(2) Treated with D & C, conization, or radio-implant	363, 364
(3) Female reproductive system infection	368
(4) Menstrual and other female reproductive system disorders	369
(5) Other female reproductive system conditions	353 <u>355, 356, 358-360, 365-367</u> <u>365, 367</u>
(6) <u>Pelvic evisceration, radical hysterectomy, and vulvectomy</u>	<u>353</u>
(7) <u>Malignancy of female reproductive system with CC or without OR procedure</u>	<u>354, 357, 366</u>
N. Pregnancy Related Conditions	
(1) [Reserved for future use]	
(2) [Reserved for future use]	
(3) Postpartum and post abortion conditions treated without surgical procedure <u>surgery</u>	376
(4) Postpartum and post abortion conditions treated and <u>abortion with surgical procedure</u> <u>surgery</u>	<u>377, 381</u>
(5) Ectopic pregnancy	378
(6) Threatened abortion	379
(7) Abortion without D & C	380
(8) Abortion with D & C, aspiration curettage or hysterotomy <u>Other antepartum conditions with CC</u>	381 <u>383</u>
(9) False labor	382
(10) Other antepartum conditions <u>without CC</u>	383 , 384
O. [Reserved for future use]	

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.

Exempt Rules

P. Blood and Immunity Disorders

- | | |
|--|---------------------------------------|
| (1) Treated with surgical procedure of the blood and blood forming organs
<u>Splenectomy</u> | 392-394
<u>392, 393</u> |
| (2) [Reserved for future use]
<u>Other surgical procedures of the blood and blood forming organs</u> | 394
<u>394</u> |
| (3) Red blood cell disorders age > 17 | 395 |
| (4) Red blood cell disorders age 0-17 | 396 |
| (5) Coagulation, <u>reticuloendothelial and immunity disorders with CC</u> | <u>397, 398</u> |
| (6) Reticuloendothelial and immunity disorders <u>without CC</u> | 398 , 399 |

Q. Myeloproliferative Diseases and Disorders, Poorly Differentiated Malignancy and other Neoplasms

- | | |
|---|-----------------------|
| (1) [Reserved for future use] | |
| (2) Treated with chemotherapy with acute leukemia as secondary diagnosis | 492 |
| (3) [Reserved for future use] | |
| (4) Treated with radiotherapy or chemotherapy with <u>without</u> acute leukemia | 409, 410 |
| (5) [Reserved for future use] | |
| (6) Surgical treatments for myeloproliferative diseases and disorders | 400-402, 406-408 |
| (7) Other nonsurgical treatments for myeloproliferative diseases and disorders | 403-405, 411-414, 473 |

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

T. Substance Use and Substance Induced Organic Mental Disorder

- | | | |
|-----------------|--|---|
| (1) (Ages 0-20) | 434, 435
<u>521, 523</u> | <u>DRG 521</u>
<u>excludes</u>
<u>procedures</u>
<u>94.61, 94.63,</u>
<u>94.64, 94.66,</u>
<u>94.67, 94.69</u> |
| (2) (Ages > 20) | 434, 435
<u>521, 523</u> | <u>DRG 521</u>
<u>excludes</u>
<u>procedures</u>
<u>94.61, 94.63,</u>
<u>94.64, 94.66,</u>
<u>94.67, 94.69</u> |

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

Exempt Rules

Y.	Bronchitis and Asthma, <u>age 0-17</u>	098	
Z.	[Reserved for future use]		
AA.	Esophagitis, Gastroenteritis, Miscellaneous Digestive Disorders <u>[Reserved for future use]</u>		
	(1) (Ages 0-1)	184	
	(2) (Ages 2-17)	184	
			[For text of items BB and CC, see M.R.]
DD.	Vaginal Delivery		
	(1) [Reserved for future use]		
	<u>With complicating diagnosis</u>	<u>372</u>	
	(2) Without complicating diagnosis or operating room procedures	373	
	(3) With operating room procedure	374, 375	
	(4) With complicating diagnosis	372	
	<u>[Reserved for future use]</u>		
EE.	[Reserved for future use]		
FF.	Depressive Neurosis <u>Neuroses</u>	426	
GG.	Psychosis <u>Psychoses</u>		
	(1) (Ages 0-17)	430	
	(2) (Ages > 17)	430	
			[For text of items HH to KK, see M.R.]
LL.	Prematurity with Major Problems		
	(1) (< 4249 <u>1250</u> Grams)	387	76511-76514
	(2) (1250 to 1749 Grams)	387	76506, 76510 76515, 76516
	(3) (> 1749 Grams)	387	Codes in DRG 387 except 76500, 76506, 76510-76516
MM.	Prematurity Without Major Problems <u>and Neonates Died</u>	<u>385, 388</u>	<u>Includes neonates who expire in the birth hospital, and the discharge date is the same as the birth date</u>

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.

Exempt Rules

NN. Full Term Neonates With		
(1) Major problems (Age 0)	389	
(2) Other problems	390	
OO. Multiple Significant Trauma	484-487	
(1) <u>With OR procedure</u>	484-486	
(2) <u>Other multiple significant trauma without OR</u>	487	
PP. Implantation or Replacement of Cochlear Prosthetic Device	049	includes 20.96-20.98 only
<u>[Reserved for future use]</u>		
QQ. Normal Newborns	391	
RR. Neonates, Died on Birth Date	385	Includes neonates who expire in the birth hospital, and discharge date is the same as the birth date
<u>[Reserved for future use]</u>		
SS. [Reserved for future use]		
TT. [Reserved for future use]		
UU. Organ and Cell Transplants		
(1) Kidney and pancreas, transplant and bone marrow transplants	302, 491,	DRG 191,
	292 481, 512,	292 includes
	513	52.80-52.86 only
(2) Heart, liver, bone marrow, lung, and bowel transplants	103, 480, 481, 495	Bowel transplant includes any DRG with procedure 46.99 and Revenue Code 811 or 812 only <u>46.97</u>
(3) [Reserved for future use]		
(4) [Reserved for future use]		
(5) [Reserved for future use]		
VV. Conditions Originating in Perinatal Period <u>[Reserved for future use]</u>		
(Age > 0)	389	

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

Exempt Rules

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

DIAGNOSTIC CATEGORIES	DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES	INTER- NATIONAL CLASSIFI- CATION OF DISEASES, 9th Ed., CLINICAL MODIFI- CATIONS CODES
A. Nervous System Conditions		
(1) [Reserved for future use]		
(2) [Reserved for future use]		
(3) Treated with Craniotomy and cochlear implants	001-003, 049	049 includes 20.96-20.98 only
(4) [Reserved for future use] <u>Specific cerebrovascular disorder, CVA, TIA, and precerebral occlusion</u>	<u>014, 015</u>	
(5) [Reserved for future use]		
(6) [Reserved for future use]		
(7) [Reserved for future use]		
(8) [Reserved for future use]		
(9) [Reserved for future use]		
(10) Seizure and headache age > 17	024, 025	
(11) Seizure and headache age 0-17	026	
(12) [Reserved for future use]		
(13) [Reserved for future use]		
(14) [Reserved for future use]		
(15) [Reserved for future use]		
(16) <u>Other</u> cerebral vascular and CNS disorders treated without surgery	013-015 <u>013,</u> 017, 019, 021 022,	
(17) Treated with Other surgical procedures	004, 007, 008	
(18) Neoplasms and other nervous system disorders	010, 011, 034, 035	
(19) Infection, traumatic stupor, and coma > 1 hr and other major disorders	009, 012, 016, 018, 020, 027	

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.

Exempt Rules

(20)	Stupor and coma < 1 hr and concussion, age > 17	023, 028-032 <u>028-033</u>	
(21)	Concussion, age 0-17 [Reserved for future use]	033	
B.	Eye Diseases and Disorders	036-048	
C.	Ear, Nose, Throat, and Mouth Diseases and Disorders		
(1)	Treated with Tonsillectomy/ adenoidectomy only	059, 060	
(2)	Treated with myringotomy with tube insertion, age 0-17 <u>ear, nose, throat, and mouth</u> <u>with surgery</u>	062 <u>049-051, 053,</u> <u>055, 056,</u> <u>061-064, 074,</u> <u>168-169</u>	Codes in <u>049</u> except <u>20.96-20.98</u>
(3)	Otitis media and URI	068-070	
(4)	Dental and oral disorders	185-187	
(5)	[Reserved for future use] <u>Other ear, nose, throat,</u> <u>and mouth conditions</u>	<u>052, 054, 057,</u> <u>058, 065-067,</u> <u>071-073</u>	
(6)	Other ear, nose, throat, and mouth conditions [Reserved for future use]	049-058, 061, 063-067, 071- 074, 168, 169	Codes in DRG 049 except 20.96-20.98
D.	Respiratory System Conditions		
(1)	Treated with Ventilator support < 96 hrs	475	excludes 96.72
(2)	[Reserved for future use]		
(3)	Treated with Ventilator support 96+ hrs	475	includes 96.72
(4)	[Reserved for future use]		
(5)	[Reserved for future use]		
(6)	[Reserved for future use]		
(7)	[Reserved for future use]		
(8)	[Reserved for future use]		
(9)	[Reserved for future use] <u>Simple pneumonia and</u> <u>bronchitis, age 0-17</u>	<u>091, 098</u>	
(10)	Treated with tracheostomy [Reserved for future use]	482, 483	
(11)	Resp Respiratory failure, neoplasms, infections, and COPD <u>pulmonary edema</u> <u>and embolism</u>	<u>078, 079, 081,</u> <u>082, 085, 087,</u> 088 <u>099</u>	
(12)	Major chest procedures <u>and</u> <u>tracheostomy for</u> face, neck, mouth Di- <u>diagnoses</u>	<u>075, 482</u>	

- | | |
|--|--|
| (13) Pleural effusion, pulmonary embolism , pneumothorax
<u>without CC,</u>
and other disorders
with ee | 078, 085 , 086,
092, 094, 095,
101 |
| (14) Other OR procedures | 076, 077 |
| (15) Other respiratory system diseases | 080, 083, 084,
089-091 088-
<u>090</u> , 093, 096,
097, 099 , 100,
102 |
|
E. Circulatory System Conditions | |
| (1) [Reserved for future use] | |
| (2) [Reserved for future use] | |
| (3) Percutaneous <u>Permanent</u> cardiac
<u>pacemaker</u> and
other cardiovascular
procedures | 005, 111, 112 ,
114, 116-120,
479, <u>517, 518</u> |
| (4) Major cardiac surgeries
<u>and implantable defibrillator</u> | 104-106, 108,
<u>110, 514, 515</u> |
| (5) Other cardiac and vascular
<u>cardiovascular</u>
interventional and surgical
procedures | 107, 109, 110 ,
113, 115, 478,
<u>516</u> |
| (6) [Reserved for future use] | |
| (7) [Reserved for future use] | |
| (8) [Reserved for future use] | |
| (9) [Reserved for future use] | |
| (10) Major cardiac disorders
treated without surgery | 121-127, 129,
135, 137, 144 |
| (11) [Reserved for future use] | |
| (12) Other circulatory conditions | 132-134, 136,
138-143, 145 |
| (13) Deep vein thrombophlebitis
and peripheral vascular
disorders | 128, 130, 131 |
|
F. Digestive System Diseases and Disorders | |
| (1) Treated with Anal and stomal
procedures | 157, 158 |
| (2) Treated with Hernia procedures | 159 <u>160-163</u> |

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.

Exempt Rules

(3)	Treated with Appendectomy with compl. Prn Dx <u>complicating principal diagnosis</u> or CC	164-166 <u>165, 166</u>	
(4)	Treated with Appendectomy without compl. Prn Dx <u>complicating principal diagnosis</u> or CC	167	
(5)	Treated with <u>Other surgical procedure</u>	146-156, 170, 171	
	[Reserved for future use]		
(6)	Esophagitis, gastroent <u>gastroenteritis</u> , or misc <u>miscellaneous</u> digestive disorders, age > 17	182, 183, <u>184</u>	
(7)	Other digestive system condition	172-181, 188- 190	
(8)	<u>Bowel resection and other digestive system OR with CC</u>	<u>146-148, 150, 152, 154, 159, 164, 170</u>	
(9)	<u>Other digestive system OR without CC</u>	<u>149, 151, 153, 155, 156, 171</u>	
G.	Hepatobiliary System Conditions		
(1)	[Reserved for future use]		
(2)	[Reserved for future use]		
(3)	Cirrhosis and alcoholic hepatitis	202	
(4)	[Reserved for future use]		
(5)	Malignancy of hepatobiliary system or pancreas and other disorders of pancreas	203, 204	
(6)	Other disorders of liver	205, 206	
(7)	Disorders of biliary tract	207, 208	
(8)	Treated with surgical procedure <u>Hepatobiliary condition with surgery</u>	191-201, 493, 494	Codes in DRG 191 except 52.80-52.86
H.	Diseases and Disorders of the Musculoskeletal System and Connective Tissues		
(1)	Treated with major joint and limb reattachment <u>OR procedures</u>	209, <u>216, 217,</u> <u>233, 471, 491</u>	
(2)	Treated with Hip and femur procedures or amputation	210-213	
(3)	[Reserved for future use]		
(4)	[Reserved for future use]		
(5)	Treated with wound debrid or skin graft except hand <u>[Reserved for future use]</u>	<u>217</u>	

- (6) ~~Treated with~~ Lower extremity and ~~humer~~ humerus procedures except hip, foot, femur 218-220
- (7) [Reserved for future use]
- (8) ~~Treated with~~ Upper extremity or foot procedure 223, 224, 225
- (9) ~~Treated with foot procedure~~ [Reserved for future use] 225
- (10) [Reserved for future use]
- (11) [Reserved for future use]
- (12) [Reserved for future use]
- (13) [Reserved for future use]
- (14) Other musculoskeletal, connective, and soft tissue procedures 226, 227, 235-256
- (15) [Reserved for future use]
- (16) [Reserved for future use]
- (17) Spinal fusion: combined anterior/posterior and fusion with CC 496, 497
- (18) ~~Treated with~~ Back and neck, and knee procedures 498, 499, 501, 502, 519, 520
- (19) ~~Treated with knee procedure~~ [Reserved for future use] 501-503
- (20) Other surgical procedures or biopsy 216, 232-234, 232, 234, 500, 503
- (21) Hand and wrist procedures and carpal tunnel release 006, 228, 229
- (22) ~~Treated with~~ Local excision and removal of internal fix devices 230, 231
- (23) [Reserved for future use]

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

J. Endocrine, Nutritional, and Metabolic Diseases and Disorders

- (1) ~~Treated with~~ Major surgical ~~procedure~~ procedures ~~285-288~~ 285-293
- (2) Diabetes ~~age > 35~~, all ages 294, 295
- (3) ~~Diabetes age 0-35~~ [Reserved for future use] 295
- (4) Nutritional and metabolic disorders, age 0-17 ~~296-299~~ 298
- (5) ~~[Reserved for future use]~~ Other endocrine, nutritional, and metabolic conditions 296, 297, 299, 300, 301

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.

Exempt Rules

(6) Other endocrine, nutritional, and metabolic conditions	289-293, 300, 301	Codes in DRG-292 except 52.80-52.86
[Reserved for future use]		
K. Kidney and Urinary Tract Conditions		
(1) Renal failure and renal system procedures	303, 304 305, 303-305, 315, 316	
(2) Treated with Other surgical procedure <u>procedures</u>	306-315 <u>306-314</u>	
(3) [Reserved for future use]		
(4) [Reserved for future use]		
(5) Other kidney and urinary tract conditions	317-333	
(6) [Reserved for future use]		
(7) [Reserved for future use]		
(8) [Reserved for future use]		
L. Male Reproductive System Conditions		
	334-352	
M. Female Reproductive System Conditions		
(1) [Reserved for future use] <u>Major female reproductive system OR procedures</u>	353, 354, 360, 365	
(2) [Reserved for future use] <u>Other female reproductive system OR procedures</u>	355-359, 361-364	
(3) Female reproductive system <u>malignancy and infection</u>	366, 367, 368	
(4) Menstrual and other female reproductive system disorders	369	
(5) Other female reproductive system conditions <u>[Reserved for future use]</u>	353-360, 365- 367	
(6) Treated with tubal interruption, D&C, conization, or radio implant <u>[Reserved for future use]</u>	361-364	
[For text of items N and O, see M.R.]		
P. Blood and Immunity Disorders		
(1) Treated with Surgical procedure of the blood and blood forming organs	392-394	
(2) [Reserved for future use] <u>Red blood cell and other disorders without CC</u>	395, 396, 399	

- (3) ~~Red blood cell disorders~~
age > 17 395
[Reserved for future use]
- (4) Red blood cell disorders
0-17 396
[Reserved for future use]
- (5) Reticuloendothelial and immunity
with CC and coagulation
disorders 397, 398
- (6) ~~Reticuloendothelial and~~
~~immunity disorders~~ 398, 399
[Reserved for future use]

Q. Myeloproliferative Diseases and Disorders, Poorly Differentiated Malignancy and other Neoplasms

- (1) [Reserved for future use]
- (2) [Reserved for future use]
- (3) [Reserved for future use]
- (4) Treated with radiotherapy
or chemotherapy 409, 410, 492
- (5) [Reserved for future use]
- (6) Other treatments for
myeloproliferative
diseases and disorders 400-408,
411-414
411-414, 473

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

T. Substance Use and Substance Induced Organic Mental Disorder

~~434, 435~~ 521,
523

DRG 521
excludes
procedures
94.61, 94.63,
94.64, 94.66,
94.67, 94.69

[For text of items U and V, see M.R.]

W. Burns

- (1) [Reserved for future use]
- (2) [Reserved for future use]
- (3) Full thickness with skin
graft and extensive third
degree burns 504-507, 508
- (4) Burns without skin graft ~~508~~ 509-511

X. Factors Influencing Health Status

461-467

Y. ~~Bronchitis and Asthma~~

~~098~~

[Reserved for future use]

Z. [Reserved for future use]

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.

Exempt Rules

AA. Esophagitis, Gastroenteritis, Miscellaneous Digestive Disorders	184	
		<u>[Reserved for future use]</u>
		[For text of items BB to EE, see M.R.]
FF. Depressive Neurosis <u>Neuroses</u> ,		
<u>all ages</u>	426	
(1) (Ages 0-17)	426	
(2) (Ages > 17)	426	
GG. Psychosis <u>Psychoses</u>		
(1) (Ages 0-17)	430	
(2) (Ages > 17)	430	
HH. Childhood Mental Disorders	431	
II. Operating Room Procedure Unrelated to Principal Diagnosis		
(1) [Reserved for future use]		
<u>Extensive OR</u>	468	
(2) Nonextensive <u>OR</u>	476, 477	
(3) Extensive, age 0-17	468	
(4) Extensive, age > 17	468	
		[For text of items JJ and KK, see M.R.]
LL. Prematurity with Major Problems		
(1) Weight < 1250 Grams	387	76511-7 <u>76511-76514</u>
(2) Weight 1250 to 1749 Grams	387	76506, 76510, 76515, 76516
(3) Weight > 1749 Grams	387	Codes in DRG 387 except 76500, 76506, 76510-76516
MM. Prematurity without Major Problems	388	
NN. Full Term Neonates		
(1) With major problems	389	
(2) With other problems <u>and neonates, died on day of birth</u>	385, 390	<u>DRG 385 includes neonates who expire at the birth hospital, and discharge date is the same as the birth date</u>
OO Multiple Significant Trauma	484-487	
PP. [Reserved for future use]		

Exempt Rules

QQ. Normal Newborns and Neonates Who Died on the Day of Birth	391, 385	DRG 385 includes neonates who expire at the birth hospital, and discharge date is the same as the birth date
RR. [Reserved for future use]		
SS. [Reserved for future use]		
TT. [Reserved for future use]		
UU. Organ Transplants <u>and Tracheostomy</u>		
(1) [Reserved for future use] <u>Heart, kidney, liver, bone marrow, lung, pancreas and bowel transplants, and tracheostomy except for face, neck, and mouth diagnosis</u>	103, 302, 480, 481, 483, 495, 512, 513	Bowel transplant includes any DRG with procedure 46.97
(2) Kidney, pancreas, and bone marrow [Reserved for future use]	302, 481, 491, 292	DRG 191, 292 includes 52.80-52.86 only
(3) <u>Heart, lung, liver, bowel transplants</u> [Reserved for future use]	103, 480, 495	Bowel transplant includes any DRG with procedure 46.99 and Revenue Code 811 or 812 only
VV. [Reserved for future use]		
WW. Human Immunodeficiency Virus	488-490	

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.

Exempt Rules

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

DIAGNOSTIC CATEGORIES	DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES	INTERNATIONAL CLASSIFICATION OF DISEASES, 9th Ed., CLINICAL MODIFICATIONS CODES
A. Nervous System Conditions		
(1) [Reserved for future use] <u>Craniotomy</u>	<u>001-003</u>	
(2) Treated with craniotomy and cochlear implants <u>[Reserved for future use]</u>	<u>001-003, 049</u>	<u>049 includes 20.96-20.98 only</u>
(3) [Reserved for future use]		
(4) [Reserved for future use]		
(5) [Reserved for future use]		
(6) Nervous system neoplasms <u>[Reserved for future use]</u>	<u>010, 011</u>	
(7) [Reserved for future use] <u>Nervous system neoplasms</u>	<u>009, 010, 011, 013</u>	
(8) Nervous system infection except viral meningitis	020	
(9) Viral meningitis	021	
(10) [Reserved for future use]		
(11) [Reserved for future use]		
(12) [Reserved for future use]		
(13) [Reserved for future use]		
(14) [Reserved for future use]		
(15) [Reserved for future use]		
(16) Seizure and headache	024-026	
(17) [Reserved for future use]		
(18) Treated with other surgical procedures	004, 005, 007, 008	
(19) CNS and spinal disorders or injuries treated without surgery <u>[Reserved for future use]</u>	<u>009, 013</u>	
(20) Specific cerebral vascular disorders except TIA	014	
(21) Stupor and coma, non-traumatic <u>nontraumatic</u> and traumatic >1 hr	023, 027	
(22) Traumatic stupor and coma < 1 hr and concussion	028-033	
(23) Other nervous system conditions	012, 015-019, 022, 034, 035	

Exempt Rules

B.	Eye Diseases and Disorders	036-048	
C.	Ear, Nose, Throat, and Mouth Diseases and Disorders		
	(1) Treated with tonsillectomy/ adenoidectomy only	059, 060	
	(2) [Reserved for future use] <u>Other ear, nose, throat,</u> <u>and mouth conditions</u>	049-058, 061- 067, 071-074, 168, 169	
	(3) Otitis media and URI	068-070	
	(4) Dental and oral disorders	185-187	
	(5) [Reserved for future use]		
	(6) [Reserved for future use]		
	(7) Other ear, nose, throat, <u>and mouth conditions</u> [Reserved for future use]	049-058, 061- 067, 071-074, 168, 169	Codes in DRG 049 except 20.96-20.98
D.	Respiratory System Conditions		
	(1) Treated with ventilator support < 96 hrs	475	excludes <u>procedure</u> 96.72
	(2) [Reserved for future use]		
	(3) Treated with ventilator support 96+ hrs	475	includes <u>procedure</u> 96.72
	(4) [Reserved for future use] <u>Respiratory infections,</u> <u>neoplasms, pleural effusion,</u> <u>pulmonary edema, and</u> <u>respiratory failure</u>	078, 079, 082, 085, 087	
	(5) [Reserved for future use] <u>Other respiratory system</u> <u>conditions</u>	080, 081, 083, 084, 086, 088, 090-093, 095- 102	
	(6) [Reserved for future use] <u>Pneumonia and pneumothorax</u> <u>with CC</u>	089, 094	
	(7) Treated with tracheostomy for face, mouth, and neck diagnoses	482	
	(8) Major chest and other surgical procedure	075-077	
	(9) Neoplasms, pleural effusion, <u>and pneumothorax with ee</u> [Reserved for future use]	082, 085, 094	

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.

Exempt Rules

- (10) [Reserved for future use]
 (11) [Reserved for future use]
 (12) ~~Other respiratory system conditions~~ 078-081, 083, 084, 086-093, 095-102
 ~~[Reserved for future use]~~
- E. Circulatory System Conditions
- (1) ~~[Reserved for future use]~~ Major cardiac surgery and implantable defibrillator 104-108, 514, 515
 (2) [Reserved for future use]
 (3) ~~Major cardiac surgery and surgery for circulatory disorders~~ 104-108, 413, 478
 ~~[Reserved for future use]~~
 (4) Other cardiovascular procedures 109, 110, 111, 113, 115, 116, 478, 516
 (5) Cardiac interventional and other vascular procedures 412, 114, 117, 118, 120, 479, 517, 518
 (6) ~~[Reserved for future use]~~ Chest pain 143
 (7) Deep vein thrombophlebitis, peripheral vascular disease, and vein stripping 119, 128, 130, 131
 (8) Circulatory disorders including acute MI and endocarditis 121-126, 129
 (9) Other circulatory system conditions 127, 132-142, 144, 145
 (10) [Reserved for future use]
 (11) ~~[Reserved for future use]~~
 (12) ~~[Reserved for future use]~~
 (13) ~~Chest pain~~ 143
- F. Digestive System Diseases and Disorders
- (1) ~~Treated with anal and stoma procedures~~ 157, 158
 ~~Major bowel, stomach, esophagus, and duodenal surgery with CC~~ 148, 154
 (2) ~~Treated with Hernia procedures and appendectomy with complicating principal diagnosis or CC~~ 159-163, 165, 166
 (3) ~~Treated with appendectomy with compl. Prn Dx or CC~~ 164-166
 ~~[Reserved for future use]~~
 (4) ~~Treated with Appendectomy without compl. complicating Prn Dx principal diagnosis or CC~~ 167

(5)	Treated with other surgical procedure	146-156, 170, <u>146, 147, 151,</u> <u>153, 155, 156,</u> <u>157, 158, 171</u>	
(6)	[Reserved for future use] Major bowel without CC, minor bowel, and other digestive system OR with CC	<u>149, 150, 152,</u> <u>164, 170</u>	
(7)	Other digestive system condition	172-181, 188-190	
(8)	Esophagitis, gastroent <u>gastroenteritis,</u> or misc <u>miscellaneous</u> digestive disorders	182-184	
G. Hepatobiliary System Conditions			
(1)	Disorders of the pancreas and hepatobiliary system	203, 204	
(2)	Treated with surgical procedure	191-201, <u>192, 194-196,</u> <u>198-201,</u> 493, 494	Codes in DRG 191 except procedure 52.80-52.86
(3)	Cirrhosis and alcoholic hepatitis	202	
(4)	[Reserved for future use] <u>Pancreas, liver, shunt,</u> <u>and biliary procedures</u> <u>with CC</u>	<u>191, 193, 197</u>	
(5)	[Reserved for future use]		
(6)	Other disorders of liver	205, 206	
(7)	Disorders of biliary tract	207, 208	
(8)	[Reserved for future use]		
H. Diseases and Disorders of the Musculoskeletal System and Connective Tissues			
(1)	Treated with major joint and limb reattachment procedures [Reserved for future use]	209, 471, 491	
(2)	Treated with hip and femur procedures or amputation	210-213 <u>211, 212</u>	
(3)	Treated with biopsy and soft tissue procedure	216, 226, 227	

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.

Exempt Rules

- | | | |
|------|--|--|
| (4) | [Reserved for future use]
<u>Musculoskeletal disorder with major OR procedure or OR without CC</u> | <u>209, 210, 213, 216, 217, 233, 471, 491, 496, 497, 519</u> |
| (5) | Treated with wound debrid or skin graft except hand
[Reserved for future use] | 217 |
| (6) | Treated with Lower extremity and humer <u>humerus</u> procedure except hip, foot, femur | 218-220 |
| (7) | [Reserved for future use] | |
| (8) | Treated with Upper extremity procedure | 223, 224 |
| (9) | Treated with Foot procedure | 225 |
| (10) | [Reserved for future use] | |
| (11) | [Reserved for future use] | |
| (12) | Treated with Local excision and removal of int <u>internal</u> fix device | 230, 231 |
| (13) | [Reserved for future use] | |
| (14) | Treated with Other surgical procedures | <u>232-234</u> <u>232, 234</u> |
| (15) | Other musculoskeletal system and connective tissues conditions | 235-256 |
| (16) | Spinal fusion: combined anterior/posterior and fusion with ee
<u>Back and neck procedures without CC</u> | 496, 497
<u>500</u> |
| (17) | Treated with Other back and neck procedures | 498-500
<u>498, 499, 520</u> |
| (18) | Treated with Knee procedure | 501-503 |
| (19) | Hand and wrist procedures and carpal tunnel release | 006, 228, 229 |

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

J. Endocrine, Nutritional, and Metabolic Diseases and Disorders

- | | | |
|-----|--|-------------------|
| (1) | Treated with major surgical procedure | 285-288 |
| (2) | Diabetes age > 35 | 294 |
| (3) | Diabetes age 0-35 | 295 |
| (4) | Nutritional and metabolic disorders | 296-299 |
| (5) | [Reserved for future use] | |
| (6) | Other endocrine, nutritional, and metabolic conditions | 289-293, 300, 301 |

Codes in
~~DRG-292~~
except
procedure
~~52.80-52.86~~

K. Kidney and Urinary Tract Conditions	
(1) [Reserved for future use] <u>Kidney, ureter, or major bladder procedure</u>	<u>303-305, 315</u>
(2) Treated with Prostatectomy, minor bladder, or urethral procedure	306-314
(3) [Reserved for future use]	
(4) Renal failure	316
(5) Other kidney and urinary tract conditions	317-333
(6) [Reserved for future use]	
(7) Treated with kidney, ureter, or major bladder procedure <u>[Reserved for future use]</u>	<u>303-305, 315</u>
L. Male Reproductive System Conditions	
(1) <u>Major surgery</u>	<u>334-338</u>
(2) <u>Other medical and surgical treatments</u>	<u>339-352</u>
M. Female Reproductive System Conditions	
(1) Treated with Tubal interruption procedure and D & C except malignancy	361, 362, <u>364</u>
(2) Treated with D & C, conization, or radio implant <u>[Reserved for future use]</u>	<u>363, 364</u>
(3) Female reproductive system infection <u>[Reserved for future use]</u>	368
(4) Menstrual and other female reproductive system disorders <u>Malignancy, infection, and other</u>	<u>366-369</u>
(5) Other female reproductive system conditions <u>Pelvic evisceration, OR for ovarian malignancy, and other conditions</u>	<u>353-360, 365-367</u>
(6) <u>Reconstructive, uterine, and other OR procedures</u>	<u>353, 357, 365</u> <u>354-356, 358-360, 363</u>
N. Pregnancy Related Conditions	
(1) Postpartum complications treated with surgical procedure and OR, ectopic pregnancy, <u>and antepartum conditions with CC</u>	377, 378, <u>383</u>

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.

Exempt Rules

- (2) Other pregnancy related conditions 376, 379-~~382~~, 384

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

S. Mental Diseases and Disorders

- (1) ~~Treated~~ Principal diagnosis of mental illness with surgical procedure surgery 424
- (2) ~~Reserved for future use~~ Adjustment reaction 425
- (3) ~~Reserved for future use~~ Depressive neuroses 426
- (4) ~~Not treated with surgical procedure~~ Other psychiatric diseases and disorders 425, 427-429, 431, 432
- (5) Psychoses 430

T. Substance Use and Substance Induced Organic Mental Disorder

521, 523

DRG 521 excludes procedures 94.61, 94.63, 94.64, 94.66, 94.67, 94.69

- (1) ~~Reserved for future use~~
- (2) ~~Reserved for future use~~
- (3) ~~(Ages 0+)~~ 434, 435

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

FF. ~~Depressive Neurosis~~ [Reserved for future use] 426

GG. ~~Psychosis~~ [Reserved for future use] 430

HH. [Reserved for future use]

II. ~~Unrelated~~ Operating Room Procedure Unrelated to Principal Diagnosis

- (1) Extensive 468
- (2) Nonextensive 476, 477

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

UU. ~~Kidney and Pancreas~~

~~Transplants~~

- [Reserved for future use] 302, 191, 292

DRG 191, 292 includes procedures 52.80-52.86 only

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

ZZ. Trach Exc Face/Mouth/Neck
Diagnoses, and ~~Bowel and~~
~~Other~~ Organ and Cell
Transplants

483, 103, 302,
480, 481, 495,
512, 513

Bowel
transplant
includes any
DRG with
procedure
~~46.99 and~~
Revenue Code
~~811 or 812~~
46.97

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

DIAGNOSTIC
CATEGORIES

DRG NUMBERS
WITHIN
DIAGNOSTIC
CATEGORIES

INTER-
NATIONAL
CLASSIFI-
CATION OF
DISEASES,
9th Ed.,
CLINICAL
MODIFI-
CATIONS
CODES

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

H. Diseases and Disorders of
the Musculoskeletal System and
Connective Tissues

209-213, 216-
220, 223-256,
471, 491, 496-
503, 519, 520

except codes
in item XX

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

RR. Mental Diseases and
Disorders/Substance Use and
Substance Induced Organic
Mental Disorders

424-432, ~~434~~,
435 521, 523

except codes
in item XX
DRG 521
excludes
procedures
94.61, 94.63,
94.64, 94.66,
94.67, 94.69

SS. Multiple Significant
Trauma/Unrelated Operating
Room Procedures

468, 476, 477,
484-487

except codes
in item XX

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.

Exempt Rules

TT. Other Conditions Requiring Rehabilitation Services

036-208	except codes
257-423,	in item XX
439-455,	
461-467,	
472 , 473, 475,	
478-483,	
488-490,	
492-495,	
504-511 <u>504-</u>	
<u>518</u>	

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

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

DIAGNOSTIC CATEGORIES	DRG NUMBERS WITHIN DIAGNOSTIC CATEGORIES	INTER-NATIONAL CLASSIFICATION OF DISEASES, 9th Ed., CLINICAL MODIFICATIONS CODES
-----------------------	--	--

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

KK. Extreme Immaturity and Tracheostomy

(1) Weight < 750 Grams <u>and Tracheostomy</u>	386 <u>482, 483</u>	76501, 76502
(2) Weight 750 to 999 Grams	386	76503
(3) Weight 1000 to 1499 Grams	386	76504, 76505,
	387	76500
(4) [Reserved for future use]		
(5) Neonate Respiratory Distress Syndrome	386	Codes for DRG 386 except 76501-76505

LL. Prematurity with Major Problems

(1) <u>Weight</u> (< 1249 <u>1250</u> Grams)	387	76511-76514
(2) <u>Weight</u> (1250 to 1749 Grams)	387	76506, 76510, 76515, 76516
(3) <u>Weight</u> (1250 to 1749 Grams)	387	Codes for DRG Except 76500, 76506, 76510-76516
	387	

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

Subp. 20g. **Additional DRG requirements.**

A. Version ~~47~~ 19 of the Medicare grouper and DRG assignment to the diagnostic category must be used uniformly for all determinations of rates and payments.

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

D. ~~For~~ Neonates transferred into a neonatal intensive care unit with a DRG assignment of DRG 482 or DRG 483, ~~the ICD-9-CM procedure codes 30.3, 30.4, 31.1, 31.21, and 31.29 will be excluded when grouping under subparts 20b, 20c, and 20d~~ age less than one year, will be grouped under subpart 20f.

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

F. For payment of admissions that result from a home health nurse being unavailable, and there is no acute episode of illness, and physician orders from home remain in effect, the principal diagnosis will be identified as V58.89, other specified procedures and aftercare or 63.1, medical services in home not available.

G. ~~Payment for bowel transplants and pancreas transplants will be made only for admissions that result in the recipient receiving a transplant during that admission.~~ For neonates transferred into a neonatal intensive care unit within seven days of birth, with a principal diagnosis of congenital anomaly (ICD-9-CM code 740-759) and a secondary diagnosis of conditions originating in the perinatal period (ICD-9-CM code 760-779), the principal diagnosis and the first sequenced secondary diagnosis in the range 760-779 will be interchanged when grouping under subpart 20f.

H. For patients in DRG 386-390 and the age is greater than zero, the principal diagnosis from ICD-9-CM Chapter 15. Certain conditions originating in the perinatal period, (diagnoses codes 760-779) will be excluded when grouping under subparts 20b, 20c, and 20d.

I. For payment under DRG 521, alcohol/drug abuse or dependence with complications or comorbidities, payment shall not be made for patients engaged in alcohol and/or drug rehabilitation.

[For text of subps 22 to 51, see M.R.]

Department of Labor and Industry

Occupational and Safety and Health Division

Proposed Exempt Permanent Rules Relating to OSHA

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (2000). This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Shirley I. Chase
Commissioner

SUMMARY OF CHANGES

<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>
--

Exempt Rules

The following is a brief summary of the proposed amendments. Persons interested in reviewing the complete *Federal Register* notices referenced below may find them at www.osha.gov.

(A) **“Safety Standards for Signs, Signals, and Barricades; Final Rule.”**

On September 12, 2002, federal OSHA published its final rule for Signs, Signals, and Barricades, which became effective on the federal level on December 11, 2002. The standard is expected to reduce fatalities and injuries at roadway worksites by requiring retro-reflective and illuminated devices at intermediate and long-term stationary temporary traffic control zones; warning devices for mobile operations at speeds above 20 mph; advance warning signs for certain closed paved shoulders; a transition area containing a merging taper when one lane is closed on a multi-lane road; temporary traffic control devices with traffic barriers than are immediately adjacent to an open lane; and temporary traffic barriers separating opposing traffic on a two-way roadway.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on September 12, 2002.

(B) **“Exit Routes, Emergency Action Plans, and Fire Prevention Plans; Final Rule.”**

On November 7, 2002, federal OSHA published its final rule for Exit Routes, Emergency Action Plans, and Fire Prevention Plans, which became effective at the federal level on December 7, 2002. The requirements for exit routes have been rewritten in simple, easy-to-understand terms. For example, Means of Egress will now be referred to as Exit Routes. The text has been reorganized and inconsistencies and duplicative requirements have been removed. Employers now have the option of adopting the National Fire Protection Associations’ Life Safety Code, instead of the OSHA standard for exit routes. OSHA evaluated the NFPA standard and concluded that it provides comparable safety. The revised standard, which offers more compliance options for employers, does not change the regulatory obligations of the employer or the safety and health protections provided to the employees of the original standard.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on November 7, 2002.

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

Y. Federal Register, Volume 67:

(1) Federal Register, Vol. 67, No. 216, pages 67950-67965, dated November 7, 2002: “Exit Routes, Emergency Action Plans, and Fire Prevention Plans; final rule.”

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

Q. Federal Register, Volume 67:

(1) Federal Register, Vol. 67, No. 177, pages 57722-57736, dated September 12, 2002: “Safety Standards for Signs, Signals, and Barricades; final rule.”

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

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 matters of public interest.

Minnesota Department of Commerce

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Energy Audits and Energy Auditor Certification

This notice amends the Request For Comments published on November 12, 2002 (27 SR 687) regarding possible Amendment to Rules Governing Energy Audits and Energy Auditor Certification, *Minnesota Rules* Chapters 7635 and 7655.

Subject of Rule. In addition to the subjects identified in the November 12, 2002 notice, the Department of Commerce requests comments on its possible amendment to portions of *Minnesota Rules* Chapter 7655 governing energy efficiency standards and evaluating for rental buildings.

Persons Affected. In addition to the persons affected identified in the November 12, 2002 notice, the amendment to the rules would likely affect residential renters and owners of residential rental property.

Statutory Authority. *Minnesota Statutes*, section 216C.27, subdivision 1 requires the department to adopt rules for the containing minimum energy efficiency standards for existing residences.

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on February 14, 2003. The department has not yet prepared a draft of the possible rule amendment. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this possible rule amendment should be addressed to: Bruce Nelson, Minnesota Department of Commerce, 85 7th Place E, Suite 500, St. Paul, MN 55101, **phone:** (651) 297-2313, **fax:** (651) 297-7891, **email:** bruce.nelson@state.mn.us

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

Department of Labor and Industry

Labor Standards Unit

Notice of Correction to Highway/Heavy Prevailing Wage Rates

Corrections have been made to the Highway/Heavy Prevailing Wage Rates certified 10/14/02, for **Region 10, Labor Code 101, Laborer, Common (Gen Labor Wrk).**

Copies of the certification with the additional rate 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 at **phone:** (651) 284-5091, or accessing our **website** at: www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Official Notices

Metropolitan Airports Commission

Notice of Adoption of Ordinance No. 97

Please take notice that on the 16th day of December 2002, at a regular meeting, the Metropolitan Airports Commission adopted Ordinance No. 97.

Ordinance No. 97:

An Ordinance of the Metropolitan Airports Commission relating to the management and operation of its airports, adopted to promote the public health, peace, welfare and safe operations; restricting the operations of aircraft at and from Flying Cloud Airport; and prescribing the penalties for violation thereof.

Copies of Ordinance No. 97 as adopted will be on file with the Secretary of State and may be obtained from the Metropolitan Airports Commission offices.

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

Minnesota Department of Transportation

Office of Motor Carrier Services

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Special Transportation Service, *Minnesota Rules*, Chapter 8840

Subject of Rules. The Minnesota Department of Transportation, Office of Motor Carrier Services, requests comments on its possible amendments to and repeal of rules governing special transportation services. The department is considering rule amendments, and the repeal of some rule provisions, that will update, clarify, and revise special transportation service standards and requirements. Proposed clarifications, revisions, and updates have been made in the following rule provisions: definitions, application and issuance of certificates of compliance, inspection and audit, enforcement, driver qualifications, driver and attendant training requirements, vehicle equipment, vehicle construction standards, standards for operation of vehicles, insurance filings, records, certification of training courses and instructors and audit of courses, and administrative hearing provisions.

Persons Affected. The amendment to and repeal of rules will likely affect special transportation service providers, drivers and attendants of special transportation service vehicles, instructors and organizations that provide training related to special transportation service, clients of special transportation services, and insurance companies who provide coverage for special transportation service providers.

Statutory Authority. The statutory authority for the proposed rule is *Minnesota Statutes*, section 174.30, subdivisions 2, and 4(c). The statute requires the department to adopt rules setting standards for eligible special transportation service operations. The standards adopted under this section must include but are not limited to qualifications of drivers and attendants, safety of vehicles and necessary safety equipment, requirements concerning inspection and maintenance of vehicles, and insurance requirements.

Public Comment. Interested persons or groups may submit comments or information on the possible rule amendment and repeals in writing or orally until 4:30 p.m. on Monday, February 24, 2003.

Rules Drafts. The department has prepared a draft of the possible rule amendments and repeals. A copy of the draft of the possible rule amendments can be found at the department's **website** at: www.dot.state.mn.us/motorcarrier/rules/mcsrules.html

Agency Contact Person. Written or oral comments, questions and requests for more information on these possible rules should be directed to: Laura Nehl-Trueman at Minnesota Department of Transportation, Office of Motor Carrier Services, Mail Stop 420, 1110 Centre Pointe Curve, Mendota Heights, MN 55120-4152, **phone:** (651) 405-6083, **fax:** (651) 405-6082, **email:** laura.nehl-trueman@dot.state.mn.us

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.

Dated: 12 December 2002

Ward D. Briggs, Director
Office of Motor Carrier Services

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.

Minnesota Department of Agriculture

Agricultural Resources Management and Development AgBMP Loan Programs

Notice of Request for Proposals for the 2003 AgBMP Loan Program Allocation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture will accept applications for its 2003 Agricultural Best Management Practices Loan Program (*Minnesota Statutes* § 17.117).

Counties, Soil and Water Conservation Districts and authorized Joint Power Organizations may submit applications to participate in the department's loan programs. Funds may be used to provide loans to farmers, rural landowners or farm supply businesses for projects that implement local comprehensive water plans or replace existing, failing individual sewage treatment systems. Approximately \$1.5 million for has been tentatively earmarked for this year's awards, however, the final amount allocated may be different.

Applications must be post marked or received by the department by 4:00 p.m. February 1, 2003 to be considered during this application period.

To obtain copies the complete request for proposal and application packet contact:

Dwight Wilcox
AgBMP Loan Program
Minnesota Department of Agriculture
90 W Plato Blvd.
St. Paul, MN 55107
Phone: (651) 215-1018
Fax: (651) 297-7678
Email: dwight.wilcox@state.mn.us
Website: <http://www.mda.state.mn.us/agbmp/>

State Grants & Loans

Minnesota Historical Society

Historic Preservation Grant Application Deadlines

The application deadline for the Minnesota Historical Society's F.Y. 2003 federal Certified Local Government (CLG) matching grants program is 4:30 p.m., Friday, February 21, 2003. Cities with local historic preservation ordinances, commissions, and programs certified by the State Historic Preservation Office and the National Park Service are eligible applicants. Pending congressional action in January, it is anticipated that a minimum of \$70,000 will be awarded.

There are seven areas of eligible program activity for this grants cycle. They are: 1.) Comprehensive Planning; 2.) Pre-Development; 3.) Survey; 4.) Evaluation; 5.) Local Designation Forms; 6.) National Register Nomination Forms; and 7.) Public Education. Projects that will receive special priority are those that: promote surveys in areas of known development activity in order to reduce project delays; promote continuing development of data for planning use; reflect the goals and strategies in the 2000 statewide preservation plan; result in local designations; and involve properties associated with the history of heretofore under-documented groups or communities (ethnic or racial minorities for example, but also other groups defining themselves as communities).

Instructions regarding the full range of eligible activities and information on the project selection process and selection criteria are found in the F.Y. 2003 CLG Grants Manual. To request a complete application package or for further information contact Mandy Skypala at (651) 296-5478, **email** the Grants Office: mandy.skypala@mnh.s.org, or write to the Grants Office, Minnesota Historical Society, 345 West Kellogg Blvd., St. Paul, MN 55102-1906.

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally assisted programs on the basis of race, color, national origin, age, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Colleges and Universities, Minnesota State (MnSCU)

Dakota County Technical College

Request for Proposals for Three Used Truck/Tractors

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive proposals for 3 used truck/tractors. Request for proposal specifications will be available December 23, 2002 from the Dakota County Technical College Purchasing Department, 1300 145th St., East, Rosemount, MN 55068. **Phone:** (651) 423-8236.

Proposals must be received by Pat Adams at Dakota County Technical College, 1300 145th St., East, Rosemount, MN 55068 by **2:00 p.m., Monday, January 6, 2003.**

Dakota County Technical College reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

Minnesota Department of Economic Security

Workforce Wage Assistance Branch

Notice that a Request for Proposals for the Unemployment Insurance Technology Initiatives Project Phase II is Available

The Minnesota Department of Economic Security (MDES) has initiated a project to re-engineer and redesign the State's unemployment insurance business processes and technical systems. This project is the Unemployment Insurance Technology Initiatives Project (UI TIP).

The goal of this re-engineering project is to redefine the unemployment insurance business model to support the needs of MDES' customers in today's environment, while anticipating future growth and change. MDES seeks to eliminate unnecessary business processes and develop a new customer-driven program that is better, simpler and competitive. A new vision for the proposed business model is to create a business environment and service delivery strategy, whereby the customer (be it an applicant or employer) can manage their own account, which will ultimately encompass all aspects of the UI experience: Tax, Benefits, Appeals and Overpayment activity.

The RFP can be accessed at: <http://www.mnwfc.org/rfps/> through February 25, 2003.

The expected contract period is May 15, 2003 to May 15, 2005.

Questions

No person within the department or any other department is authorized to discuss this RFP. Persons with questions regarding this Request for Proposals must submit them via **email** to: uitiprfp@ngwmail.des.state.mn.us

RFP Submittal Timeline

Details regarding number of copies are available on the website. Responses must be received no later than **4:00 p.m. Central Standard Time on Tuesday, February 25, 2003. Late proposals will not be considered.** Fax or emailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Historical Society

Request for Bids for Trail Construction and Renovation on the Forest of Today Trail at Forest History Center, Grand Rapids, Minnesota

The Minnesota Historical Society seeks bids for trail construction and renovation on the Forest of Today Trail on the grounds of the Forest History Center. The project involves upgrading approximately one-half mile of existing trail, and constructing new portions to comply with ADA standards. Work includes furnishing all labor and materials for the project.

A mandatory pre-bid meeting will be held Monday, January 6, 2003 at 1:00 p.m. at the Forest History Center. Copies of the bidding documents may be obtained from the office of Short Elliott Hendrickson, Inc., 15 NE 5th Street, Grand Rapids, Minnesota, 55744, (218) 326-4508 upon payment of \$45.00 per set. Check should be made out to the above-mentioned firm. No refunds will be provided.

The deadline for receipt of bids is **Tuesday, January 14, 2003 at 2:00 p.m. Late bids will not be accepted.** Bids should be sent or delivered to: Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota, 55102.

Dated: 23 December 2002

Minnesota Department of Public Safety

State Patrol Division

Re-submitted Notice of Availability of Contract for a State Safety Oversight Program Related to Hiawatha Light Rail Fixed Guideway System

The Minnesota Department of Public Safety's State Patrol Division is requesting proposals from professional organizations to develop and implement a State Safety Oversight Program related to the Hiawatha Light Rail Fixed Guideway System.

Details are contained in a complete Revised Request for Proposals (changes are located in Sections 5 and 8) that may be obtained by calling or writing:

Jan Birkeland
Department of Public Safety
State Patrol Division
444 Cedar Street
St. Paul MN 55101-5130
Phone: (651) 215-1769

All questions concerning this re-submitted RFP must be in writing and should be submitted to the above address no later than **2:00 p.m. Central Standard Time on January 3, 2003**. All answers to questions will be in writing and sent to all entities requesting a complete RFP. **Final date for submitting proposals is 2:00 p.m. Central Standard Time on January 13, 2003. Late proposals will not be considered.** This Request for Proposal does not obligate the State to complete the proposed project and the State reserves the right to cancel solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this notice shall be borne by the responder. The DPS will retain an option to extend the contract, with the contractor's consent, for two additional one-year periods. This will only be done if the state finds it necessary to do follow-up work if changes are made to the program. The value of the contracts for subsequent years may be adjusted.

Department of Transportation

Program Support Group

Office of Materials and Road Research

Notice of Availability of Contract for OMRR Laboratory Information Management (LIMS) Application

The Minnesota Department of Transportation is requesting proposals for the purpose of addressing specific functional requirements for a Laboratory Information Management System (LIMS) to support the Minnesota Department of Transportation (Mn/DOT) Office of Materials and Road Research (OMRR). Mn/DOT's OMRR seeks to identify a solution that will operationally support the OMRR in its collection, analysis and management of data for the State of Minnesota.

Work is proposed to start after March 1, 2003.

A Request for Proposals is available by mail through January 17, 2003. **A written request (by direct mail or fax) is required to receive the Request for Proposals.** After January 17, 2003, the Request for Proposals must be picked up in person.

The Request for Proposals can be obtained from:

Andrew Bindman
Office of Materials and Road Research
1400 Gervais Avenue
Maplewood, MN 55109
Fax: (651) 779-5616

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **January 24, 2003 at 3:30 p.m. Late proposals will not be considered.** No time extensions will be granted.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the proposer.

Department of Transportation Program Support Group

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.



Admin MINNESOTA

Department of Administration
Communications Media Division

Periodicals
U.S. Postage
Paid
Permit No.
326630
St. Paul, MN

117 University Avenue • St. Paul, Minnesota 55155
Metro Area 651-297-3000
Toll Free 1-800-657-3757
FAX 651-297-8260
TTY: Metro Area 651-282-5077 TTY: Greater MN 1-800-657-3706

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.



Printed on recycled paper
20% post-consumer waste

TO ORDER:

Complete attached order blank. Please include sales tax. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

NOTE:
State Register and other subscriptions do not require sales tax or postage and handling fees.

For Your Convenience, photocopy this order blank

Shipping Charges	
Subtotal	Add:
Up to \$25.00	\$3.00
\$25.01 - \$50.00	\$5.00
\$50.01 - \$100.00	\$7.00
\$100.01 - \$1,000.00	\$10.00

Code No.	Quantity	Description	Item Price	Total
Name or Company			Subtotal	
Attention			6½ % tax MN residents 7% St. Paul residents	
Address				
City	State	Zip	Add Shipping Charges from chart at left.	
American Express/VISA/MasterCard/Discover No.			TOTAL	
Signature		Expiration Date	Telephone (During Day)	



Prices subject to change without notice.
Please allow about 6 weeks for delivery.
In a hurry? Stop by our Bookstore.
Bookstore hours: 8:00-5:00 Monday-Friday

If tax exempt, please provide ES number or send completed exemption form.
Source Code SR002