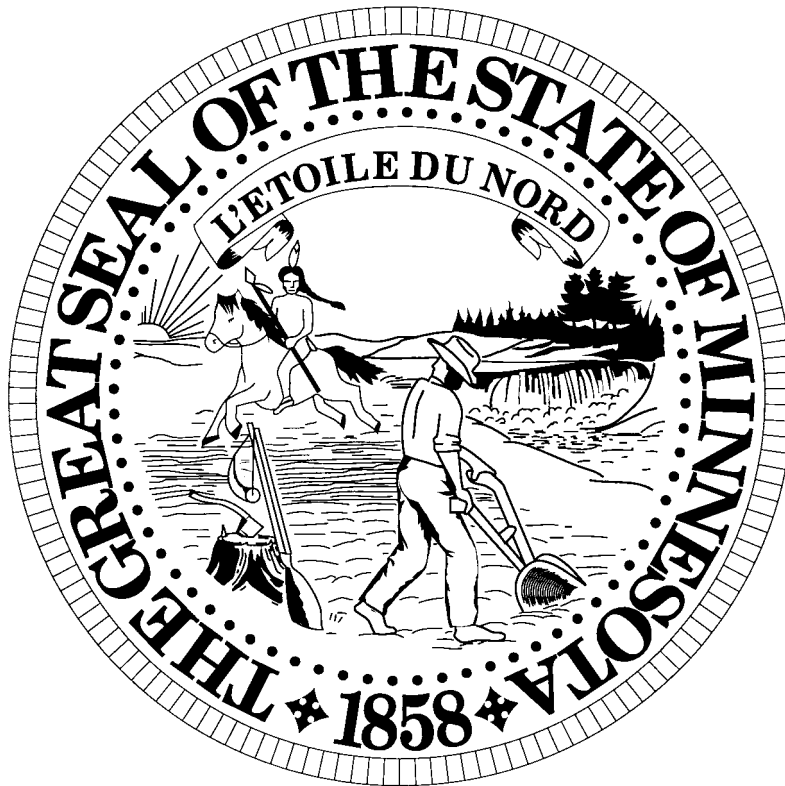


Minnesota

# 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 29 September 2003**  
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# State Register

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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:

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- proclamations and commendations
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- revenue notices
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#14	Monday 6 October	Noon Tuesday 30 September	Noon Wednesday 24 September
#15	Monday 13 October	Noon Tuesday 7 October	Noon Wednesday 1 October
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 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.

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# Proposed Rules

## Comments on Planned Rules or Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rules 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 rules. 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 is then 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 Rules 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 Human Services

### Chemical Health Division

#### Proposed Permanent Rules Relating to Chemical Dependency Licensed Treatment Facilities

#### 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 Rules Governing the Licensure of Treatment Programs for Chemical Abuse and Dependency and Detoxification Programs, *Minnesota Rules*, Chapter 9530, Repeal of *Minnesota Rules*, Parts 9530.4100 to 9530.6400

**Introduction.** The Department of Human Services intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on October 29, 2003, a public hearing will be held in 1A and B, Department of Human Services Building, 444 Lafayette Road, St. Paul Minnesota 55155, starting at 9:00 a.m. on Friday, November 14, 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 October 29, 2003 and before November 14, 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: Jon Hall at the Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155; **phone** (651) 297-1485; **fax** (651) 297-7949, or **e-mail** [jon.hall@state.mn.us](mailto:jon.hall@state.mn.us). TTY users may call the Department of Human Services at (651) 296-7385.

**Subject of Rules and Statutory Authority.** The proposed rules govern the licensing of treatment facilities for patients recovering from chemical addiction. The statutory authority to adopt the rules is *Minnesota Statutes*, section 245A.09. A copy of the proposed rules is attached to this notice as mailed.

The proposed rules will replace two existing licensing rules, provide greater flexibility to service providers and allow for more efficient and effective treatment services. Under the existing licensing rules, residential programs are licensed in categories based on the intensity of services provided and outpatient treatment programs are licensed under a separate rule. The existing structure limits the flexibility of providers to address changes in client needs. Clients may receive services they do not need or be deprived of services that would be beneficial. The proposed rules recognize that treatment services share a common goal, regardless of intensity and frequency. Under the proposed structure providers can offer a broader range of treatment services under a single license. As client treatment needs change, providers will have more flexibility to adjust services.

The proposed rules also separate the licensure of detoxification from treatment services. Detoxification presents challenges that are distinct from treatment programs and such differences should be reflected in the licensing activities. Detoxification programs offer short term intensive services, residential and supervision and include a medical monitoring component.

**Comments.** You have until 4:30 p.m. on Wednesday, October 29, 2003 to submit written comment in support of or in opposition to

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# Proposed Rules

the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, October 29, 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, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. 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 Friday, November 14, 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) 297-1485 after October 29, 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 Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7602, 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 rebuttal 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.

**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, **telephone** (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.

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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: September 15, 2003

Kevin P. Goodno, Commissioner

## **9530.6405 DEFINITIONS.**

Subpart 1. Scope. As used in parts 9530.6405 to 9530.6505, the following terms have the meanings given to them.

Subp. 2. Adolescent. "Adolescent" means an individual under 19 years of age.

Subp. 3. Alcohol and drug counselor. "Alcohol and drug counselor" has the meaning given in Minnesota Statutes, section 148C.01, subdivision 2.

Subp. 4. Applicant. "Applicant" means an individual, corporation, partnership, voluntary association, controlling individual, or other organization that has applied for licensure under this chapter.

Subp. 5. Capacity management system. "Capacity management system" means a database operated by the Department of Human Services to compile and make information available to the public about the waiting list status and current admission capability of each program serving intravenous drug abusers.

Subp. 6. Central registry. "Central registry" means a database maintained by the department that collects identifying information from two or more programs about individuals applying for maintenance treatment or detoxification treatment for addiction to opiates for the purpose of avoiding an individual's concurrent enrollment in more than one program.

Subp. 7. Chemical. "Chemical" means alcohol, solvents, controlled substances as defined by Minnesota Statutes, section 152.01, subdivision 4, and other mood altering substances.

Subp. 8. Client. "Client" means an individual accepted by a license holder for assessment or treatment of chemical use problems. An individual remains a client until the license holder no longer provides or plans to provide the individual with treatment services.

Subp. 9. Commissioner. "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designee.

Subp. 10. Co-occurring or co-occurring client. "Co-occurring" or "co-occurring client" means a diagnosis that indicates a client suffers both chemical abuse or dependency and a mental health problem, or a client who suffers from both disorders.

Subp. 11. Department. "Department" means the Department of Human Services.

Subp. 12. Direct client contact. "Direct client contact" has the meaning given for "direct contact" in Minnesota Statutes, section 245C.02, subdivision 11.

Subp. 13. License. "License" means a certificate issued by the commissioner authorizing the license holder to provide a specific program for a specified period of time in accordance with the terms of the license and the rules of the commissioner.

Subp. 14. License holder. "License holder" means an individual, corporation, partnership, voluntary organization, or other organization that is legally responsible for the operation of the program, has been granted a license by the commissioner under this chapter, and is a controlling individual.

Subp. 15. Licensed professional in private practice. "Licensed professional in private practice" means an individual who meets the following criteria:

A. is licensed under Minnesota Statutes, chapter 148C, or is exempt from licensure under that chapter but is otherwise licensed to provide alcohol and drug counseling services;

B. practices solely within the permissible scope of the individual's license as defined in the law authorizing licensure; and

C. does not affiliate with other licensed or unlicensed professionals for the purpose of providing alcohol and drug counseling services. Affiliation does not include conferring with other professionals or making client referrals.

Subp. 16. Paraprofessional. "Paraprofessional" means an employee, agent, or independent contractor of the license holder who performs tasks in support of the provision of treatment services. Paraprofessionals may be referred to by a variety of titles including technician, case aide, or counselor assistant.



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Subp. 17. Program serving intravenous drug abusers. “Program serving intravenous drug abusers” means a program whose primary purpose is providing agonist medication-assisted therapy to clients who are narcotic dependent, regardless of whether the client’s narcotic use was intravenous or by other means.

Subp. 18. Target population. “Target population” means individuals experiencing problems with chemical use having the specified characteristics that a license holder proposes to serve.

Subp. 19. Treatment. “Treatment” means a process of assessment of a client’s needs, development of planned interventions or services to address those needs, provision of services, facilitation of services provided by other service providers, and reassessment. The goal of treatment is to assist or support the client’s efforts to alter the client’s harmful pattern of chemical use.

Subp. 20. Treatment director. “Treatment director” means an individual who meets the qualifications specified under part 9530.6450, subparts 1 and 3, and is designated by the license holder to be responsible for all aspects of the delivery of treatment services.

Subp. 21. Treatment service. “Treatment service” means a therapeutic intervention or series of interventions.

## **9530.6410 APPLICABILITY.**

Subpart 1. Applicability. Except as provided in subparts 2 and 3, no person, corporation, partnership, voluntary association, controlling individual, or other organization may, in any one week, provide treatment services to five or more individuals who exhibit a pattern of chemical abuse or chemical dependency unless licensed by the commissioner.

Subp. 2. Activities exempt from license requirement. Parts 9530.6405 to 9530.6505 do not apply to organizations whose primary functions are information, referral, diagnosis, case management, and assessment for the purposes of placement, education, support group services, or self-help programs. Parts 9530.6405 to 9530.6505 do not apply to the activities of licensed professionals in private practice which are not paid for by the consolidated chemical dependency treatment fund.

Subp. 3. Certain hospitals excluded from license requirement. Parts 9530.6405 to 9530.6505 do not apply to chemical abuse or dependency treatment provided by hospitals licensed under *Minnesota Statutes*, chapter 62J, or under *Minnesota Statutes*, sections 144.50 to 144.56, unless the hospital accepts funds for chemical abuse or dependency treatment under the consolidated chemical dependency treatment fund under *Minnesota Statutes*, chapter 254B, medical assistance under *Minnesota Statutes*, chapter 256B, MinnesotaCare or health care cost containment under *Minnesota Statutes*, chapter 256L, or general assistance medical care under *Minnesota Statutes*, chapter 256D.

## **9530.6415 LICENSING REQUIREMENTS.**

Subpart 1. General application and license requirements. An applicant for a license to provide treatment must comply with the general requirements in parts 9543.1000 to 9543.1060, *Minnesota Statutes*, chapters 245A and 245C, and *Minnesota Statutes*, sections 626.556 and 626.557.

Subp. 2. Contents of application. Prior to issuance of a license, an applicant must submit, on forms provided by the commissioner, any documents the commissioner requires to demonstrate the following:

A. compliance with parts 9530.6405 to 9530.6505;

B. compliance with applicable building, fire and safety codes, health rules, zoning ordinances, and other applicable rules and regulations or documentation that a waiver has been granted. The granting of a waiver does not constitute modification of any requirement of parts 9530.6405 to 9530.6505;

C. completion of an assessment of need for a new or expanded program according to part 9530.6800; and

D. insurance coverage, including bonding, sufficient to cover all client funds, property, and interests.

Subp. 3. Changes in license terms.

A. A license holder must notify the commissioner before one of the following occurs and the commissioner must determine the need for a new license:

(1) a change in the Department of Health’s licensure of the program;

(2) a change in the types of treatment services provided by the program; or

(3) a change in location.

B. A license holder must notify the commissioner and must apply for a new license if there is a change in program ownership.

## **9530.6417 CAPACITY MANAGEMENT AND WAITING LIST SYSTEM COMPLIANCE.**

A license holder must notify the department when it has reached 90 percent of its capacity to care for clients. A license holder need not report when capacity returns to under 90 percent capacity. The license holder must notify the placing county or tribal government when they are at 100 percent capacity and unable to accept a referral.

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## **9530.6420 INITIAL SERVICES PLAN.**

Upon service initiation and prior to the first treatment session, the license holder must develop the client's initial service plan. The plan must address the client's immediate health, safety, and preliminary service needs, and be based on available information from the client and the referral source.

## **9530.6422 COMPREHENSIVE ASSESSMENT.**

Subpart 1. **Comprehensive assessment of client's chemical use problems.** A comprehensive assessment of the client's chemical use problems must be coordinated by an alcohol and drug counselor and completed within three calendar days after service initiation for a residential program or three sessions of the client's initiation to services for all other programs. The alcohol and drug counselor may rely on information provided by a referring agency or other sources when information is available. If the comprehensive assessment cannot be completed in the time specified, the treatment plan must indicate how and when it will be completed. The comprehensive assessment must include information about the client's problems that relate to chemical use and personal strengths that support recovery, including:

- A. age, sex, cultural background, sexual orientation, living situation, economic status, and level of education;
- B. circumstances of service initiation;
- C. previous attempts at treatment for chemical use or dependency, compulsive gambling, or mental illness;
- D. chemical use history including amounts and types of chemicals used, frequency of use, and period of abstinence;
- E. specific problem behaviors exhibited by the client when under the influence of chemicals;
- F. current family status, family history, including history or presence of physical or sexual abuse, level of family support, and chemical use, abuse, or dependency among family members and significant others;
- G. physical concerns or diagnoses that may influence the treatment plan;
- H. mental health history and current psychiatric status, including symptoms, disability, current treatment supports, and psychotropic medication needed to maintain stability;
- I. arrests and legal interventions related to chemical use;
- J. ability to function appropriately in a work and educational setting;
- K. ability to understand written treatment materials, including rules and client rights;
- L. risk-taking behavior, including behavior that puts the client at risk of exposure to blood borne or sexually transmitted diseases;
- M. social network in relation to expected support for recovery and leisure time activities that have been associated with chemical use; and

N. a determination whether a client is a vulnerable adult as defined in *Minnesota Statutes*, section 626.5572, subdivision 21. An individual abuse prevention plan is required for all clients who meet the definition of "vulnerable adult."

Subp. 2. **Assessment summary.** An alcohol and drug counselor must prepare an assessment summary within three calendar days for a residential program or within three treatment sessions of service initiation. The summary of the comprehensive assessment results:

- A. must be prepared by an alcohol and drug counselor; and
- B. contain information relevant to treatment planning including:
  - (1) acute intoxication and withdrawal potential;
  - (2) biomedical conditions and complications;
  - (3) emotional and behavioral conditions and complications;
  - (4) treatment acceptance and resistance;
  - (5) relapse and continued use potential; and
  - (6) recovery environment.

## **9530.6425 INDIVIDUAL TREATMENT PLANS.**

Subpart 1. **General.** Individual treatment plans for clients in treatment must continually be updated, based on new information gathered about the client's condition and on whether planned treatment interventions have had the intended effect. Treatment planning must include a cycle, repeating until service termination, of assessment, priority setting, planning, implementation, and reassessment based on progress, revised priorities, and revised plan. The plan must provide for the involvement of the client's family and those people selected by the client as being important to the success of the treatment experience at the earliest opportunity, consistent with the client's treatment needs and written consent. The plan must be developed after completion of the comprehensive assessment and is subject to amendment until the client's services are discharged. The client must have an opportunity to have active, direct involvement in selecting the anticipated outcomes of the treatment process and in developing the individual treatment

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plan. The individual treatment plan must be signed by the client and the alcohol and drug counselor.

Subp. 2. **Plan contents.** An individual treatment plan must include:

- A. treatment goals in part 9530.6420, subpart 3, item B, in which a problem has been identified;
- B. specific methods to be used to address identified problems, including amount, frequency, and anticipated duration of treatment service. The methods must be appropriate to the client's language, reading skills, cultural background, and strengths;
- C. resources to which the client is being referred for problems when problems are to be addressed concurrently by another provider; and
- D. goals the client must reach to complete treatment and have services terminated.

Subp. 3. **Progress notes and plan review.**

A. Progress notes must be entered in a client's file weekly or after each treatment service, whichever is less frequent, by the staff person providing the service. The note must reference the treatment plan. Progress notes must:

(1) be entered immediately following any significant event. Significant events include those events which have an impact on the client's relationship with other clients, staff, the client's family, or the client's treatment plan;

(2) indicate the type and amount of each treatment service the client has received;

(3) include monitoring of any physical and mental health problems and the participation of others in the treatment plan;

(4) document the participation of others; and

(5) document that the client has been notified of each treatment plan change and that the client either does or does not agree with the change.

B. Address weekly each goal in the treatment plan and whether the strategies to address the goals are effective, and if not, must include changes to the treatment plan.

C. All entries in a client's record must be legible, signed, and dated. Late entries must be clearly labeled "late entry." Corrections to an entry must be made in a way in which the original entry can still be read.

Subp. 4. **Summary at termination of services.** An alcohol and drug counselor must write a discharge summary for each client. The summary must be completed within five days of the client's service termination or within five days from the client's or program's decision to terminate services, whichever is earlier.

A. The summary at termination of services must include the following information:

(1) client's problems, strengths, and needs while participating in treatment, including services provided;

(2) client's progress toward achieving each of the goals identified in the individual treatment plan; and

(3) reasons for and circumstances of service termination.

B. For clients who successfully complete treatment, the summary must also include:

(1) living arrangements upon discharge;

(2) continuing care recommendations, including referrals made with specific attention to continuity of care for mental health problems, as needed;

(3) service termination diagnosis; and

(4) client's prognosis.

## **9530.6430 TREATMENT SERVICES.**

Subpart 1. **Treatment services provided by license holder.**

A. A license holder must provide treatment services including:

(1) individual and group counseling to help the client identify and address problems related to chemical use and develop strategies to avoid inappropriate chemical use after discharge;

(2) client education strategies to avoid inappropriate chemical use and health problems related to chemical use and the necessary changes in lifestyle to regain and maintain health. Client education must include information concerning the human immunodeficiency virus, according to *Minnesota Statutes*, section 245A.19, other sexually transmitted diseases, drug and alcohol use during pregnancy, hepatitis, and tuberculosis;

(3) transition services to help the client integrate gains made during treatment into daily living and to reduce reliance on the license holder's staff for support; and

(4) services to address issues related to co-occurring mental illness, including education for clients on basic symptoms of mental illness, the possibility of comorbidity, and the need for continued medication compliance while working on recovery from chemical abuse or dependency. At least one group per week must address co-occurring mental illness issues, as needed. When

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treatment for mental health problems is indicated, it is integrated into the client's treatment plan.

B. Treatment services provided to individual clients must be provided according to the individual treatment plan and must address cultural differences and special needs of all clients.

Subp. 2. Additional treatment services. A license holder may provide or arrange the following additional treatment services:

A. case management services to help the client obtain the services and support the client needs to establish a lifestyle free of the harmful effects of chemical abuse or dependency;

B. relationship counseling provided by a qualified professional to help the client identify the impact of inappropriate chemical use on others and to help the client and persons in the client's support structure identify and change behaviors that contribute to inappropriate chemical use;

C. therapeutic recreation to provide the client with an opportunity to participate in recreational activities without the use of mood-altering chemicals and to learn to plan and select leisure activities that do not involve the inappropriate use of chemicals;

D. stress management and physical well-being to help the client reach and maintain an acceptable level of health, physical fitness, and well-being;

E. living skills development to help the client learn basic skills necessary for independent living;

F. employment or educational services to help the client become financially independent;

G. socialization skills development to help the client live and interact with others in a positive and productive manner; and

H. room, board, and supervision provided at the treatment site to give the client a safe and appropriate environment in which to gain and practice new skills.

Subp. 3. Counselors to provide treatment services. Treatment services, including therapeutic recreation, must be provided by alcohol and drug counselors qualified according to part 9530.6450, unless the individual providing the service is specifically qualified according to the accepted standards of that profession. Therapeutic recreation does not include planned leisure activities.

Subp. 4. Location of service provision. A client of a license holder having multiple facility locations may receive services at any of the license holder's licensed locations or at the client's home.

## **9530.6435 MEDICAL SERVICES.**

Subpart 1. Medical services description. An applicant or license holder must maintain a complete description of the medical services offered by the license holder including nursing services, dietary services, and emergency physician services. An applicant must include a written copy of a medical services description with the license application.

Subp. 2. Consultation services. In addition to the requirements under subpart 1, the applicant or license holder must have a written procedure approved by the medical director for obtaining medical interventions when needed for any client. The license holder must have access to and document the availability of a mental health professional to provide diagnostic assessment and treatment planning assistance.

Subp. 3. Administration of prescription medications. A license holder must meet the following requirements if services include medication administration:

A. a staff member, other than a physician, registered nurse, or licensed practical nurse, who is responsible for medication assistance must:

(1) provide a certificate that must be placed in the staff member's personnel records verifying successful completion of a trained medication aide program through a postsecondary institution; or

(2) be trained according to a formalized training program which is taught and supervised by a registered nurse and offered by the license holder. Completion of the course must be documented in writing and placed in the staff member's personnel records.

B. A registered nurse must provide consultation and review the license holder's procedures for administration of medication at least monthly.

Subp. 4. Medication monitoring. A license holder who monitors clients taking prescription medication must have a written procedure for medication monitoring that includes staff observation of the client taking the medication, locked medication storage, requirements that medication be in its original container labeled by a pharmacist, and a record of the resident's use of medication that is signed by staff, with the time and date. The procedure must be approved by an individual licensed to practice medicine or nursing under *Minnesota Statutes*, chapter 148. If the license holder serves clients who are parents with children, the parent must administer medication to the child under staff supervision.

## **9530.6440 CLIENT RECORDS.**

Subpart 1. Client records required. A license holder must maintain a file of current client records on the premises where the treatment services are provided or coordinated. The content and format of client records must be uniform and entries in each case must be signed and dated by the staff member making the entry. The license holder must maintain a record that documents com-

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pliance with part 9530.6445, subpart 4. Client records must be protected against loss, tampering, or unauthorized disclosure in compliance with *Minnesota Statutes*, section 254A.09, *Code of Federal Regulations*, title 42, chapter 1, part 2, subpart B, sections 2.1 to 2.67, and, if applicable, *Minnesota Statutes*, chapter 13.

Subp. 2. **Records retention.** Records of discharged clients must be retained by a license holder for seven years. License holders that cease to provide treatment services must retain client records for seven years from the date of facility closure and must notify the commissioner of the location of the records and the name of a person responsible for maintaining the records.

Subp. 3. **Client records, contents.** Client records must contain the following:

A. documentation that the client was given information on client rights, responsibilities, grievance procedures, tuberculosis, and HIV, and that the client was provided an orientation to the program abuse prevention plan as required under *Minnesota Statutes*, section 245A.65, subdivision 2, paragraph (a)(4);

B. a comprehensive assessment completed according to part 9530.6422;

C. an individual abuse prevention plan that complies with *Minnesota Statutes*, sections 245A.65, subdivision 2, and 626.557, subdivision 14, when applicable;

D. an individual treatment plan, as required under part 9530.6425, subparts 1 and 2;

E. progress notes, as required in part 9530.6425, subpart 3; and

F. a summary of termination of services, written according to part 9530.6425, subpart 4.

## **9530.6445 STAFFING REQUIREMENTS.**

Subpart 1. **Treatment director required.** A license holder must have a treatment director.

Subp. 2. **Alcohol and drug counselor supervisor requirements.** A license holder must employ an alcohol and drug counselor supervisor who meets the requirements under part 9530.6450, subpart 4. An individual may be simultaneously employed as a treatment director, alcohol and drug counselor supervisor, and an alcohol and drug counselor if the individual meets the qualifications for each position. If an alcohol and drug counselor is simultaneously an alcohol and drug counselor supervisor or treatment director, that individual must be considered a 0.5 full-time equivalent alcohol and drug counselor for purposes of meeting the staffing requirements under subpart 4.

Subp. 3. **Responsible staff person.** A treatment director must designate a staff member who, when present in the facility, is responsible for the delivery of treatment services. A license holder must have a designated staff person during all hours of operation. A license holder providing room and board and treatment at the same site must have a responsible staff person on duty 24 hours a day. The designated staff person must know and understand the implications of parts 9530.6405 to 9530.6505, 9543.1000 to 9543.1060, and *Minnesota Statutes*, sections 245A.65, 626.556, and 626.557.

Subp. 4. **Staffing requirements.** At least 25 percent of a counselor's scheduled work hours must be allocated to indirect services, including documentation of client services, coordination of services with others, treatment team meetings, and other duties. A counseling group shall not exceed an average of 16 clients. It is the responsibility of the license holder to determine an acceptable group size based on the client's needs. A counselor in a program treating intravenous drug abusers must not supervise more than 50 clients.

Subp. 5. **Unusual occurrences.** When clients are present, a license holder must have at least one staff person on the premises who has a current American Red Cross standard first aid certificate and at least one staff person on the premises who has a current American Red Cross community CPR certificate. A single staff person with both certifications satisfies this requirement.

## **9530.6450 STAFF QUALIFICATIONS.**

Subpart 1. **Qualifications of all staff members with direct client contact.** All staff members who have direct client contact must be at least 18 years of age. At the time of hiring, all staff members must meet the qualifications in item A or B.

A. Treatment directors, supervisors, nurses, and counselors must be free of chemical use problems for at least the two years immediately preceding their hiring and must sign a statement attesting to that fact.

B. Paraprofessionals and all other staff members with direct client contact must be free of chemical use problems for at least one year immediately preceding their hiring and must sign a statement attesting to that fact.

Subp. 2. **Continuing freedom from chemical use problems employment requirement.** Staff members with direct client contact must be free from chemical use problems as a condition of employment, but are not required to sign additional statements. Staff members with direct client contact who are not free from chemical use problems must be removed from any responsibilities that include direct client contact.

Subp. 3. **Treatment director qualifications.** In addition to meeting the requirements of subpart 1, a treatment director must know and understand the implications of parts 9530.6405 to 9530.6505, 9543.1000 to 9543.1060, and *Minnesota Statutes*, chapter 245A, and sections 626.556, 626.557, and 626.5572. A treatment director must:

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A. have at least one year of work experience in direct service to individuals with chemical use problems or one year of work experience in the management or administration of direct service to individuals with chemical use problems; and

B. have a baccalaureate degree or three years of work experience in administration or personnel supervision in human services.

Subp. 4. Alcohol and drug counselor supervisor qualifications. In addition to meeting the requirements of subpart 1, an alcohol and drug counselor supervisor must meet the following qualifications:

A. the individual is competent in the areas specified in subpart 5, with documented competency according to subpart 6 or 7;

B. the individual has three or more years of experience providing individual and group counseling to chemically dependent clients except that, prior to the effective date of parts 9530.6405 to 9530.6590, an individual employed in a program formerly licensed under parts 9530.5000 to 9530.6400 is required to have one or more years experience; and

C. the individual knows and understands the implications of parts 9530.6405 to 9530.6505, 9543.1000 to 9543.1060, and Minnesota Statutes, sections 245A.65, 626.556, 626.557, and 626.5572.

Subp. 5. Alcohol and drug counselor qualifications. In addition to meeting the requirements of subpart 1, an alcohol and drug counselor must be either licensed or exempt from licensure under Minnesota Statutes, chapter 148C. An alcohol and drug counselor must document competence in screening for and working with clients with mental health problems, through education, training, and experience.

A. Alcohol and drug counselors licensed under Minnesota Statutes, chapter 148C, must comply with rules adopted under Minnesota Statutes, chapter 148C.

B. Counselors exempt under Minnesota Statutes, chapter 148C, must be competent, as evidenced by one of the following:

(1) completion of at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology, or licensure as a registered nurse; successful completion of a minimum of 120 hours of classroom instruction in which each of the core functions listed in Minnesota Statutes, chapter 148C, is covered; and successful completion of 440 hours of supervised experience as an alcohol and drug counselor, either as a student or as a staff member;

(2) completion of 270 hours of alcohol and drug counselor training in which each of the core functions listed in Minnesota Statutes, chapter 148C, is covered, and successful completion of 880 hours of supervised experience as an alcohol and drug counselor, either as a student, or as a staff member;

(3) current certification as an alcohol and drug counselor or alcohol and drug counselor reciprocal, through the evaluation process established by the International Certification and Reciprocity Consortium Alcohol and Other Drug Abuse, Inc., and published in the Case Presentation Method Trainer's Manual, copyright 1993. The manual is incorporated by reference. It is available at the State Law Library, Judicial Center, 25 Reverend Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155;

(4) completion of a bachelor's degree including 480 hours of alcohol and drug counseling education from an accredited school or educational program and 880 hours of alcohol and drug counseling practicum; or

(5) employment in a program formerly licensed under parts 9530.5000 to 9530.6400 and successful completion of 6,000 hours of supervised work experience in a licensed program as an alcohol and drug counselor prior to the effective date of parts 9530.6405 to 9530.6590.

Subp. 6. Paraprofessional qualifications and duties. A paraprofessional must comply with subpart 1 and have knowledge of client rights, outlined in part 4747.1500, and of staff responsibilities. A paraprofessional may not admit, transfer, or discharge clients but may be the person responsible for the delivery of treatment services as required in part 9530.6445, subpart 3.

Subp. 7. Volunteers. Volunteers may provide treatment services when they are supervised and can be seen or heard by a staff member meeting the criteria in subpart 4 or 5, but may not practice alcohol and drug counseling unless qualified under subpart 5.

Subp. 8. Student interns. A qualified staff person must supervise and be responsible for all treatment services performed by student interns and must review and sign all assessments, progress notes, and treatment plans prepared by the intern.

## **9530.6455 PROVIDER POLICIES AND PROCEDURES.**

License holders must develop a written policy and procedures manual. The manual must contain the following materials:

A. assessment and treatment planning policies, which include screening for mental health concerns, and the inclusion of treatment objectives related to identified mental health concerns in the client's treatment plan;

B. policies and procedures regarding HIV that comply with Minnesota Statutes, section 245A.19;

C. the methods and resources used by the license holder to provide information on tuberculosis and tuberculosis screening to all clients and to report known cases of tuberculosis infection according to Minnesota Statutes, section 144.4804;

D. personnel policies that comply with part 9530.6460;

E. policies and procedures that protect client rights as required under part 9530.6470;

F. a medical services plan that complies with part 9530.6435;

G. emergency procedures that comply with part 9530.6475;

H. policies and procedures for maintaining client records under part 9530.6440;

I. procedures for reporting the maltreatment of minors under *Minnesota Statutes*, section 626.556, and vulnerable adults under *Minnesota Statutes*, sections 245A.65, 626.557, and 626.5572;

J. a description of treatment services including the amount and type of client services provided;

K. the methods used to achieve desired client outcomes; and

L. the hours of operation and target population served.

## **9530.6460 PERSONNEL POLICIES AND PROCEDURES.**

**Subpart 1. Policy requirements.** License holders must have written personnel policies and must make them available to each staff member. The policies must:

A. assure that staff member retention, promotion, job assignment, or pay are not affected by a good faith communication between a staff member and the Department of Health, the Department of Human Services, the ombudsman for mental health and mental retardation, law enforcement, or local agencies for the investigation of complaints regarding a client's rights, health, or safety;

B. contain job descriptions for each position specifying responsibilities, degree of authority to execute job responsibilities, and qualifications;

C. provide for job performance evaluations based on standards of job performance to be conducted on a regular and continuing basis, including a written annual review;

D. describe behavior that constitutes grounds for disciplinary action, suspension or dismissal, including policies that address chemical use problems and meet the requirements of part 9530.6450, subpart 1, policies prohibiting personal involvement with clients in violation of *Minnesota Statutes*, chapter 148A, and policies prohibiting client abuse as specified under *Minnesota Statutes*, sections 245A.65, 626.556, 626.557, and 626.5572;

E. list behaviors or incidents that are considered chemical use problems. The list must include:

(1) receiving treatment for chemical use within the period specified for the position in the staff qualification requirements;

(2) chemical use that has a negative impact on the staff member's job performance;

(3) chemical use that affects the credibility of treatment services with clients, referral sources, or other members of the community; and

(4) symptoms of intoxication or withdrawal on the job;

F. include a chart or description of the organizational structure indicating lines of authority and responsibilities; and

G. include orientation for all new staff based on a written plan that, at a minimum, must provide for training related to the specific job functions for which the staff member was hired, policies and procedures, and client needs.

**Subp. 2. Staff development.** A license holder must ensure that each staff person has the training required in items A to E.

A. All staff must be trained every two years in client confidentiality rules and regulations and client ethical boundaries.

B. All staff must be trained every two years in emergency procedures and client rights as specified in part 4747.1500 and *Minnesota Statutes*, sections 144.651 and 253B.03.

C. All staff with direct client contact must be trained every year on mandatory reporting as specified under *Minnesota Statutes*, sections 245A.65, 626.556, 626.5561, 626.5563, 626.557, and 626.5572, including specific training covering the facility's policies concerning obtaining client releases of information.

D. All staff with direct client contact must receive training upon hiring and annually thereafter on the human immunodeficiency virus minimum standards according to *Minnesota Statutes*, section 245A.19.

E. Treatment directors, supervisors, nurses, and counselors must obtain 12 hours of training in co-occurring mental health problems and chemical abuse or dependency that includes competencies related to philosophy, screening, assessment, diagnosis and treatment planning, documentation, programming, medication, collaboration, mental health consultation, and discharge planning. Staff employed by a license holder on the date this rule is adopted must obtain the training within 12 months of the date of adoption. New staff who have not obtained such training must obtain it within 12 months of the date this rule is adopted or within six months of hire, whichever is later. Staff may request, and the license holder may grant credit for, relevant training obtained prior to the effective date of this rule.

**Subp. 3. Personnel files.** The license holder must maintain a separate personnel file for each staff member. At a minimum, the personnel file must be maintained to meet the requirements under parts 9530.6405 to 9530.6505 and contain the following:

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A. a completed application for employment signed by the staff member and containing the staff member's qualifications for employment;

B. documentation related to the applicant's background study data, as defined in *Minnesota Statutes*, chapter 245C;

C. for staff members who will be providing psychotherapy services, employer names and addresses for the past five years for which the staff member provided psychotherapy services, and documentation of an inquiry made to these former employers regarding substantiated sexual contact with a client as required by *Minnesota Statutes*, chapter 148A;

D. documentation of completed orientation and training;

E. documentation demonstrating compliance with parts 9530.6450 and 9530.6485, subpart 2; and

F. documentation demonstrating compliance with part 9530.6435, subpart 3, for staff members who administer medications.

## **9530.6465 SERVICE INITIATION AND SERVICE TERMINATION POLICIES.**

Subpart 1. **Service initiation policy.** A license holder must have a written service initiation policy containing service initiation preferences which comply with this rule and *Code of Federal Regulations*, title 45, part 96.131, and specific service initiation criteria. The license holder must not initiate services for individuals who do not meet the service initiation criteria. The service initiation criteria must be either posted in the area of the facility where services for clients are initiated, or given to all interested persons upon request. Titles of all staff members authorized to initiate services for clients must be listed in the services initiation and termination policies. A license holder that serves intravenous drug abusers must have a written policy that provides service initiation preference as required by *Code of Federal Regulations*, title 45, part 96.131.

Subp. 2. **Individuals not served by license holder.** A license holder has specific responsibilities when terminating services or denying treatment service initiation to clients for reasons of health, behavior, or criminal activity.

A. The license holder must have and comply with a written protocol for assisting clients in need of care not provided by the license holder, and for clients who pose a substantial likelihood of harm to themselves or others, if the behavior is beyond the behavior management capabilities of the staff. All service terminations and denials of service initiation which pose an immediate threat to the health of any individual or require immediate medical intervention must be referred to a medical facility capable of admitting the individual.

B. All service termination policies and denials of service initiation that involve the commission of a crime against a license holder's staff member or on a license holder's property, as provided under *Code of Federal Regulations*, title 42, section 2.12(c)(5), must be reported to a law enforcement agency with proper jurisdiction.

Subp. 3. **Service termination and transfer policies.** A license holder must have a written policy specifying the conditions under which clients must be discharged. The policy must include:

A. procedures for individuals whose services have been terminated under subpart 2;

B. a description of client behavior that constitutes reason for a staff-requested service termination and a process for providing this information to clients;

C. procedures consistent with *Minnesota Statutes*, section 253B.16, subdivision 2, that staff must follow when a client admitted under *Minnesota Statutes*, chapter 253B, is to have services terminated;

D. procedures staff must follow when a client leaves against staff or medical advice and when the client may be dangerous to self or others;

E. procedures for communicating staff-approved service termination criteria to clients, including the expectations in the client's individual treatment plan according to part 9530.6425; and

F. titles of staff members authorized to terminate client services must be listed in the service initiation and termination policies.

## **9530.6470 POLICIES AND PROCEDURES THAT PROTECT CLIENT RIGHTS.**

Subpart 1. **Client rights; explanation.** Clients provided room and board in an acute care inpatient facility or a supervised living facility have the rights identified in *Minnesota Statutes*, sections 144.651 and 253B.03. All clients have the rights identified in part 4747.1500. The license holder must give each client upon service initiation a written statement of client's rights and responsibilities. Staff must review the statement with clients at that time.

Subp. 2. **Grievance procedure.** Upon service initiation, the license holder must explain the grievance procedure to the client or their representative. The grievance procedure must be posted in a place visible to clients, and made available upon a client's request. The grievance procedure must also be made available to former clients upon request. The grievance procedure must require that:

A. staff help the client develop and process a grievance;

B. telephone numbers and addresses of the Department of Human Services, licensing division; the Office of Ombudsman for Mental Health and Mental Retardation; the Minnesota Department of Health, office of alcohol and drug counselor licensing program, and office of health facilities complaints; when applicable, be made available to clients; and



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C. a license holder be obligated to respond to the client's grievance within three days of a staff member's receipt of the grievance, and must permit the client to bring the grievance to the highest level of authority in the program if not resolved by other staff members.

Subp. 3. Photographs of client. All photographs, video tapes, and motion pictures of clients taken in the provision of treatment services are considered client records. Photographs for identification and recordings by video and audio tape for the purpose of enhancing either therapy or staff supervision may be required of clients, but may only be available for use as communications within a program. Clients must be informed when their actions are being recorded by camera or tape, and have the right to deny any taping or photography, except as authorized by this subpart.

## **9530.6475 EMERGENCY PROCEDURES.**

A. A license holder or applicant must have written procedures that staff must follow when responding to a client who exhibits behavior that is threatening to the safety of the client or others. The procedures must include:

- (1) a plan designed to prevent the client from hurting themselves or others;
- (2) contact information for emergency resources that staff must consult when a client's behavior cannot be controlled by the procedures established in the plan;
- (3) types of procedures that may be used;
- (4) circumstances under which emergency procedures may be used; and
- (5) staff members authorized to implement emergency procedures.

B. Emergency procedures must not be used to enforce facility rules or for the convenience of staff. Emergency procedures must not be part of any client's treatment plan, or used at any time for any reason except in response to specific current behaviors that threaten the safety of the client or others. Emergency procedures may not include seclusion or restraint.

## **9530.6480 EVALUATION.**

Subpart 1. Participation in drug and alcohol abuse normative evaluation system. License holders must participate in the drug and alcohol abuse normative evaluation system by submitting information about each client to the commissioner on forms specified by the commissioner. The information must include demographic data about the client, including the client's chemical use history, previous treatment services related to chemical use, other problems associated with chemical use, and status at the time of service termination.

Subp. 2. Commissioner requests. A license holder must submit additional information requested by the commissioner that is necessary to meet statutory or federal funding requirements.

## **9530.6485 ADDITIONAL REQUIREMENTS FOR LICENSE HOLDERS SERVING ADOLESCENTS.**

Subpart 1. License holders serving adolescents. A residential program that provides treatment services to persons under 19 years of age must be licensed as a residential program for children in out-of-home placement by the department unless the license holder is exempt under *Minnesota Statutes*, section 245A.03, subdivision 2. License holders providing residential treatment services must also obtain any additional certifications required by the department for those programs.

Subp. 2. Alcohol and drug counselor qualifications. In addition to the requirements specified in part 9530.6450, subparts 1 and 5, an alcohol and drug counselor providing treatment services to adolescents must have:

- A. an additional 30 hours of classroom instruction or one three-credit semester college course in adolescent development. This training need only be completed one time; and
- B. at least 150 hours of supervised experience as an adolescent counselor, either as a student or as a staff member.

Subp. 3. Staffing ratios. At least 25 percent of a counselor's scheduled work hours must be allocated to indirect services, including documentation of client services, coordination of services with others, treatment team meetings, and other duties. A counseling group consisting entirely of adolescents must not exceed 16 clients. It is the responsibility of the license holder to determine an acceptable group size based on the needs of the clients.

Subp. 4. Academic program requirements. Clients who are required to attend school must be enrolled and attending an educational program that has been approved by the Minnesota Department of Education.

Subp. 5. Program requirements. In addition to the requirements specified in the client's treatment plan under part 9530.6425, programs serving adolescents must include the following:

- A. coordination with the school system to address the client's academic needs;
- B. when appropriate, a plan that addresses the client's leisure activities without chemical use; and
- C. a plan that addresses family involvement in the adolescent's treatment.

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## **9530.6490 ADDITIONAL REQUIREMENTS FOR LICENSE HOLDERS SERVING CLIENTS WITH CHILDREN.**

Subpart 1. Health license requirements. In addition to the requirements of parts 9530.6405 to 9530.6480, all license holders that offer supervision of children of clients are subject to the requirements of this part. License holders providing room and board for clients and their children must have an appropriate facility license from the Minnesota Department of Health.

Subp. 2. Supervision of children defined. "Supervision of children" means a caregiver is within sight or hearing of an infant, toddler, or preschooler at all times so that the caregiver can intervene to protect the health and safety of the child. For the school age child it means a caregiver is available to help and care for the child so that the child's health and safety is protected.

Subp. 3. Policy and schedule required. License holders must meet the following requirements:

A. license holders must have a policy and schedule delineating the times and circumstances under which the license holder is responsible for supervision of children in the program and when the child's parents are responsible for child supervision. The policy must explain how the program will communicate its policy about child supervision responsibility to the parents; and

B. license holders must have written procedures addressing the actions to be taken by staff if children are neglected or abused including while the children are under the supervision of their parents.

Subp. 4. Additional licensing requirements. During the times the license holder is responsible for the supervision of children, the license holder must meet the following standards:

A. child and adult ratios in part 9502.0367;

B. day care training in part 9502.0385;

C. behavior guidance in part 9502.0395;

D. activities and equipment in part 9502.0415;

E. physical environment in part 9502.0425; and

F. water, food, and nutrition in part 9502.0445, unless the license holder has a license from the Minnesota Department of Health.

## **9530.6495 ADDITIONAL REQUIREMENTS FOR LICENSE HOLDERS WHO SPECIALIZE IN TREATMENT OF PERSONS WITH CHEMICAL ABUSE OR DEPENDENCY AND MENTAL HEALTH DISORDERS.**

In addition to meeting the requirements of parts 9530.6405 to 9530.6490, license holders specializing in the treatment of persons with chemical abuse or dependency and mental health problems must:

A. demonstrate that staffing levels are appropriate for treating clients with chemical abuse or dependency and mental health problems, and that there is adequate staff with mental health training;

B. have continuing access to a medical provider with appropriate expertise in prescribing psychotropic medications;

C. have a mental health professional available for staff supervision and consultation;

D. determine group size, structure, and content with consideration for the special needs of those with chemical abuse or dependency and mental health disorders;

E. have documentation of active interventions to stabilize mental health symptoms present in treatment plans and progress notes;

F. have continuing documentation of collaboration with continuing care mental health providers, and involvement of those providers in treatment planning meetings;

G. have available program materials adapted to individuals with mental health problems;

H. have policies that provide flexibility for clients who may lapse in treatment or may have difficulty adhering to established treatment rules as a result of a mental illness, with the goal of helping clients successfully complete treatment; and

I. have individual psychotherapy and case management available during the treatment process.

## **9530.6500 ADDITIONAL REQUIREMENTS FOR METHADONE PROGRAMS SERVING INTRAVENOUS DRUG ABUSERS.**

Subpart 1. Additional requirements. In addition to the requirements of parts 9530.6405 to 9530.6505, programs serving intravenous drug abusers must comply with the requirements of this part.

Subp. 2. Capacity management and waiting list system compliance. A program serving intravenous drug abusers must notify the department within seven days of when the program reaches both 90 and 100 percent of the program's capacity to care for clients. Each week, the program must report its capacity, current enrolled dosing clients, and any waiting list. A program reporting 90 percent of capacity must also notify the department when its census has increased or decreased from the 90 percent level.

Subp. 3. Waiting list. A program serving intravenous drug abusers must have a waiting list system. Each person seeking admission must be placed on the waiting list if the person cannot be admitted within 14 days of the date of application, unless the applicant is assessed by the program and found not to be eligible for admission according to parts 9530.6405 to 9530.6505, and *Code of*

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Federal Regulations, title 42, part 1, subchapter A, section 8.12(e). The waiting list must assign a unique patient identifier for each intravenous drug abuser seeking treatment, including those receiving interim services, while awaiting admission. An applicant on a waiting list who receives no services other than interim services under part 9530.6430, subpart 1, must not be considered a "client" as defined in part 9530.6405, subpart 8.

Subp. 4. **Client referral.** Programs serving intravenous drug abusers must consult the capacity management system so that persons on waiting lists are admitted at the earliest time to a program providing appropriate treatment within a reasonable geographic area. If the patient has been referred through a public payment system and if the program is not able to serve the client within 14 days of the date of application for admission, the program must contact and inform the referring agency of any available treatment capacity listed in the state capacity management system.

Subp. 5. **Outreach.** Programs serving intravenous drug abusers must carry out activities to encourage individuals in need of treatment to undergo treatment. The program's outreach model must:

A. select, train, and supervise outreach workers;

B. contact, communicate, and follow up with high risk substance abusers, their associates, and neighborhood residents within the constraints of federal and state confidentiality requirements, including *Code of Federal Regulations*, title 42, sections 2.1 to 2.67;

C. promote awareness among injecting drug abusers about the relationship between injecting drug abuse and communicable diseases such as HIV; and

D. recommend steps that can be taken to ensure that HIV transmission does not occur.

Subp. 6. **Central registry.** Programs serving intravenous drug abusers must comply with requirements to submit information to the state central registry for each client admitted, as specified by the commissioner. The client's failure to provide the information will prohibit involvement in an opiate treatment program. Submissions must be sent in on a weekly basis in a format prescribed by the commissioner with the original kept in the client's chart. The information submitted must include the client's:

A. full name and all aliases;

B. date of admission;

C. date of birth;

D. social security number or INS number, if any;

E. enrollment status in other current or last known opiate treatment programs;

F. government-issued photo-identification card number; and

G. driver's license number, if any.

## **9530.6505 ADDITIONAL REQUIREMENTS FOR LICENSE HOLDERS ALSO PROVIDING SUPERVISED ROOM AND BOARD.**

Subpart 1. **Applicability.** A license holder who provides supervised room and board at the licensed program site as a treatment component is defined as a residential program according to *Minnesota Statutes*, section 245A.02, subdivision 14, and is subject to this part.

Subp. 2. **Visitors.** Clients must be allowed to receive visitors at times prescribed by the license holder. The license holder must set and post a notice of visiting rules and hours, including both day and evening times. A client's right to receive visitors other than a personal physician, religious advisor, county case manager, parole or probation officer, or attorney may be subject to visiting hours established by the license holder for all clients. The treatment director or designee may impose limitations as necessary for the welfare of a client provided that limitations and the reasons for them are documented in the client's file. Clients must be allowed to receive visits at all reasonable times from their personal physicians, religious advisors, county case managers, parole or probation officers, and attorneys.

Subp. 3. **Client property management.** A license holder who provides room and board and treatment services to clients in the same facility, and any license holder that accepts client property must meet the requirements in part 9543.1020, subpart 15, for handling resident funds and property. In the course of client property management, license holders:

A. may establish policies regarding the use of personal property to assure that treatment activities and the rights of other patients are not infringed;

B. may take temporary custody of property for violation of facility policies;

C. must retain the client's property for a minimum of seven days after discharge if the client does not reclaim property upon service termination, or for a minimum of 30 days if the client does not reclaim property upon service termination and has received room and board services from the license holder; and

D. must return all property held in trust to the client upon service termination regardless of the client's service termination status, except:

(1) drugs, drug paraphernalia, and drug containers that are forfeited under *Minnesota Statutes*, section 152.19, must be

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destroyed by staff or given over to the custody of a local law enforcement agency, according to *Code of Federal Regulations*, title 42, chapter 1, part 2, subpart B, sections 2.1 to 2.67-1;

(2) weapons, explosives, and other property which can cause serious harm to self or others must be given over to the custody of a local law enforcement agency, and the client must be notified of the transfer and of the right to reclaim any lawful property transferred; and

(3) medications that have been determined by a physician to be harmful after examining the client, except when the client's personal physician approves the medication for continued use.

Subp. 4. **Health facility license.** A license holder who provides room and board and treatment services in the same facility must have the appropriate license from the Department of Health.

Subp. 5. **Facility abuse prevention plan.** A license holder must establish and enforce an ongoing facility abuse prevention plan consistent with *Minnesota Statutes*, sections 245A.65 and 626.557, subdivision 14.

Subp. 6. **Individual abuse prevention plan.** A license holder must prepare an individual abuse prevention plan for each client as specified under *Minnesota Statutes*, sections 245A.65, subdivision 2, and 626.557, subdivision 14.

## **9530.6510 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 9530.6510 to 9530.6590, the following terms have the meanings given in this part.

Subp. 2. **Applicant.** "Applicant" means an individual, partnership, voluntary association, corporation, or other public or private organization that submits an application for licensure under parts 9530.6510 to 9530.6590.

Subp. 3. **Chemical.** "Chemical" means alcohol, solvents, controlled substances as defined in *Minnesota Statutes*, section 152.01, subdivision 4, and other mood altering substances.

Subp. 4. **Client.** "Client" means an individual who presents or is presented for admission to a detoxification program that meets the criteria in part 9530.6525.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative.

Subp. 6. **Department.** "Department" means the Department of Human Services.

Subp. 7. **Detoxification program.** "Detoxification program" means a licensed program that provides short-term care on a 24-hour a day basis for the purpose of detoxifying clients and facilitating access to chemical dependency treatment as indicated by an assessment of needs.

Subp. 8. **Direct client contact.** "Direct client contact" has the meaning given in *Minnesota Statutes*, section 245C.02, subdivision 11.

Subp. 9. **Medical director.** "Medical director" means the individual, licensed under *Minnesota Statutes*, chapter 148, and employed or contracted by the license holder to direct and supervise health care for clients of a program licensed under parts 9530.6510 to 9530.6590.

Subp. 10. **Nurse.** "Nurse" means a person licensed and currently registered to practice professional or practical nursing as defined in *Minnesota Statutes*, section 148.171, subdivisions 8 and 20.

Subp. 11. **Program director.** "Program director" means the individual who is designated by the license holder to be responsible for all operations of a detoxification program and who meets the qualifications specified in part 9530.6565, subparts 1 and 3.

Subp. 12. **Protective procedure.** "Protective procedure" means an action taken by a staff member of a detoxification program to protect a client from self-harm or harm to others. Protective procedures include the following actions:

A. seclusion, which means the temporary placement of a client, without the client's consent, in an environment to prevent social contact; and

B. physical restraint, which means the restraint of a client by use of equipment to limit the movement of limbs or use of physical means to limit the body of movement.

Subp. 13. **Responsible staff person.** "Responsible staff person" means the staff member of a license holder who is on the premises and is authorized to make immediate decisions concerning client care and safety, unless the decision is expressly assigned to another person, such as a licensed physician.

Subp. 14. **Technician.** "Technician" means a person who meets the standards in part 9530.6565, subpart 5.

## **9530.6515 APPLICABILITY.**

Parts 9530.6510 to 9530.6590 establishes minimum standards for detoxification programs with five or more beds licensed by the commissioner. Parts 9530.6510 to 9530.6590 do not apply to detoxification programs located in hospitals licensed under *Minnesota Statutes*, sections 144.50 to 144.581.

Detoxification programs located in hospitals licensed under *Minnesota Statutes*, sections 144.50 to 144.581 that choose to be

licensed under parts 9530.6510 to 9530.6590, are considered in compliance with part 9530.6555.

## **9530.6520 PROGRAM LICENSURE.**

Subpart 1. **General application and license requirements.** An applicant for licensure as a detoxification program must comply with the general requirements in part 9543.1000 to 9543.1060, *Minnesota Statutes*, chapters 245A and 245C, and *Minnesota Statutes*, sections 626.556 and 626.557. Detoxification programs must be located in a hospital licensed according to *Minnesota Statutes*, sections 144.50 to 144.581, or must be a supervised living facility with a class B license from the Minnesota Department of Health under parts 4665.0100 to 4665.9900.

Subp. 2. **Contents of application.** Prior to the issuance of a license, an applicant must submit, on forms provided by the commissioner, documentation demonstrating the following:

A. compliance with the provisions of parts 9530.6510 to 9530.6590;

B. compliance with applicable building, fire and safety codes, health rules, zoning ordinances, and other applicable rules and regulations or documentation that a waiver has been granted. The granting of a waiver does not constitute modification of any requirement of parts 9530.6510 to 9530.6590;

C. completion of an assessment of need for a new or expanded program as required by part 9530.6800; and

D. insurance coverage, including bonding, sufficient to cover all client funds, property, and interests.

Subp. 3. **Changes in license terms.**

A. A license holder must notify the commissioner before one of the following occurs and the commissioner must determine the need for a new license:

(1) a change in the Department of Health's licensure of the program;

(2) a change in the types of treatment services provided by the program; or

(3) a change in program capacity.

B. A license holder must notify the commissioner before one of the following occurs and must apply for a new license:

(1) a change in location; or

(2) a change in program ownership.

## **9530.6525 ADMISSION AND DISCHARGE POLICIES.**

Subpart 1. **Admission policy.** A license holder must have a written admission policy containing specific admission criteria. License holders must not admit individuals who do not meet the admission criteria. The admission policy must be approved and signed by the medical director of the facility and designate which staff members are authorized to admit and discharge clients. The admission policy must be posted in the area of the facility where clients are admitted, or given to all interested persons upon request.

Subp. 2. **Admission criteria.** A detoxification program may only admit persons who meet the admission criteria and who, at the time of admission:

A. appear intoxicated;

B. experience physical, mental, or emotional problems due to withdrawal from alcohol or other drugs;

C. are being held under apprehend and hold orders under *Minnesota Statutes*, section 253B.07, subdivision 2b;

D. have been committed under *Minnesota Statutes*, chapter 253B, and need temporary placement;

E. are held under emergency holds or peace and health officer holds under *Minnesota Statutes*, section 253B.05, subdivisions 1 and 2; or

F. need to stay temporarily in a protective environment because of a chemical dependency-related crisis. Persons meeting this criterion may be admitted only at the request of the county of fiscal responsibility, as determined according to *Minnesota Statutes*, section 256G.02, subdivision 4. Persons admitted according to this provision must not be restricted to the facility.

Subp. 3. **Individuals denied admission by program.** A license holder must have a written plan for addressing the needs of individuals whose potential for medical problems may require acute medical care. This includes clients whose pregnancy, in combination with their presenting problem, requires services not provided by the program, and clients who pose a substantial likelihood of harm to themselves or others if their behavior is beyond the behavior management capabilities of the program and staff.

Subp. 4. **Discharge and transfer policies.** A license holder must have a written policy, approved and signed by the medical director, that specifies conditions under which clients may be discharged or transferred. The policy must include the following:

A. guidelines for determining when a client is detoxified and whether a client is ready for discharge or transfer; and

B. procedures staff must follow, including the procedures for making reports to law enforcement agencies when appropriate, when discharging a client under each of the following circumstances:

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- (1) the client is involved in the commission of a crime against program staff or against a license holder's property;
- (2) the client behaves in a manner that is dangerous to self or others and is beyond the license holder's capacity to assure safety;
- (3) the client was admitted under *Minnesota Statutes*, chapter 253B; or
- (4) the client is leaving against staff or medical advice.

## **9530.6530 CLIENT SERVICES.**

Subpart 1. **Chemical use screening.** A license holder must screen each client admitted to determine whether the client suffers from chemical abuse or chemical dependency as defined in part 9530.6605, subparts 6 and 7. The license holder must screen clients at each admission, except if the client has already been determined to suffer from chemical abuse or chemical dependency, the provisions in subpart 2 apply.

Subp. 2. **Chemical use assessment.** A license holder must provide or arrange for the provision of a chemical use assessment, according to parts 9530.6600 to 9530.6660, for each client who suffers from chemical abuse or chemical dependency at the time the client is identified and at least every year thereafter. The assessment must be updated each time the client is admitted. The chemical use assessment must include documentation of the appropriateness of an involuntary referral through the civil commitment process.

Subp. 3. **Referrals.** A license holder must provide referrals to appropriate chemical dependency services as indicated by the chemical use assessment. Referrals may also be made for mental health, economic assistance, social services, and prenatal care and other health services as the client may require. Each referral must:

- A. be individualized based on the client's chemical use assessment;
- B. recognize geographical, economic, educational, religious, cultural, and employment status information as factors affecting access to services; and
- C. be documented in the client's file.

Subp. 4. **Client education.** A license holder must provide the information for obtaining assistance regarding:

- A. chemical abuse and chemical dependency problems, including the effects of alcohol and other drugs and specific information about the effects of chemical use on unborn children;
- B. tuberculosis and reporting known cases of tuberculosis disease to health care authorities according to *Minnesota Statutes*, section 144.4804; and
- C. HIV as required in *Minnesota Statutes*, section 245A.19, paragraphs (b) and (c).

## **9530.6535 PROTECTIVE PROCEDURES.**

Subpart 1. **Use of protective procedures.**

A. Protective procedures may be used only in cases where a less restrictive alternative will not protect the client or others from harm and when the client is in imminent danger of causing harm to self or to others. The procedures must end when the client is no longer dangerous.

B. Protective procedures may not be used:

- (1) for disciplinary purposes;
- (2) to enforce program rules;
- (3) for the convenience of staff;
- (4) as a part of any client's health monitoring plan; or
- (5) for any reason except in response to specific current behaviors which threaten the safety of the client or others.

Subp. 2. **Protective procedures plan.** A license holder and applicant must have a written plan that establishes the protective procedures that program staff must follow when a client's behavior threatens the safety of the client or others. The protective procedures plan and any changes to it must be approved, signed, and dated by the program director and medical director prior to implementation. The plan must include procedures that prevent clients from harming self or others, the emergency conditions under which the protective procedures are used, if any, and emergency resources the program staff must contact when a client's behavior cannot be controlled by the procedures established in the plan. The plan must be appropriate to the type of facility and the level of staff training. The plan must include documentation of approved therapeutic holds.

Subp. 3. **Records.** Each use of a protective procedure must be documented in the client record. The client record must include:

- A. a description of specific client behavior precipitating a decision to use a protective procedure, including date, time, and program staff present;
- B. the specific means used to limit the client's behavior;

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C. the time the protective procedure began, the time the protective measure ended, and the time of each staff observation of the client during the procedure;

D. the names of the program staff authorizing the use of the protective procedure and the program staff directly involved in the protective procedure and the observation process; and

E. a brief description of the purpose for using the protective procedure, including less restrictive interventions considered prior to the decision to use the protective procedure and a description of the behavioral results obtained through the use of the procedure.

**Subp. 4. Standards governing emergency use of seclusion.** Seclusion must be used only when less restrictive measures are ineffective or not feasible. The standards in items A to G must be met when seclusion is used with a client.

A. Seclusion must be employed solely for the purpose of preventing a client from harming self or others.

B. Seclusion facilities must be equipped in a manner that prevents clients from self-harm using projections, windows, electrical fixtures, or hard objects, and must allow the client to be readily observed without being interrupted.

C. Seclusion must be authorized by the program director or a licensed physician according to written policies. Staff members must be trained in using the isolation technique and only approved holds may be utilized.

D. Clients must not be placed in seclusion for more than 12 hours at any one time.

E. Clients in seclusion must be observed every quarter hour for the duration of seclusion and must always be within hearing range of program staff.

F. Program staff must have a process for removing a client to a more restrictive setting in the facility or have other resources available to the facility if seclusion does not sufficiently assure client safety.

G. Seclusion areas may be used for other purposes, such as intensive observation, if the room meets normal standards of care for the purpose and if the room is not locked.

**Subp. 5. Physical restraint.** Physical restraint may only be used in cases where seclusion will not assure the client's safety and must meet the requirements in items A to C.

A. Physical restraint must be ordered by the program director or a licensed physician prior to placing a client in restraint. Continued use of restraints requires compliance with subpart 6. Only approved holds may be utilized.

B. Restraint equipment must be designed, used, and maintained to ensure client protection from self-harm with minimal discomfort.

C. A client in restraint equipment must be checked for circulatory difficulties every 15 minutes. Restraint equipment must be loosened at least once every 60 minutes to allow change of position unless loosening the restraints would be dangerous to the client or others. If the restraints are not loosened every hour, the client's behavior that prevented loosening the restraints must be documented in the client's file.

**Subp. 6. Physician participation.**

A. Initial use of restraints must be authorized by a licensed physician. If a physician is not present in the facility, a physician must be called within 30 minutes of initiating use of restraints. A physician's order must be obtained to continue use of restraints. The physician's order must specify the circumstances under which the client is to be released from restraints and the use of restraints must not exceed four hours.

B. If the client continues to be dangerous to self at the end of the initial order for restraints, the physician must conduct a face-to-face assessment of the client.

C. After a face-to-face assessment, the physician may order continued restraints or transfer to another facility.

D. Additional reassessment and decisions to continue the use of restraints must be conducted by a licensed physician, or a registered nurse if authorized in the physician's order, but the client must not be restrained for more than eight hours at a time.

**Subp. 7. Documentation.** When emergency use of physical restraints or seclusion occurs, the license holder must document:

A. the client's precipitating behavior;

B. less restrictive measures that were used unsuccessfully or that were considered but were not used because they were judged to be ineffective or not feasible;

C. the start and ending time of seclusion or physical restraints;

D. reassessment of the client every 15 minutes to determine if seclusion or physical restraint could be terminated;

E. the names of the staff members involved in implementing the seclusion or physical restraints;

F. the description of the seclusion or physical restraints used in transporting a client; and

G. any injury to the client that occurred during seclusion or physical restraint, and any resulting medical treatment rendered to the client.

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## **9530.6540 GRIEVANCE PROCEDURES.**

A license holder must have a written grievance procedure that includes:

- A. staff assistance in developing and processing the grievance;
- B. an initial response to the client within 24 hours of the program's receipt of the grievance, and timelines for additional steps to be taken for resolving the grievance, including access to the person with the highest level of authority in the program if the grievance cannot be resolved by other staff members;
- C. posting of the grievance policy in a place accessible to all clients; and
- D. the addresses and telephone numbers of the Department of Human Services licensing division, the Minnesota Department of Health, Office of Health Facilities Complaints, the Minnesota Department of Health Alcohol and Drug Counselor Licensing Program, and the Office of the Ombudsman for Mental Health and Mental Retardation. The grievance policy must be made available to former clients of the program.

## **9530.6545 CLIENT PROPERTY MANAGEMENT.**

A license holder must meet the requirements for handling residential client funds and property in part 9543.1020, subpart 15, except:

- A. a license holder may establish policies regarding the use of personal property to assure that program activities and the rights of other clients are not infringed, and may take temporary custody of personal property if these policies are violated;
- B. a license holder must retain the client's property for a minimum of seven days after discharge if the client does not reclaim the property after discharge; and
- C. the license holder must return to the client all property held in trust at discharge, regardless of discharge status, except that:
  - (1) chemicals must be destroyed by staff according to procedures established under chapter 4665;
  - (2) drug paraphernalia and drug containers that are forfeited under *Minnesota Statutes*, section 609.5316, must be given over to the custody of a local law enforcement agency; and
  - (3) weapons, explosives, and other property that may cause serious harm to self or others must be transferred to a local law enforcement agency. The client must be notified of the transfer and of the right to reclaim the property if the client has a legal right to possess the item.

## **9530.6550 HEALTH SERVICES.**

- A. License holders must have a standardized data collection tool for collecting health related information about each client. The data collection tool must be approved and signed by the medical director.
- B. License holders must have written procedures for assessing and monitoring client health.
  - (1) The procedures must be approved by the medical director.
  - (2) If the client was intoxicated at the time services were initiated, the procedure must include a follow-up screening conducted between four and 12 hours after service initiation that collects information relating to health complaints and behavioral risk factors that the client may not have been able to communicate clearly at service initiation.
  - (3) The procedures must specify the physical signs and symptoms that, when present, require consultation with a registered nurse or a physician and that require transfer to an acute care medical facility.
  - (4) The procedures must specify those staff members responsible for monitoring client health and provide for hourly observation, and for more frequent observation if the service initiation assessment or follow-up screening indicates a need for intensive physical or behavioral health monitoring.
  - (5) The procedures must specify the actions to be taken to address specific complicating conditions including pregnancy or the presence of physical signs or symptoms of any other medical condition.

## **9530.6555 MEDICATIONS.**

In addition to the medication administration procedures in chapter 4665, a license holder must meet the requirements in items A and B.

- A. A staff member other than a physician, registered nurse, or licensed practical nurse who is responsible for medication administration must either:
  - (1) provide a certificate verifying successful completion of a trained medication aide program through an accredited post-secondary institution. Completion of the course must be documented and placed in the staff member's personnel records; or
  - (2) be trained according to a formalized training program offered by the license holder that is taught and supervised by a registered nurse. Completion of the course must be documented and placed in the staff member's personnel records.
- B. A registered nurse must provide consultation and review the license holder's procedure for administration of medication at least weekly.



## **9530.6560 STAFFING REQUIREMENTS.**

Subpart 1. Program director. A license holder must employ or contract with a person, on a full-time basis, to serve as program director. The program director must be responsible for all aspects of the facility and the services delivered to the license holder's clients. An individual may serve as program director for more than one program owned by the same license holder.

Subp. 2. Responsible staff person. During all hours of operation, a license holder must designate a staff member to be present and awake in the facility, and be responsible for the program. The responsible staff person must be employed by or under contract with the license holder and must have decision-making authority over the day-to-day operation of the program as well as the authority to direct the activity of or terminate the shift of any staff member who has direct client contact. The responsible staff person must have the ability to open all locks on exits in the facility. A technician who does not meet the requirements of part 9530.6565, subpart 5, must not be the designated responsible staff person.

Subp. 3. Technician required. A license holder must have one technician awake on duty at all times for every ten clients in the program. A license holder may assign technicians according to the clients' need for care, except that the same technician must not be responsible for more than 15 clients at one time. For purposes of establishing this ratio, all staff whose qualifications meet or exceed those for technicians under part 9530.6565, subpart 5, and who are performing the duties of a technician may be counted as technicians. The same individual may not be counted as both a technician and a chemical dependency assessor.

Subp. 4. Registered nurse required. A license holder must employ or contract with a registered nurse. The registered nurse must be responsible for:

A. establishing and implementing procedures for the provision of nursing care and delegated medical care, that includes:

(1) a health monitoring plan;

(2) a medication control plan;

(3) training and competency evaluation for staff performing delegated medical and nursing functions;

(4) handling serious illness, accident, or injury to clients;

(5) an infection control program; and

(6) a first aid kit;

B. delegating nursing functions to other staff consistent with their education, competence, and legal authorization;

C. assigning, supervising, and evaluating the performance of nursing tasks; and

D. implementing condition-specific protocols in compliance with *Minnesota Statutes*, section 151.37, subdivision 2.

Subp. 5. Medical director required. A license holder must have a medical director available for medical supervision. The medical director is responsible for ensuring the accurate and safe provision of all health-related services and procedures. A license holder must obtain and document the medical director's annual approval of the following procedures before the procedures may be used:

A. admission, discharge, and transfer criteria and procedures;

B. health services plan;

C. physical indicators for physician or hospital referral and procedures for referral;

D. procedures to follow in case of accident, injury, or death of a client;

E. formulation of condition-specific protocols regarding the medications that require a withdrawal regimen that will be administered to clients;

F. infection control program;

G. protective procedures; and

H. medication control plan.

Subp. 6. Assessor required. A detoxification program must provide the equivalent of one full-time assessor for every 15 clients served by the program and require a chemical use assessment according to part 9530.6530, subpart 2. The requirement may be met by part-time, full-time, or contracted staff or staff from another agency guaranteed by interagency contract.

Subp. 7. Ensuring staff-to-client ratio. The responsible staff member under subpart 2 must ensure that the program does not exceed the staff-to-client ratio in subpart 3 and must inform admitting staff of the current staffed capacity of the program for that shift. A license holder must have a written policy for documenting staff-to-client ratios for each shift and actions to take when staffed capacity is reached.

## **9530.6565 STAFF QUALIFICATIONS.**

Subpart 1. Qualifications for all staff who have direct client contact. All staff who have direct client contact must be at least 18 years of age and must, at the time of hiring, document that they meet the requirements in item A or B.

A. Program directors, supervisors, nurses, assessors, and any other persons who have direct client contact must be free of

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chemical use problems for at least two years immediately preceding hiring and must sign a statement attesting to that fact.

B. Technicians must be free of chemical use problems for at least six months immediately prior to their hiring and must sign a statement attesting to that fact.

Subp. 2. Continuing employment requirement. License holders must require freedom from chemical use problems as a condition of continuing employment. Staff must remain free of chemical use problems although they are not required to sign statements after the initial statement required by subpart 1, item A. Staff with chemical use problems must be immediately removed from any responsibilities that include direct client contact.

Subp. 3. Program director qualifications. In addition to the requirements under subpart 1, a program director must:

A. have at least one year of work experience in direct service to individuals with chemical use problems or one year of work experience in the management or administration of direct service to individuals with chemical use problems;

B. have a baccalaureate degree or three years of work experience in administration or personnel supervision in human services; and

C. know and understand the implications of parts 9530.6510 to 9530.6590, 9543.1000 to 9543.1060, and Minnesota Statutes, chapter 245A, and sections 626.556, 626.557, and 626.5572.

Subp. 4. Responsible staff person qualifications. In addition to the requirements in subpart 1, each responsible staff person must know and understand the implications of parts 9530.6510 to 9530.6590, 9543.1000 to 9543.1060, and Minnesota Statutes, sections 245A.65, 253B.04, 253B.05, 626.556, and 626.557.

Subp. 5. Technician qualifications.

A. In addition to the requirements in subpart 1, a technician employed by a detoxification program must demonstrate competency in the following areas:

(1) knowledge of the client bill of rights found in part 4747.1500 and staff responsibilities outlined in Minnesota Statutes, sections 144.651 and 253B.03;

(2) knowledge of and ability to perform basic health screening procedures with intoxicated clients that consist of:

(a) blood pressure, pulse, temperature, and respiration readings;

(b) interviewing to obtain relevant medical history and current health complaints; and

(c) visual observation of a client's health status, including monitoring a client's behavior as it relates to health status;

(3) knowledge of and ability to perform basic first aid procedures, including cardiopulmonary resuscitation and first aid for seizures, trauma, and loss of consciousness; and

(4) knowledge of and ability to perform basic activities of daily living and personal hygiene.

B. An individual who does not meet all the qualifications specified in this subpart may be hired as a technician only if the license holder has a written plan for providing competency training in the areas specified in item A, and the individual completes that training within 30 days of the date of hire.

Subp. 6. Personal relationships. A license holder must have a written policy addressing personal relationships between clients and unlicensed staff who have direct client contact. The policy must:

A. prohibit direct contact between a client and unlicensed staff member if the unlicensed staff member has had a personal relationship with the client within two years prior to the client's admission to the program;

B. prohibit access to a client's clinical records by an unlicensed staff member who has had a personal relationship with the client within two years of the client's admission, unless the client consents in writing; and

C. prohibit a clinical relationship between an unlicensed staff member and a client if the unlicensed staff member has had a personal relationship with the client within two years of the client's admission.

## **9530.6570 PERSONNEL POLICIES AND PROCEDURES.**

Subpart 1. Policy requirements. A license holder must have written personnel policies and must make them available to staff members at all times. The personnel policies must:

A. assure that staff member's retention, promotion, job assignment, or pay are not affected by a good faith communication between a staff member and the Minnesota Department of Human Services, Minnesota Department of Health, the ombudsman for mental health and mental retardation, law enforcement, or local agencies that investigate complaints regarding client rights, health, or safety;

B. include a job description for each position that specifies responsibilities, degree of authority to execute job responsibilities, standards of job performance related to specified job responsibilities and qualifications;

C. provide for written job performance evaluations for staff members of the license holder at least annually;

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D. describe behavior that constitutes grounds for disciplinary action, suspension, or dismissal, including policies that address chemical use problems and meet the requirements of part 9530.6565, subparts 1 and 2; The policies and procedures must list behaviors or incidents that are considered chemical abuse problems. The list must include:

- (1) receiving treatment for chemical use within the period specified for the position in the staff qualification requirements;
- (2) chemical use that has a negative impact on the staff member's job performance;
- (3) chemical use that affects the credibility of treatment services with clients, referral sources, or other members of the community; and
- (4) symptoms of intoxication or withdrawal on the job;

E. include policies prohibiting personal involvement with clients and policies prohibiting client maltreatment as specified under *Minnesota Statutes*, sections 245A.65, 626.556, 626.557, and 626.5572;

F. include a chart or description of organizational structure indicating the lines of authority and responsibilities;

G. include a written plan for new staff member orientation that, at a minimum, includes training related to the specific job functions for which the staff member was hired, program policies and procedures, client needs, and the areas identified in subpart 2, items A to F; and

H. include a policy on the confidentiality of client information.

Subp. 2. Staff development. A license holder must ensure that each staff member working directly with clients receives at least 30 hours of continuing education every two years and that a written record is kept to demonstrate completion of that training. Training must be documented biannually on the subjects in items A to C, and annually on the subjects in items D to F. The following training must be completed:

- A. specific license holder and staff responsibilities for client confidentiality;
- B. standards governing use of protective procedures;
- C. client ethical boundaries and client rights, including the rights of clients admitted under *Minnesota Statutes*, chapter 253B;
- D. infection control procedures;
- E. annual training for all staff with direct client contact on mandatory reporting under *Minnesota Statutes*, sections 245A.65, 626.556, and 626.557, including specific training covering the facility's policies concerning obtaining client releases of information; and
- F. HIV minimum standards as required in *Minnesota Statutes*, section 245A.19. Any remainder of the required 30 continuing education hours must be used to gain other information useful to the performance of the individual staff person's duties.

## **9530.6575 PERSONNEL FILES.**

A license holder must maintain a separate personnel file for each staff member. At a minimum, the file must contain:

- A. a completed application for employment signed by the staff member that contains the staff member's qualifications for employment and documentation related to the applicant's background study data, as defined in *Minnesota Statutes*, chapter 245C;
- B. documentation verifying the staff member's current professional license or registration, if relevant;
- C. documentation verifying the staff member's compliance with part 9530.6565;
- D. documentation of orientation; and
- E. an annual job performance evaluation.

## **9530.6580 POLICY AND PROCEDURES MANUAL.**

A license holder must develop a written policy and procedures manual that includes:

- A. a description of client education services as required in part 9530.6530;
- B. personnel policies that comply with part 9530.6570;
- C. admission information and referral and discharge policies that comply with part 9530.6525;
- D. a health monitoring plan that complies with part 9530.6550;
- E. a protective procedures policy that complies with part 9530.6535, if the program elects to use protective procedures;
- F. policies and procedures for assuring appropriate client to staff ratios that comply with part 9530.6560;
- G. policies and procedures for assessing and documenting the susceptibility for risk of abuse to the client and using the client assessment as the basis for the abuse prevention plan required by *Minnesota Statutes*, section 245A.65;
- H. procedures for mandatory reporting as required by *Minnesota Statutes*, sections 245A.65, 626.556, and 626.557;
- I. a medication control plan that complies with part 9530.6555; and
- J. policies and procedures regarding HIV that meet the minimum standards under *Minnesota Statutes*, section 245A.19.

## **9530.6585 CLIENT RECORDS.**

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Subpart 1. Client records required. A license holder must maintain a file of current client records on the program premises where the treatment is provided. Each entry in each client case record must be signed and dated by the staff member making the entry. Client records must be protected against loss, tampering, or unauthorized disclosure in compliance with *Minnesota Statutes*, section 254A.09; *Code of Federal Regulations*, title 42, chapter 1, part 2, subpart B, sections 2.1 to 2.67, and *Minnesota Statutes*, chapter 13.

Subp. 2. Records retention. A license holder must retain the records of discharged clients for seven years, unless otherwise required by law. A license holder that ceases providing treatment or detoxification services must retain client records for seven years from the date the facility closed. The license holder must notify the commissioner of the location of the records and the name, address, and telephone number of a person responsible for maintaining the records.

Subp. 3. Contents of records. Client records must include the following:

- A. documentation of the client's presenting problem, any chemical use screening, the most recent assessment, and any updates;
- B. an individual abuse prevention plan that complies with *Minnesota Statutes*, section 245A.65, and related rules;
- C. documentation of referrals made according to part 9530.6530; and
- D. documentation of observations as required by part 9530.6550.

## **9530.6590 DATA COLLECTION REQUIRED.**

The license holder must participate in the drug and alcohol abuse normative evaluation system by submitting, on forms provided by the commissioner, information concerning each client admitted to the program. The required information must include demographic data about the client, the client's chemical use history, previous participation in chemical use-related rehabilitation services, other problems associated with chemical use, and information about the client's status at the time of the discharge.

## **9530.6605 DEFINITIONS.**

[For text of subs 1 to 10, see M.R.]

Subp. 10a. **Combination inpatient/outpatient treatment.** "Combination inpatient/outpatient treatment" means chemical dependency primary rehabilitation licensed as Category II ~~under parts 9530.4100 to 9530.4450~~ of seven to 14 days duration followed by licensed outpatient chemical dependency treatment licensed under parts 9530.5000 to 9530.6500 of three or more weeks duration. The duration requirements may be altered if specified in a host county agreement conforming to part 9550.0040.

[For text of subs 11 to 14, see M.R.]

Subp. 15. **Extended care.** "Extended care" means ~~a licensed chemical dependency rehabilitation program services that offers~~ include a long-term combination of in house chemical dependency treatment services and community ancillary resources for individuals residing in a facility that controls access to chemicals. ~~Extended care programs must provide~~ provides at least 15 hours a week ~~per individual~~ of chemical dependency services including, which may include group and individual counseling, client education, and other services specific to chemical dependency rehabilitation, for each individual.

Subp. 15a. **Facility that controls access to chemicals.** "Facility that controls access to chemicals" means a residential facility licensed by the commissioner of corrections, health, or human services that meets the following, or any residence which the county can document meets the following:

- A. has rules prohibiting residents from bringing chemicals into the facility;
- B. has rules prohibiting residents from using chemicals while residing in the facility; and
- C. has penalties that are imposed upon violation of these rules.

~~A facility that controls access to chemicals does not include a program licensed according to parts 9530.5000 to 9530.6500.~~

[For text of subp 16, see M.R.]

Subp. 17. **Halfway house.** "Halfway house" means a licensed chemical dependency ~~rehabilitation~~ program that offers ~~a transitional semi-independent living arrangement with an emphasis on~~ treatment services emphasizing aftercare, community ancillary services, and securing employment for individuals residing in a facility that controls access to chemicals. Halfway house programs must provide at least five hours a week of chemical dependency rehabilitation services which may include group counseling, employment counseling, individual counseling, or self-help groups, for each individual.

[For text of subs 18 to 21a, see M.R.]

Subp. 22. **Primary rehabilitation in a free-standing facility.** "Primary rehabilitation ~~in a free-standing facility~~" means a licensed chemical dependency ~~rehabilitation~~ program that is not located in an acute care hospital, ~~and~~ that provides intensive therapeutic services following detoxification for individuals residing in a facility that controls access to chemicals. At least 30 hours a week ~~per individual~~ of chemical dependency services ~~must be provided, including, which includes~~ group and individual counseling, client education, and other services specific to chemical dependency rehabilitation, must be provided for each individual.

[For text of subp 23, see M.R.]

Subp. 24. **Rehabilitation program.** "Rehabilitation program" means a program of chemical dependency rehabilitation provid-

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ed in a residential program to individuals residing in a facility that controls access to chemicals as defined in *Minnesota Statutes*, section 245A.02, subdivision 14.

[For text of subp 25, see M.R.]

**REVISOR'S INSTRUCTION.** The revisor of statutes shall correct internal cross-references in *Minnesota Rules* to *Minnesota Rule* parts repealed in this rule. In sections affected by this instruction, the revisor may make changes necessary to correct the punctuation, grammar, or structure of the remaining text and preserve its meaning.

**REPEALER.** *Minnesota Rules*, parts 9530.4100; 9530.4110; 9530.4120, subparts 1, 3, 5, and 6; 9530.4200; 9530.4210; 9530.4230; 9530.4250; 9530.4260; 9530.4270; 9530.4280; 9530.4300; 9530.4310; 9530.4320; 9530.4330; 9530.4340; 9530.4350; 9530.4370; 9530.4380; 9530.4390; 9530.4400; 9530.4410; 9530.4450; 9530.5000; 9530.5100; 9530.5200; 9530.5300, subparts 1 and 10; 9530.5500; 9530.5700; 9530.5800; 9530.6000; 9530.6100; 9530.6200; 9530.6300; and 9530.6400, are repealed.

**INCORPORATION BY REFERENCE:** Part 9530.6450, subpart 5: Case Presentation Method Trainer's Manual, copyright 1993, published by the International Certification and Reciprocity Consortium Alcohol and Other Drug Abuse, Inc., is available at the State Law Library, Judicial Center, 25 Reverend Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

## Adopted Rules

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

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

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

### Expedited and Emergency Rules

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

## Department of Commerce

### Adopted Permanent Rules Relating to Petroleum Tank Release Cleanup Fund

The rules proposed and published at *State Register*, Volume 27, Number 25, pages 860-909, December 16, 2002 (27 SR 860), are adopted with the following modifications:

#### 2890.0005 APPLICABILITY.

This chapter, as adopted at 28 SR 383, applies to costs incurred for work performed on or after its effective date, excluding:

A. costs incurred for work performed as part of one of the steps of consultant services as described in part 2890.0075, as it existed prior to that effective date, for which the applicant began incurring costs before that effective date; and

B. costs incurred for work performed before the leak reporting date in 2004 as part of a contract entered into before October 6, 1995. "Leak reporting date" means the month and day that the leak was reported to the state.

#### 2890.0070 ELIGIBLE COSTS.

Subpart 1. **Reimbursable corrective actions.** Costs associated with the following corrective actions may be eligible for reimbursement from the fund:

C. Investigation and source identification including, but not limited to, collecting and analyzing soil samples, testing the groundwater, testing adjacent drinking water supplies, tank integrity testing, and engineering and geoscientific services.

#### 2890.0200 INELIGIBLE COSTS.

Subp. 2. **Specific items.** Among ineligible costs are:

F. costs for the applicant's own time spent in planning, performing, or administering a corrective action, when the applicant is an individual;

J. costs for repair or restoration of structures, surfacing surfaces, or land damaged by equipment used in the corrective action, unless the damage was unavoidable to implement corrective action;

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- O. costs for correspondence that result from avoidable noncompliance with agency deadlines, ~~as determined by the agency;~~
- R. fees charged by property owners for access to their property, unless charged ~~by a political subdivision~~ to preserve public safety;
- V. costs for property acquisition;
- W. administrative costs associated with acquiring business, preparing or responding to a request for proposal, or preparing invoices for services provided or performed;
- ~~W. costs to prepare specifications for, or get a proposal or bid for, contractor services other than system installation;~~
- Y. costs for work ~~determined by that~~ the agency ~~to be~~ has determined was incompetently performed;
- AA. costs for work performed after the agency has granted full site closure, excluding:
  - (1) costs for well ~~abandonment~~ sealing; and

## 2890.0073 DEFINITIONS RELATED TO CONSULTANT SERVICES.

Subp. 1b. Agency status update. “Agency status update” means the labor and materials required for the consultant to notify the agency, when necessary, of the results of field work.

Subp. 2a. **Annual monitoring report.** “Annual monitoring report” means the form and associated attachments required by the agency to report site monitoring results annually.

Subp. 3a. **AST soil sampling.** “AST soil sampling” means soil sampling from ~~the an~~ aboveground storage tank location.

Subp. 6c. **Composting monitoring worksheet.** “Composting monitoring worksheet” means the form and associated attachments required by the agency for reporting the results of follow-up sampling of a specific batch of composted petroleum-contaminated soil.

Subp. 6e. **Composting site application.** “Composting site application” means the form and associated attachments submitted to the agency to gain approval for a specific site to be used for the composting of petroleum-contaminated soil.

Subp. 11. **Draftsperson.** “Draftsperson” means a person with a trade school diploma or the equivalent ~~and at least one year of experience~~ in computer-assisted design.

Subp. 11a. ~~**Drill cuttings disposal management.** “Drill cuttings disposal management” means the making of arrangements with a permitted soil disposal facility for the disposal of petroleum-contaminated drill cuttings generated at a leak site during assessment activity.~~

~~Subp. 11b. **Drilling oversight, field log preparation, and soil sampling.** “Drilling oversight, field log preparation, and soil sampling” means the oversight of the drilling of borings, including drilling log preparation and soil sampling.~~

Subp. 11b. **Drum disposal management.** “Drum disposal management” means the making of arrangements for the disposal of drill cuttings, petroleum-contaminated water, or other petroleum-contaminated waste generated at a leak site.

Subp. 12. **Entry level professional.** “Entry level professional” means a person with:

- B. at least ~~eight~~ five years of experience in performing a majority of the following activities:

Subp. 15. **Excavation report.** “Excavation report” means the form and associated attachments required by the agency to document excavation and treatment of petroleum-contaminated soil.

Subp. 16a. **Field work notification and scheduling.** “Field work notification and scheduling” means the labor and materials required for the consultant to contact the applicant, the agency, and subcontractors to schedule field work; ~~to notify the agency, when necessary, of the results of field work;~~ and the labor and materials required for the consultant to manage the project internally. It does not include submitting a report.

Subp. 16b. **Free product recovery report worksheet.** “Free product recovery report worksheet” means the form and associated attachments required by the agency to report interim free product recovery actions.

~~Subp. 16d. **Free product recovery through hand bailing or portable pump.** “Free product recovery through hand bailing or portable pump” means the recovery of free product from the leak site using hand bailing or a portable pump.~~

Subp. 23a. **Investigation report.** “Investigation report” means the comprehensive form and associated attachments required by the agency to document remedial investigation activities.

Subp. 23e. **Land treatment application.** “Land treatment application” means the form and associated attachments submitted to the agency to gain approval for the land treatment of a batch of petroleum-contaminated soil at an approved land treatment site.

Subp. 23g. **Land treatment monitoring worksheet.** “Land treatment monitoring worksheet” means the form and associated attachments required by the agency for reporting the results of follow-up sampling of a specific batch of petroleum-contaminated soil spread at a land treatment site.

Subp. 23i. **Land treatment site application.** “Land treatment site application” means the form and associated attachments submitted to the agency to gain approval for a specific site to be used for the land treatment of petroleum-contaminated soil.

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Subp. 23k. **Land treatment spreading notification form.** “Land treatment spreading notification form” means the form and associated attachments used to notify the agency that petroleum-contaminated soil approved for land treatment has been spread.

Subp. 24. **Midlevel professional.** “Midlevel professional” means a person with:

A. a college degree in agricultural engineering, chemical engineering, civil engineering, environmental engineering, geological engineering, geotechnical engineering, soil science, geology, hydrogeology, or a related science; ~~registration as a professional engineer or other professional certification, if such certification is available;~~ and at least four years of experience in performing one or more of the activities listed in this subpart; or

B. a graduate degree in the environmental sciences; ~~registration as a professional engineer or other professional certification, if such certification is available;~~ and at least three years of experience in performing one or more of the following activities;

Subp. 26a. ~~**Monitoring well abandonment oversight.**~~ “~~Monitoring well abandonment oversight~~” means ~~the time required to oversee the permanent discontinuation of a monitoring well according to applicable well codes.~~

~~Subp. 26b.~~ **Monitoring well development.** “Monitoring well development” means the work required to remove the fines and, if necessary, drilling fluid and to ensure that an adequate hydraulic connection exists between a monitoring well and the aquifer.

Subp. ~~26e~~ **26b. Monitoring well installation oversight and development.** “Monitoring well installation oversight and development” means the oversight of the at-grade or above-grade completion of a monitoring well from a completed soil boring, including monitoring well development and monitoring well installation field log preparation.

~~Subp. 26c.~~ **Monitoring well sealing oversight.** “~~Monitoring well sealing oversight~~” means ~~the time required to oversee the permanent discontinuation of a monitoring well according to applicable well codes.~~

~~Subp. 27a.~~ **Nonspecific administration.** “~~Nonspecific administration~~” means the labor, equipment and field supplies, and materials required to perform routine administrative tasks that are not otherwise billed to the applicant, such as those required for scheduling and directing staff assignments, coordinating subcontractors, accounting and payroll, ordering and receiving supplies and equipment, and on-site supervision of staff and subcontractors.

Subp. 28. **Off-site access ~~acquisition~~ time.** “~~Off-site access acquisition~~ time” means the time spent by the consultant getting permission from property owners other than the applicant to enter their property to do a remedial investigation or carry out a corrective action plan and to provide information to the property owner about the results and activities conducted on the property.

Subp. 33a. **Quarterly monitoring report.** “Quarterly monitoring report” means the form and associated attachments required by the agency to report quarterly site monitoring results for the period after the investigation report is submitted until that form is reviewed by agency staff or at other times when requested to provide such information by the agency.

Subp. 34a. **Report.** “Report” means a report and its associated attachments that are required by the agency as a necessary part of corrective action.

Subp. 36. **Senior level professional.** “Senior level professional” means a person with:

A. a college degree in agricultural engineering, chemical engineering, civil engineering, environmental engineering, geological engineering, geotechnical engineering, soil science, geology, hydrogeology, or a related science; ~~registration as a professional engineer or other professional certification, if this certification is available;~~ and at least eight years of experience in performing one or more of the activities listed in this subpart; or

B. a graduate degree in the environmental sciences; ~~registration as a professional engineer or other professional certification, if the certification is available;~~ and at least seven years of experience in performing one or more of the following activities:

~~Subp. 36a.~~ **Sewer vapor survey.** “~~Sewer vapor survey~~” means ~~the labor, equipment and field supplies, and materials required to perform the tasks required by the agency to determine whether petroleum vapors have accumulated in sanitary and storm sewers within 500 feet of the source of the release.~~

~~Subp. 36b.~~ **Shipping.** “Shipping” means mailing an agency-required form, report, or worksheet to the applicant and agency.

Subp. 49c. **Subsurface migration pathway survey monitoring point.** “~~Subsurface migration pathway survey~~” means the labor, equipment and field supplies, and materials required to perform the tasks required by the agency to determine potential subsurface petroleum vapor migration pathways within 500 feet of the source of the release monitoring point” means one location comprised of three depths (bottom, mid-depth, and top) from which monitoring readings are taken.

Subp. 50. **Surveying and surveying equipment.** “Surveying and surveying equipment” means the labor, equipment and field supplies, and materials required to establish the locations and ground surface elevations of soil borings ~~and,~~ monitoring wells, and other pertinent site features.

Subp. 53b. **Thermal treatment application.** “Thermal treatment application” means the form and associated attachments submitted to the agency to gain approval for the thermal treatment of a batch of petroleum-contaminated soil at a permitted thermal treatment facility.

Subp. 54. ~~**Travel and vehicle cost time.**~~ “~~Travel and vehicle cost time~~” means the time required to mobilize equipment, ~~the time~~

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~~required and to travel to and from the leak site or other location necessary to provide consultant services, and the costs associated with providing and using the necessary vehicle.~~

Subp. 54b. **Utility clearance.** “Utility clearance” means the process used by the consultant, driller, ~~or~~ excavation contractor, or private utility coordinator to identify and locate all aboveground and underground utilities.

Subp. 56. **Vapor receptor survey and risk evaluation.**

“Vapor receptor survey and risk evaluation” means the labor, equipment and field supplies, and materials required to perform a qualitative survey to identify the location and type of nearby potential vapor receptors. ~~It includes field work notification and scheduling, sewer vapor survey, and subsurface migration pathway survey and to evaluate the information to identify risks from petroleum vapors.~~

Subp. 57a. **Vehicle mileage.** “Vehicle mileage” means the per-mile costs associated with providing and using a vehicle to travel to and from the leak site or other location necessary to provide consultant services.

Subp. 64a. **Water well receptor survey and risk evaluation.** “Water well receptor survey and risk evaluation” means the labor, equipment and field supplies, and materials required to perform a qualitative survey to identify ~~features such as surface water bodies and aquifer and water supply wells that potentially may be impacted if~~ at risk from the petroleum contamination is present release and to provide information regarding the geology and groundwater use near the release site. It includes ~~field work notification and scheduling, and Minnesota Department of Health drinking water hotline contact.~~

## 2890.1000 WRITTEN PROPOSAL AND INVOICE REQUIREMENTS FOR CONSULTANT SERVICES.

Subp. 2. **Excavation and soil disposal oversight before investigation.** An applicant is not required to get a written proposal for the following consultant services when they are performed as part of excavation and soil disposal oversight that occurs before the first limited site investigation or full remedial investigation of the leak site occurs:

- D. excavation report preparation;
- E. excavation soil sampling;
- ~~E.~~ F. field work notification and scheduling;
- ~~F.~~ G. groundwater sampling (other than permanent monitoring well);
- ~~G.~~ H. land-treated soil sampling;
- ~~H.~~ I. sample shipping and transportation;
- ~~I.~~ J. state duty officer emergency contact; and
- ~~J.~~ K. utility clearance.

Subp. 5. ~~**Notarization required; prevention of conflict of interest.**~~ The applicant’s signature indicating acceptance of a written proposal for consultant services must be dated with the date on which the applicant approves the proposal in writing and must be notarized, ~~but the applicant must not have the applicant’s signature notarized by a person employed by or otherwise affiliated with the consultant services firm that provided the proposal.~~ If the proposal is not in compliance with any of these conditions, it is not a valid competitive proposal for the purposes of this chapter.

## 2890.1100 REASONABLENESS OF WORK PERFORMED FOR EACH STEP OF SERVICES.

Subp. 2. **Limited site investigation or full remedial investigation.** Costs incurred for a limited site investigation or full remedial investigation other than costs for tasks or items required by the agency to ~~evaluate the level of risk associated with~~ investigate the release are prima facie unreasonable.

Subp. 4. **Active remediation-site-specific system design.** Costs incurred for active remediation-site-specific system design other than costs for tasks or items required by the agency to evaluate the data generated during the active remediation-initial field testing step of services, if it was conducted, or to complete and submit the site-specific system design and determine the costs associated with ~~completing the site-specific system design,~~ are prima facie unreasonable.

Subp. 6. **Active remediation-system decommissioning.** Costs incurred for active remediation-system decommissioning other than costs for tasks or items required by the agency to dismantle the approved corrective action system after its operation is no longer necessary and to remove the dismantled system from the site and restore the site are prima facie unreasonable.

## 2890.1300 MAXIMUM PRELIMINARY LABOR CHARGES.

Subp. 2. **Administrative tasks.**

- A. Agency status update has a maximum cost of \$95 per field work event.
- B. Applicant status update has a maximum cost of:
  - (1) ~~\$440~~ \$520 per leak site drilling event; or
  - (2) \$140 per quarterly sampling event.
- ~~B.~~ C. Background review has a maximum cost of \$480 \$560 per leak site.



~~C. D.~~ Drill cuttings Drum disposal management has a maximum cost of ~~\$60~~ \$280 per disposal.

~~D. E.~~ Field work notification and scheduling has a maximum cost of ~~\$120~~ \$190 per field work event for which notification and scheduling ~~is~~ are necessary.

~~E. F.~~ Health and safety plan has a maximum cost of \$250 per leak site.

~~F. G.~~ Nonspecific administration has a maximum cost of \$200 per step of services.

~~H.~~ Off-site access acquisition time has a maximum cost of ~~the reasonable actual cost or \$2,000~~ per leak site, ~~whichever is less \$1,000~~ per off-site property to which access is required.

~~G. I.~~ Sample shipping and transportation has a maximum cost of ~~\$60~~ \$90 per shipping event.

~~H. J.~~ State duty officer emergency contact has a maximum cost of ~~\$15~~ \$95 per call.

### Subp. 3. **Consultant drilling and excavation activities.**

A. Drilling oversight, field log preparation, and soil sampling have a maximum cost of:

(1) \$150 for a 25-foot or shallower boring; or

(2) \$6 per foot for a boring deeper than 25 feet.

B. Free product recovery through hand bailing or portable pump has a maximum cost of ~~\$30~~ \$105 per well per event.

~~B. C.~~ Hydraulic conductivity field test has a maximum cost of ~~\$60~~ \$140 per monitoring well for which the performance of a hydraulic conductivity field test is necessary.

~~C.~~ Monitoring well abandonment oversight has a maximum cost of \$30 per well.

D. Monitoring well installation oversight and development has a maximum cost of ~~\$240~~ \$280 per well, plus ~~\$120~~ \$140 per well that requires more than two hours for monitoring well development.

E. Monitoring well sealing oversight has a maximum cost of \$70 per well.

F. Surveying and surveying equipment has a maximum cost of:

(1) ~~\$170~~ \$190 per surveying event for which a licensed professional surveyor is not necessary; or

(2) the reasonable actual cost up to \$750 per surveying event for which a licensed professional surveyor is necessary.

~~F. G.~~ Temporary well installation oversight has a maximum cost of:

(1) ~~\$125~~ \$150 for a 25-foot or shallower well; or

(2) ~~\$5~~ \$6 per foots for a well deeper than 25 feet.

~~G. H.~~ Utility backfill investigation has a maximum cost of ~~\$60~~ \$70 per hand-auger boring.

~~H. I.~~ Utility clearance has a maximum cost of:

### Subp. 4. **Field and receptor surveys.**

A. Karst field survey has a maximum cost of ~~\$1,740~~ \$1,980.

B. Surface water receptor survey and risk evaluation has a maximum cost of ~~\$120~~ \$140 per leak site.

C. Vapor receptor survey and risk evaluation has a maximum cost of ~~\$600~~ \$700 per leak site, plus:

(1) ~~\$15~~ \$17.50 per citizen contact beyond eight; and

(2) ~~\$30~~ \$35 per subsurface monitoring point beyond ~~16~~ eight.

D. Water well receptor survey and risk evaluation has a maximum cost of ~~\$645~~ \$752.50 per leak site, plus ~~\$30~~ \$35 per citizen contact or property surveyed beyond 15.

### Subp. 5. **Sampling.**

A. AST soil sampling has a maximum cost of ~~\$30~~ \$35 per sample that is listed on the chain-of-custody form received by the laboratory.

B. Composted soil sampling has a maximum cost of ~~\$60~~ \$70 per sampling event.

C. Contaminated stockpile soil sampling has a maximum cost of ~~\$30~~ \$35 per sample that is listed on the chain-of-custody form received by the laboratory.

~~D.~~ Drilling oversight, log preparation, and soil sampling has a maximum cost of:

(1) \$125 for a 25 foot or shallower boring; or

(2) \$5 per foot for a boring deeper than 25 feet.

~~E.~~ Excavation soil sampling has a maximum cost of:

(1) ~~\$60~~ \$70 per tank that is removed or abandoned plus ~~\$3~~ \$3.50 per cubic yard excavated when a tank is being removed or abandoned; plus

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(2) ~~\$1.20~~ \$1.40 per cubic yard excavated when a tank is not being removed or abandoned; plus

(3) ~~\$60~~ \$70 per test pit.

~~F. E.~~ Groundwater sampling (permanent monitoring well) has a maximum cost of ~~\$105~~ \$122.50 per well per sampling event.

~~G. F.~~ Groundwater sampling (other than permanent monitoring well) has a maximum cost of ~~\$30~~ \$35 per sampling point from which a sample is taken and delivered to a laboratory for analysis.

~~H. G.~~ Land-treated soil sampling has a maximum cost of ~~\$60~~ \$70 per sampling event.

## Subp. 6. Submissions to agency.

A. Annual monitoring report preparation has a maximum cost of ~~\$1,320~~ \$1,540 per report, plus:

(1) ~~\$30~~ \$35 per well beyond three;

(2) ~~\$120~~ \$140, if follow-up vapor monitoring is performed;

(3) ~~\$6~~ \$7 per subsurface monitoring point beyond ~~46~~ eight that had to be plotted on a site map; and

(4) ~~\$6~~ \$7 per property beyond 16 that had to be added to a property table;

~~(5) \$30 for photocopying beyond the second photocopied report; and~~

~~(6) \$13 for shipping beyond the second photocopied report.~~

B. Composting monitoring worksheet preparation has a maximum cost of ~~\$60~~ \$70 per worksheet, ~~plus:~~

~~(1) \$8 for photocopying beyond the second photocopied report; and~~

~~(2) \$5 for shipping beyond the second photocopied report.~~

C. Composting site application preparation has a maximum cost of ~~\$480~~ \$560 per composting site, ~~plus:~~

~~(1) \$15 for photocopying beyond the second photocopied report; and~~

~~(2) \$7 for shipping beyond the second photocopied report.~~

D. Excavation report preparation has a maximum cost of ~~\$420~~ \$490 per report, ~~plus:~~

~~(1) \$15 for photocopying beyond the second photocopied report; and~~

~~(2) \$7 for shipping beyond the second photocopied report.~~

E. Free product recovery report worksheet preparation has a maximum cost of ~~\$120~~ \$140 per site.

F. Investigation report preparation (full RI) has a maximum cost of:

(1) for a report recommending closure, additional vapor monitoring, or additional groundwater monitoring, ~~\$4,065~~ \$4,742.50, plus:

(a) ~~\$1,160~~ \$1,320 for the karst field survey attachment;

(b) ~~\$130~~ \$150 per soil boring beyond five;

(c) ~~\$165~~ \$195 per well beyond three;

(d) ~~\$6~~ \$7 per subsurface monitoring point beyond ~~46~~ eight that had to be plotted on a site map; and

(e) ~~\$6~~ \$7 per property beyond 16 that had to be added to a property table;

~~(f) \$30 for photocopying beyond the second photocopied report; and~~

~~(g) \$13 for shipping beyond the second photocopied report;~~

(2) for a report recommending active remediation, ~~\$4,185~~ \$4,882.50, plus:

(a) ~~\$1,160~~ \$1,320 for the karst field survey attachment;

(b) ~~\$130~~ \$150 per soil boring beyond five;

(c) ~~\$165~~ \$195 per well beyond three;

(d) ~~\$6~~ \$7 per subsurface monitoring point beyond ~~46~~ eight that had to be plotted on a site map; and

(e) ~~\$6~~ \$7 per property beyond 16 that had to be added to a property table;

~~(f) \$30 for photocopying beyond the second photocopied report; and~~

~~(g) \$13 for shipping beyond the second photocopied report; or~~

(3) for a full remedial investigation report submitted in response to a documented special request made by the agency after a limited site investigation report was submitted to the agency, the maximum cost for investigation report preparation (LSI only), plus:

(a) ~~\$960~~ \$1,120;

(b) ~~\$1,160~~ \$1,320 for the karst field survey attachment, if it was prepared in response to the documented special request made by the agency after a limited site investigation report was submitted to the agency;

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- (c) ~~\$130~~ \$150 per soil boring drilled in response to the documented special request made by the agency after a limited site investigation report was submitted to the agency; and
- (d) ~~\$165~~ \$195 per well installed in response to the documented special request made by the agency after a limited site investigation report was submitted to the agency;
- (e) ~~\$30~~ \$for photocopying beyond the second photocopied report; and
- (f) ~~\$13~~ for shipping beyond the second photocopied report.
- G. Investigation report preparation (LSI only) has a maximum cost of ~~\$3,295~~ \$3,477.50, plus:
- (1) ~~\$1,160~~ \$1,320 for the karst field survey attachment;
  - (2) ~~\$405~~ \$125 per soil boring beyond five;
  - (3) ~~\$6~~ \$7 per subsurface monitoring point beyond ~~46~~ eight that had to be plotted on a site map; and
  - (4) ~~\$6~~ \$7 per property beyond 16 that had to be added to a property table;
  - (5) ~~\$30~~ for photocopying beyond the second photocopied report; and
  - (6) ~~\$13~~ for shipping beyond the second photocopied report.
- H. Land treatment application preparation has a maximum cost of ~~\$120~~ \$140 per application, ~~plus:~~
- (1) ~~\$15~~ for photocopying beyond the second photocopied report; and
  - (2) ~~\$7~~ for shipping beyond the second photocopied report.
- I. Land treatment monitoring worksheet preparation has a maximum cost of ~~\$90~~ \$105 per worksheet, ~~plus:~~
- (1) ~~\$8~~ for photocopying beyond the second photocopied report; and
  - (2) ~~\$5~~ for shipping beyond the second photocopied report.
- J. Land treatment site application preparation has a maximum cost of ~~\$480~~ \$560 per land treatment site, ~~plus:~~
- (1) ~~\$15~~ for photocopying beyond the second photocopied report; and
  - (2) ~~\$7~~ for shipping beyond the second photocopied report.
- K. Land treatment spreading notification form preparation has a maximum cost of ~~\$60~~ \$70 per notification, ~~plus:~~
- (1) ~~\$8~~ for photocopying beyond the second photocopied report; and
  - (2) ~~\$5~~ for shipping beyond the second photocopied report.
- L. Quarterly monitoring report preparation has a maximum cost of ~~\$330~~ \$385 per report, plus:
- (1) ~~\$30~~ \$35 per well beyond three;
  - (2) ~~\$60~~ \$70, if follow-up vapor monitoring is performed;
  - (3) ~~\$6~~ \$7 per subsurface monitoring point beyond ~~46~~ eight that had to be plotted on a site map; and
  - (4) ~~\$6~~ \$7 per property beyond 16 that had to be added to a property table;
  - (5) ~~\$15~~ for photocopying beyond the second photocopied report; and
  - (6) ~~\$7~~ for shipping beyond the second photocopied report.
- M. Thermal treatment application preparation has a maximum cost of ~~\$60~~ \$140 per application, ~~plus:~~
- (1) ~~\$8~~ for photocopying beyond the second photocopied report; and
  - (2) ~~\$5~~ for shipping beyond the second photocopied report.

## **2890.1350 ALTERNATIVE TECHNOLOGIES.**

In determining the reasonableness of a cost for a consultant services task or item that is:

A. not an emergency response task;

B. not listed in part 2890.1300, 2890.1500, or 2890.1600; and

C. performed during the limited site investigation or full remedial investigation step of services or as part of excavation and soil disposal oversight before the investigation, the board will consider the prevailing market cost for the task or item and the amount charged in the same geographical area during the same time period for a substantially similar task or item.

## **2890.1400 MAXIMUM HOURLY RATES.**

C. Notwithstanding items A and B, hourly rate charges for consultant services in excess of the following are prima facie unreasonable: senior level professional at ~~\$140~~ \$130 per hour, midlevel professional at ~~\$85~~ \$95 per hour, entry level professional at ~~\$60~~ \$70 per hour, field technician at ~~\$55~~ \$65 per hour, draftsperson at ~~\$45~~ \$55 per hour, and word processor at ~~\$35~~ \$40 per hour.

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## 2890.1500 MAXIMUM TRAVEL AND PER DIEM CHARGES.

The cost for an item listed in this subpart is prima facie unreasonable when it exceeds the amount specified for it in the proposal for consultant services or the specified maximum cost, whichever is less.

A. ~~Travel and vehicle cost~~ time has a maximum cost ~~determined by the county in which the leak site is located as follows of:~~

(1) ~~Anoka, Dakota, Hennepin, Ramsey, Scott, Washington: \$1.50~~ \$70 per mile hour for the first occupant of a vehicle, plus \$1 per mile for each additional occupant of a vehicle travel necessary to perform a task listed in part 2890.1300, excluding "karst field survey"; and

(2) ~~all other counties: \$1.05~~ \$95 per mile hour for the first occupant of a vehicle, plus 55 cents per mile for each additional occupant of a vehicle travel necessary to perform "karst field survey"; and

(3) the maximum hourly rate charge specified in part 2890.1400, item C, for the traveler's level of professional expertise for travel necessary to perform a task not listed in part 2890.1300.

B. Vehicle mileage has a maximum cost of 65 cents a mile.

C. Per diem has a maximum cost of \$135 per day.

## 2890.1600 MAXIMUM EQUIPMENT AND FIELD SUPPLIES CHARGES.

The cost for an item listed in this subpart is prima facie unreasonable when it exceeds the amount specified for it in the proposal for consultant services or the specified maximum cost, whichever is less.

A. ~~A conductivity meter has a maximum cost of \$20 per day.~~

B. ~~A disposable bailer has a maximum cost of \$15.~~

C. ~~A disposable water filter has a maximum cost of \$5.50.~~

D. ~~A dissolved oxygen meter has a maximum cost of \$40 per day.~~

E. ~~A gas detection tube has a maximum cost of \$5.~~

F. ~~An LEL meter has a maximum cost of \$35 per day.~~

G. ~~A multimeter has a maximum cost of \$85 per day.~~

H. ~~An oil/water interface probe has a maximum cost of \$65 per day.~~

I. ~~A petroleum absorbent sock has a maximum cost of \$5.~~

J. ~~A pH meter has a maximum cost of \$20 per day.~~

K. ~~A photoionization detector has a maximum cost of \$90 per day.~~

L. ~~A Tedlar bag has a maximum cost of \$15.~~

M. ~~A temperature meter has a maximum cost of \$20 per day.~~

N. ~~A water level indicator has a maximum cost of \$35 per day.~~

O. ~~Water level tape has a maximum cost of \$5 per day.~~

P. ~~Equipment and field supplies items not specified in this subpart~~ have a maximum cost of the following:

(+) A. for a disposable item, the cost to buy the item; or

(=) B. for a reusable item, the cost to buy the item or to rent it for the amount of time necessary to transport and use it, whichever is less.

## 2890.1700 MAXIMUM LABOR CHARGES FOR WORK PERFORMED DURING ACTIVE REMEDIATION STEPS OF SERVICES.

(1) it exceeds the amount specified for it in the proposal approved by the board's staff under part ~~2890.0077, subpart 4~~ 2890.2000, subpart 5; or

(2) the proposal that includes it is not approved by the board's staff under part ~~2890.0077, subpart 4~~ 2890.2000, subpart 5.

## 2890.1800 EMERGENCY RESPONSE COSTS.

A. ~~A cost for an emergency response task performed before February 1, 2003, that exceeds the amount specified for it in the Minnesota Department of Administration's "Hazardous Spill and Substance Release - Full Service Emergency Response" contract when the task was performed is prima facie unreasonable. The Minnesota Department of Administration's "Hazardous Spill and Substance Release - Full Service Emergency Response" contract (publ. Minnesota Department of Administration Materials Management Division, 2002) is incorporated by reference in this part. Two copies of the document are located in the State Law Library.~~

B. A cost for an emergency response task performed after January 31, 2003, that exceeds the amount specified for it in the Minnesota Department of Administration's ~~"Emergency Response, Limited Service and Full Service"~~ "Hazardous Spill and Substance Release - Full Service Emergency Response" contract when the task was performed is prima facie unreasonable. The

Minnesota Department of Administration's "~~Emergency Response, Limited Service and Full Service~~" "Hazardous Spill and Substance Release - Full Service Emergency Response" contract (publ. Minnesota Department of Administration Materials Management Division, 2003) is incorporated by reference in this part and is updated biennially. Two copies of the document are located in the State Law Library.

## **2890.1850 COSTS FOR REQUIRED PERMITS.**

A cost for a permit required for the performance of a consultant services task is prima facie unreasonable when it exceeds the actual cost of the permit.

## **2890.1900 ADJUSTMENT OF DOLLAR AMOUNTS.**

B. The dollar amounts in parts 2890.1300 to 2890.1600 must be adjusted on July 1 of each year after 2002 in which the percentage of change, calculated to the nearest whole percentage point, between the index for the fourth quarter of the preceding year and the current reference base index is ten percent or more; but the part of the percentage change in the index in excess of a multiple of ten percent must be disregarded and the dollar amounts must change only in multiples of ten percent and, when they exceed \$5, must be rounded to the nearest whole dollar.

## **2890.2000 COMPETITIVE BIDDING REQUIREMENTS FOR CONSULTANT SERVICES PROPOSALS.**

### **Subp. 2. Prevention of collusion; requests for proposals.**

C. A proposal obtained in a manner prohibited by this subpart is not a valid competitive proposal for the purposes of this chapter.

### **Subp. 3. ~~Prevention of collusion; drilling services.~~**

~~A. A consultant who submits a proposal for consultant services to the applicant for work at a leak site, but is not selected to perform consultant services at the leak site, may not perform drilling services at the leak site.~~

~~B. If drilling services are performed in a manner prohibited by this subpart, the associated proposals for consultant services are not valid for the purposes of this chapter.~~

~~Subp. 4. **Excavation and soil disposal oversight before investigation.** An applicant is not required to seek competing proposals from consultants for the following consultant services when the services are performed as part of excavation and soil disposal oversight that occur before the first limited site investigation or full remedial investigation of the leak site occurs:~~

- ~~D. excavation report preparation;~~
- ~~E. excavation soil sampling;~~
- ~~F. field work notification and scheduling;~~
- ~~G. groundwater sampling (other than permanent monitoring well);~~
- ~~H. land-treated soil sampling;~~
- ~~I. sample shipping and transportation;~~
- ~~J. state duty officer emergency contact; and~~
- ~~K. utility clearance.~~

~~Subp. 5 4. **Limited site investigation or full remedial investigation.** The applicant must get at least two written competitive proposals for services for a limited site investigation or full remedial investigation according to parts 2890.1000 to 2890.2200. The proposals must be on a form prescribed by the board according to parts 2890.1000 to 2890.2200. The proposals must comply with the requirements of parts 2890.1000 to 2890.2200. Costs for the following contractor services may be included in a proposal for the limited site investigation or full remedial investigation step of services: drilling; groundwater sample analysis; and soil sample analysis.~~

~~A. Standard scope: unless the applicant knows, determines, or reasonably suspects that an investigation conducted according to the following assumptions and scope of work would not meet its intended purpose, limited site investigation ~~or full remedial investigation~~ costs must be bid based on the following standard assumptions and scope of work:~~

#### (1) Assumptions:

- ~~(1) (a) push probe technology will be used;~~
- ~~(2) (b) groundwater depth is 20 feet;~~
- ~~(3) (c) the release is from a single source;~~
- ~~(4) (d) utilities and subsurface obstructions do not inhibit the advancement of borings;~~
- ~~(5) (e) water samples will be collected immediately after completion of the borings;~~
- ~~(6) (f) free product is not present;~~
- ~~(7) (g) level D safety precautions are adequate; and~~
- ~~(8) (h) the work will be completed according to agency and Minnesota Department of Health guidance.~~

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## (2) Scope of work:

(a) perform necessary administrative tasks, including the completion of a health and safety plan;

(b) complete necessary field and receptor surveys and risk evaluations in accordance with agency guidance;

(c) advance push probes in accordance with agency guidance by installing four push probes to 25 feet below grade and one push probe to 40 feet below grade;

(d) collect necessary soil and groundwater samples in accordance with agency guidance; and

(e) prepare and submit an investigation report (LSI only) to the agency.

B. Nonstandard scope: when the applicant knows or reasonably suspects that an investigation conducted according to the standard assumptions in item A would not meet its intended purpose, the applicant must get a minimum of two written competitive proposals for a limited site investigation or full remedial investigation based on identical assumptions about the characteristics of the site. The proposals must specifically state the assumptions of the proposal concerning:

(8) number of monitoring wells to be installed, their construction, depth, and protective completion;

(9) number of soil samples to be collected;

(10) number and type of analytes for which soil samples will be analyzed;

(11) number of groundwater samples to be collected;

(12) number and type of analytes for which groundwater samples will be analyzed;

## Subp. ~~6~~ 5. **Subsequent steps of services.**

A. After the limited site investigation or full remedial investigation step of services, the applicant must get a written proposal for each necessary subsequent step of services in accordance with part 2890.1000 but is not required to seek competing proposals.

Costs for the following contractor services may be included in the proposal: air sample analysis, drilling, groundwater sample analysis, soil sample analysis, and system installation. The proposal must be submitted to the board's staff for review before the commencement of the proposed work. The applicant must not approve the proposal until it has been reviewed by the board's staff. In conducting its review, the board's staff will consider the following items, if applicable to the particular proposal:

(1) information from the agency regarding the proposed schedule and the equipment required for remediation;

(2) historical cost data on excavation and other tasks involved;

(3) data from cost-estimating software for active remediation tasks;

(4) hourly rates and analytical and sample costs set by this chapter; and

(5) maximum costs for competitively bid contractor tasks set by this chapter.

Subp. ~~7~~ 6. **Switching consultants.** When the applicant wishes to hire a different consulting firm, the applicant must follow the procedures in items A and B.

A. If the limited site investigation or full remedial investigation step of services has not been completed, the applicant must get competitive proposals for the limited site investigation or full remedial investigation step of services according to subpart ~~5~~ 4.

B. If the limited site investigation or full remedial investigation step of services has been completed, the applicant must get a written proposal for the appropriate step of services from the new consultant according to subpart ~~6~~ 5.

## Subp. ~~8~~ 7. **Lowest cost proposal.**

A. Except as provided in part ~~2890.0078~~ 2890.2100, total costs for a step of services that exceed the total costs in the lowest competitive proposal for a step of services based on identical assumptions about the characteristics of the site are prima facie unreasonable, unless the applicant provides documented proof to demonstrate that the selected consultant's qualifications are superior to those of the consultant who gave the lowest competitive proposal and justify the selection of a higher cost proposal. Among the factors relevant to the qualifications of a consultant are education, experience, and certifications and registrations. A prior business relationship between the applicant and consultant is not relevant to the qualifications of a consultant. The board must consider the cost for a consultant service in the lowest overall competitive proposal as a reasonable amount to charge for a specific task or item if the cost for that task or item does not exceed the maximum cost stated in parts ~~2890.1250~~ 2890.1300 to ~~2890.1900~~ 2890.1850.

Subp. ~~9~~ 8. **Exemptions from competitive bidding requirements.** The applicant may be granted an exemption from the competitive bidding requirement of this part if the board determines that the applicant has documented that:

## **2890.2200 ACTUAL CONSULTANT SERVICES COSTS.**

Notwithstanding parts 2890.1000 to 2890.2100, the board must not reimburse applicants for a cost for a consultant services task that exceeds the cost for the actual hours spent by the consultant performing that task plus reasonable costs for any equipment, field supplies, and materials used in performing that task that are not separately invoiced.

## 2890.0081 DEFINITIONS RELATED TO CONTRACTOR SERVICES.

Subp. 1c. **Borehole ~~abandonment~~ sealing.** “Borehole ~~abandonment~~ sealing” means the filling and sealing of a borehole not completed as a monitoring well.

Subp. 4a. **Drilling.** “Drilling” means the advancement of one or more soil borings to determine soil structure or to monitor for the presence of contaminants in soil. It includes hand auger drilling, hand-driven drilling, hollow stem auger drilling, push probing, sonic drilling, and any alternative method approved by the agency; borehole ~~abandonment~~ sealing; decontamination; drilling permitting; drinking water well installation; drinking water well permitting; mobilization/demobilization; monitoring well ~~abandonment~~ sealing; monitoring well installation; monitoring well permitting; and temporary well installation.

Subp. 4c. **Drilling permitting.** “Drilling permitting” means obtaining the labor and materials required to obtain a drilling permit. It does not include the cost of the permit.

Subp. 4f. **Drum disposal.** “Drum disposal” means the labor, materials, and equipment necessary to load, haul, and dispose of drums containing free product or waste generated at a leak site, including ~~petroleum-contaminated drill cuttings~~; petroleum-contaminated water; and used equipment and field supplies.

Subp. 8. **Land treatment.** “Land treatment” means the placement and incorporation of petroleum-contaminated soil into the native soil surface for biodegradation of ~~organic waste components~~ petroleum contaminants. It includes the following costs or activities:

Subp. 9. **Loading.** “Loading” means the equipment and labor required to load into a truck at the leak site:

A. petroleum-contaminated soil into trucks at the leak site;

B. surfacing that was removed as part of the process of excavating petroleum-contaminated soil; or

C. overburden that must be relocated within the site as part of the process of excavating petroleum-contaminated soil.

Subp. 10. **Mobilization/demobilization (heavy equipment).** “Mobilization/demobilization (heavy equipment)” means:

A. the preparation and transport to and from the leak site of any necessary ~~excavation~~ heavy equipment after the release is discovered;

Sub. 10b. **~~Monitoring well abandonment.~~** “~~Monitoring well abandonment~~” means ~~the permanent discontinuation of a monitoring well according to applicable well codes.~~

~~Subp. 10c.~~ **Monitoring well installation.** “Monitoring well installation” means at-grade or above-grade completion of a monitoring well from a completed soil boring.

~~Subp. 10c.~~ **10c. Monitoring well permitting.** “Monitoring well permitting” means obtaining the labor and materials required to obtain permits to allow the drilling and installation of monitoring wells and filing to file well completion or installation records with state and local agencies. It does not include the cost of the permits.

~~Subp. 10d.~~ **Monitoring well sealing.** “~~Monitoring well sealing~~” means the permanent discontinuation of a monitoring well according to applicable well codes.

Subp. 12a. **Pumping of free product or petroleum-contaminated water.** “Pumping of free product or petroleum-contaminated water” means the cost to pump free product or petroleum-contaminated water from the excavation basin, ~~sumps, or monitoring wells~~ using a vacuum truck.

## 2890.2400 MAXIMUM COSTS IN “MEANS” BOOK.

Costs that exceed the amount specified in the bid for contractor services or the amount stated in the most recent edition of “Means Heavy Construction Cost Data,” as of the date the task was started, whichever is less, for mobilization/demobilization over 50 miles one way; ~~saw cutting; surface removal~~; surface replacement of surfacing other than concrete and asphalt; and contractor services not otherwise listed in this part, are prima facie unreasonable. “Means Heavy Construction Cost Data” (ed. Kornelis Smit et al., publ. R.S. Means Company, Inc., 2002), is incorporated by reference in this part, and is updated on an annual basis. Two copies of the document are located in the State Law Library.

## 2890.2500 MAXIMUM COSTS FOR SYSTEM INSTALLATION.

System installation costs are prima facie unreasonable:

A. when they exceed the amount specified for them in the consultant services proposal approved by the board’s staff under part 2890.2000, subpart 6 5; or

B. when the consultant services proposal that includes them is not approved by the board’s staff under part 2890.2000, subpart 6 5.

## 2890.2600 MAXIMUM COSTS FOR MOBILIZATION/DEMobilIZATION (HEAVY EQUIPMENT), SAW-CUTTING, SOIL DISPOSAL, SURFACE REMOVAL, AND SURFACE REPLACEMENT.

For a task listed in this part, the cost is prima facie unreasonable when it exceeds the amount specified for it in the bid for con-

# Adopted Rules

tractor services or the maximum cost specified for it in this part when the task was started, whichever is less.

C. Soil disposal.

Volume	Maximum cost
0 to 10 cubic yards	<del>\$50 per cubic yard</del> <u>\$500</u>
11 to 150 cubic yards	<u>\$500 or \$40 per cubic yard, whichever is greater</u>
151 to 500 cubic yards	<u>\$6,000 or \$35 per cubic yard, whichever is greater</u>
more than 500 cubic yards	<u>\$17,500 or \$30 per cubic yard, whichever is greater</u>

## 2890.2900 GROUNDWATER SAMPLE ANALYSIS.

C. DRO-water, ~~solvent extraction, direct injection, gas chromatography,~~ has a maximum cost of \$45 per analysis;

E. GRO-water, ~~purge and trap, gas chromatography,~~ has a maximum cost of \$40 per analysis;

J. nitrate-water has a maximum cost of ~~\$12.50~~ \$20 per analysis;

K. pH-water has a maximum cost of \$7.50 per analysis;

L. polyaromatic hydrocarbons (PAHs)-water, ~~selected ion monitoring,~~ has a maximum cost of ~~\$162.50 per analysis;~~

~~M. polyaromatic hydrocarbons (PAHs)-water, high performance liquid chromatography, has a maximum cost of \$125;~~

(1) \$135 per analysis for high performance liquid chromatography;

(2) \$350 for selected ion monitoring; and

(3) \$185 for other methods;

~~N. M.~~ polychlorinated biphenyls (PCBs)-water has a maximum cost of ~~\$95~~ \$110 per analysis;

~~O. N.~~ RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver)-water has a maximum cost of \$150 per analysis;

~~P. O.~~ soluble ferrous iron-water has a maximum cost of \$27.50 per analysis;

~~Q. P.~~ sulfate-water has a maximum cost of \$12.50 per analysis;

~~R. Q.~~ sulfide-water has a maximum cost of \$40 per analysis;

~~S. R.~~ total iron-water has a maximum cost of \$25 per analysis;

~~T. S.~~ VOCs-water, ~~gas chromatography,~~ has a maximum cost of ~~\$90;~~

(1) \$115 per analysis for gas chromatography; and

~~U. VOCs water, gas chromatography/mass spectrometry, has a maximum cost of \$90~~

(2) \$150 per analysis for gas chromatography/mass spectrometry.

## 2890.3000 SOIL SAMPLE ANALYSIS.

D. grain size analysis has a maximum cost of ~~\$70~~ \$150 per analysis when a hydrometer is used, and ~~\$70~~ \$75 per analysis when a hydrometer is not used;

F. lead-soil has a maximum cost of ~~\$25~~ \$35 per analysis;

G. polyaromatic hydrocarbons (PAHs)-soil has a maximum cost of ~~\$187.50~~ \$225 per analysis;

H. polychlorinated biphenyls (PCBs)-soil has a maximum cost of ~~\$105~~ \$115 per analysis;

J. TCLP-soil, extraction only, has a maximum cost of ~~\$100~~ \$135 per analysis;

K. VOCs-soil, ~~gas chromatography/mass spectrometry,~~ has a maximum cost of:

(1) \$125 per analysis for gas chromatography/mass spectrometry; and

~~L. VOCs soil, purge and trap, gas chromatography, has a maximum cost of \$100~~

(2) \$130 per analysis for purge and trap, gas chromatography.

## 2890.3100 MAXIMUM DRILLING CHARGES, DIRECT PUSH TECHNOLOGY.

A. direct push probing, \$135 per hour if the probe unit has a retraction force of up to 15,000 pounds, or \$200 per hour if the probe unit has a retraction force of greater than 15,000 pounds;

C. push probe ~~abandonment~~ sealing, \$1 per foot;

D. mobilization/demobilization (drilling) (0 to 50 miles one way), ~~\$175~~ \$250;

E. mobilization/demobilization (drilling) (51 to 500 miles one way), ~~\$175~~ \$250 plus ~~\$4.50~~ \$5 per mile over 50;

## 2890.3400 ABOVEGROUND WELL INSTALLATION.

A. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per two-inch PVC well, and subitems (3) and



(4) list the depth of the well and the maximum cost per two-inch well (steel riser with PVC screen):

B. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per four-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per four-inch well (steel riser with PVC screen):

C. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per six-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per six-inch well (steel riser with PVC screen):

Subp. 5. **Rotosonic drilling.** Rotosonic drilling in sand, silt, or clay, with continuous sampling:

A. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per two-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per two-inch well (steel riser with PVC screen):

B. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per four-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per four-inch well (steel riser with PVC screen):

C. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per six-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per six-inch well (steel riser with PVC screen):

## **2890.3500 AT-GRADE WELL INSTALLATION.**

A. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per two-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per two-inch well (steel riser with PVC screen):

B. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per four-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per four-inch well (steel riser with PVC screen):

C. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per six-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per six-inch well (steel riser with PVC screen):

Subp. 5. **Rotosonic drilling.** Rotosonic drilling in sand, silt, or clay, with continuous sampling:

A. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per two-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per two-inch well (steel riser with PVC screen):

B. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per four-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per four-inch well (steel riser with PVC screen):

C. subitems (1) ~~to (4)~~ and (2) list the depth of the well and the maximum cost per six-inch PVC well, and subitems (3) and (4) list the depth of the well and the maximum cost per six-inch well (steel riser with PVC screen):

## **2890.3600 SOIL BORING AND MONITORING WELL ABANDONMENT SEALING.**

The following tasks have a maximum cost as listed in items A to E when the wells to be sealed are located in sand, silt, or clay:

- A. soil boring ~~abandonment~~ sealing, \$3.50 per foot;
- B. two-inch well ~~abandonment~~ sealing, \$10 per foot;
- C. four-inch well ~~abandonment~~ sealing, \$15 per foot;
- D. six-inch well ~~abandonment~~ sealing, \$20 per foot; and

## **2890.3700 DRILLING MOBILIZATION/DEMOBILIZATION AND DRILL CREW PER DIEM FOR TECHNOLOGIES OTHER THAN DIRECT PUSH.**

The following tasks have a maximum cost as listed in items A to D when one of these technologies is used: hollow-stem auger, mud or air rotary, air coring, or rotosonic, or when the tasks are necessary for well sealing:

## **2890.3800 MAXIMUM COSTS FOR OTHER CONTRACTOR SERVICES.**

For the following tasks, the cost is prima facie unreasonable when it exceeds the amount specified for it in the bid for contractor services or the maximum cost specified when the task was started, whichever is less:

B. drum disposal has a maximum cost of ~~\$100~~ \$150 for a drum and its contents plus \$65 per hour for the associated loading and hauling;

F. pumping of free product or petroleum-contaminated water using a vacuum truck has a maximum cost of:

- (1) \$85 per hour when a ~~2,000-gallon~~ vacuum truck having a capacity of less than 3,000 gallons is used; or
- (2) \$100 per hour when a ~~3,000-gallon~~ vacuum truck having a capacity of 3,000 gallons or more is used;

J. treatment of free product or petroleum-contaminated water has a maximum cost of:

- (1) \$1 per gallon or \$35, whichever is greater, for mixtures of water and light oil (diesel oil, No. 1 to No. 4 fuel oil);
- (2) \$2 per gallon or \$35, whichever is greater, for mixtures of water and heavy oil (drain oil, No. 5 and No. 6 fuel oil); and
- (3) \$2 per gallon or \$35, whichever is greater, for mixtures of water and gasoline; and

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## **2890.3850 COSTS FOR REQUIRED PERMITS.**

A cost for a permit required for the performance of a contractor services task is prima facie unreasonable when it exceeds the actual cost of the permit.

## **2890.3900 ADJUSTMENT OF DOLLAR AMOUNTS.**

B. The dollar amounts in parts 2890.2600, 2890.2800 to 2890.3100, and 2890.3300 to 2890.3800 must be adjusted on July 1 of each year after 2002 in which the percentage of change, calculated to the nearest whole percentage point, between the index for the fourth quarter of the preceding year and the current reference base index is ten percent or more; but the part of the percentage change in the index in excess of a multiple of ten percent must be disregarded and the dollar amounts must change only in multiples of ten percent and, when they exceed \$5, must be rounded to the nearest whole dollar.

## **2890.4000 COMPETITIVE BIDDING REQUIREMENTS FOR CONTRACTOR SERVICES.**

Subp. 3. **Notarization required; ~~prevention of conflict of interest.~~** The applicant's signature indicating acceptance of a written bid for contractor services must be dated with the date on which the applicant approves the bid in writing and must be notarized; ~~but the applicant must not have the applicant's signature notarized by a person employed by or otherwise affiliated with the contractor services firm that provided the bid.~~

~~If the bid is not in compliance with any of these conditions, the~~ A bid obtained in a manner prohibited by this subpart is not a valid competitive bid for the purposes of this chapter.

### Subp. 5. **Lowest cost bid.**

A. Except as provided in part 2890.4100, total costs for contractor services that exceed the total cost in the lowest competitive bid for contractor services are prima facie unreasonable, unless the applicant provides documented proof to demonstrate that the selected contractor's qualifications are superior to those of the contractor who gave the lowest competitive bid and justify the selection of a higher cost bid. Among the factors relevant to the qualifications of a contractor are education, experience, and certifications and registrations. A prior business relationship between the applicant and the contractor is not relevant to the qualifications of a contractor. The board must consider the cost for a contractor service in the lowest overall competitive bid as a reasonable amount to charge for a specific task or item if the cost for that task or item does not exceed the maximum cost stated in parts 2890.2400 to ~~2890.3800~~ 2890.3850.

## **2890.4100 DEVIATIONS FROM MAXIMUM COSTS FOR CONTRACTOR SERVICES.**

Subpart 1. **Bids over maximum costs owing to unavailability of contractors.** A cost for a contractor task that exceeds the maximum cost specified for that task in parts 2890.2400 to ~~2890.3800~~ 2890.3850 is not prima facie unreasonable when:

B. the applicant demonstrates by reasonable evidence that:

(1) the applicant could not secure a bid to perform that contractor service for an amount not exceeding the maximum costs in parts 2890.2400 to ~~2890.3800~~ 2890.3850 for that contractor service;

## **2890.4400 APPLICATION PROCESS.**

Subpart 1. **Applications.** An applicant must complete, sign, and submit to the board a written application. The application must be made on a form prescribed by the board and must contain at least the following:

D. a copy of the proposals for each step of services as required by parts ~~2890.0074~~ 2890.1000 to ~~2890.0077~~ 2890.2000;

E. a copy of all change orders, if any, as required by parts ~~2890.0078~~ 2890.2100 and ~~2890.0084~~ 2890.4100;

# Department of Health

## Adopted Permanent Rules Relating to Immunization

The rules proposed and published at *State Register*, Volume 27, Number 27, pages 1013-1016, December 30, 2002 (27 SR 1013), are adopted with the following modifications:

### **4604.0400 IMMUNIZATION DOCUMENTATION RECORD.**

To document a person's immunization history as required under parts 4604.0100 to 4604.1000 and *Minnesota Statutes*, section 121A.15, all child care facilities and elementary and secondary schools must use the Department of Health's official record form or a similar document; approved by the commissioner of health, ~~that~~ when communicating to parents or guardians regarding immunization requirements and exemption procedures. The record form requests information about immunizations and includes statements for documenting medical or conscientious exemptions. Nothing in this part limits a facility or school from sending other information to parents or guardians that is related to immunizations and is in compliance with law.

## **Department of Public Safety**

### **Adopted Permanent Rules Relating to Chemical Tests for Intoxication**

The rules proposed and published at *State Register*, Volume 28, Number 5, pages 97-98, August 4, 2003 (28 SR 97), are adopted as proposed.

## **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 Employment and Economic Development**

### **Minnesota Housing Finance Agency**

### **Minnesota Department of Human Services**

#### **NOTICE OF PUBLIC HEARINGS AND DRAFT AVAILABILITY of the State of Minnesota 2004 Consolidated Housing and Community Development Plan and Consolidated Annual Performance and Evaluation Report (CAPER) with Updates to the Analysis of Impediments to Fair Housing Choice**

The State of Minnesota announces its process for developing the 2004 Action Plan of the State's 2002-2006 Consolidated Housing and Community Development Plan, and the 2003 Consolidated Annual Performance and Evaluation Report (CAPER) with Analysis of Impediments to Fair Housing (A/I) Annual Updates. The state encourages citizens to attend the public hearings and review and comment on the draft reports.

The Consolidated Plan is a report that the state submits annually to the U.S. Department of Housing and Urban Development (HUD) in order to receive federal housing and community development funding through the Community Development Block Grant (CDBG), HOME Investment Partnerships, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. The Consolidated Plan examines the housing and community development needs of the state, sets priorities for allocation of the HUD funds, and establishes an Action Plan for meeting current and future needs in the coming year.

The state submits its CAPER to HUD, annually, as one of the conditions of receiving federal funds under the programs listed above. The CAPER provides information to measure the state's progress during the past year in meeting assistance goals and priorities identified in the Consolidated Plan. The CAPER includes a summary and analysis of updates to the state's Analysis of Impediments to Fair Housing, reporting on progress made on identified actions that state agencies have elected to undertake to affirmatively further fair housing and overcome impediments to fair housing.

The state will hold its first public hearing about the 2004 Action Plan on Monday, October 13, 2003. The hearing will be held at 4:30 p.m. at the Minnesota Housing Finance Agency, 400 Sibley Street, 1st floor conference room, St. Paul. Call 1-800-657-3858 for more information about the hearing. The primary purpose of this public hearing is to gather citizen input on housing and community development needs for the proposed Action Plan.

A second public hearing on the 2004 Action Plan of the 2002-2006 Consolidated Plan will be held on Monday, November 17, 2003. This public hearing will be for review and comment on the Action Plan draft and will be held at 4:30 p.m. at the Minnesota Housing Finance Agency, 400 Sibley Street, 1st floor conference room, St. Paul. Call 1-800-657-3858 for more information about this second hearing.

A draft of the 2004 Action Plan of the 2002-2006 Consolidated Plan, the CAPER for 2003 and A/I updates will be available for public review and comment for 30 days between November 1, 2003 and December 1, 2003. A copy of the draft Action Plan, CAPER and A/I updates will be available on the Internet at [www.mhfa.state.mn.us](http://www.mhfa.state.mn.us) or [www.deed.state.mn.us](http://www.deed.state.mn.us) and in state depositories identified in the Citizen Participation Plan, which may be viewed at the same internet locations. Hard copies of the draft Action Plan can be obtained by calling Leona Humphrey, Department of Employment and Economic Development, 1-800-657-3858 or (651) 297-4740, or TTY 1-800-366-2906 or (651) 282-6142. Hard copies of the CAPER and A/I updates can be obtained by calling Minnesota Housing Finance Agency at 1-800-657-3769 or (651) 296-7608, or TTY (651) 297-2361.

# Official Notices

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Written public comments on the Action Plan can be submitted to:

Consolidated Plan, Attn: Leona Humphrey  
Minnesota Department of Employment  
and Economic Development  
121 East 7th Place  
500 Metro Square Building

St. Paul, MN 55101-2146 or fax (651) 296-1290 or by email at: [leona.humphrey@state.mn.us](mailto:leona.humphrey@state.mn.us). To ensure consideration of your comments, type "2004 Action Plan" in the subject line of your e-mail.

Written public comments on the 2003 Consolidated Annual Performance and Evaluation Report (CAPER) and the Analysis of Impediments to Fair Housing (A/I) can be submitted to:

CAPER and Analysis of Impediments  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300

St. Paul, MN 55101 or fax (651) 296-8139 or by email at: [mhfa@state.mn.us](mailto:mhfa@state.mn.us). To ensure consideration of your comments, type "CAPER" or "A/I" in the subject line of your e-mail.

The Consolidated Plan, the CAPER and A/I updates will be submitted to HUD on or before December 30, 2003. The state will consider any comments from individuals or groups received in writing or at public hearings. A summary of the written and public hearing comments and the state's responses will be included in the final Action Plan, the CAPER and A/I.

## Minnesota Emergency Medical Services Regulatory Board

### Notice of Contested Case Hearing: In the Matter of Chaska Fire Department Ambulance

Pursuant to *Minnesota Statutes* § 144E.11 (2002), Chaska Fire Department Ambulance ("Applicant") has made application to the Minnesota Emergency Medical Services Regulatory Board ("Board") to provide advanced life support ambulance service in their primary service area. Another entity, Allina Medical Transportation, currently provides this service for the primary service area. Because there were a sufficient number of written comments opposing its application and the Applicant has requested a contested case hearing, pursuant to *Minnesota Statutes* § 144E.11, subd. 5 (2002), the Board has scheduled a contested case before Administrative Law Judge George A. Beck of the State of Minnesota Office of Administrative Hearings to be held on October 30, 2003 at 9:30 a.m. at the Chaska Community Center, 1661 Park Ridge Drive, Chaska, Minnesota.

A preliminary discussion with the Applicant and formal objectors to the application will be conducted by telephone by Administrative Law Judge George A. Beck, (612) 341-7601. Interested persons, the Applicant and formal objectors to the application, should promptly provide the Office of Administrative Hearings with a telephone number at which they can be contacted to participate in the preliminary discussion.

#### ADDITIONAL NOTICE

1. If any party has good cause for requesting a delay of the hearing, the request must be made in writing to the Administrative Law Judge at least five days prior to the hearing. A copy of the request must be served on all other parties.

2. Interested persons, the Applicant and formal objectors to the application, intending to appear at the hearing must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of this Notice and Order. A copy must be served on the Emergency Medical Services Regulatory Board.

3. At the hearing, the parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense. Pursuant to *Minnesota Statutes* § 144E.11 (2002), the Administrative Law Judge shall also allow any interested person the opportunity to be heard, to be represented by counsel and to present oral and written evidence at the public hearing and will provide a transcript of the public hearing at the expense of any individual requesting it.

4. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

5. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to *Minnesota Rules* 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at [www.oah.state.mn.us](http://www.oah.state.mn.us) or by calling (612) 341-7600.

6. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

7. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at [www.oah.state.mn.us](http://www.oah.state.mn.us) or by calling (612) 341-7600.

8. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

9. The Administrative Law Judge will review and comment upon the application and make written recommendations as to its disposition to the Board within 90 days of the publication of notice of the hearing in the State Register. In making recommendations, the Administrative Law Judge shall consider and make written comments as to whether the proposed service change is needed based on consideration of factors specified in *Minnesota Statutes* § 144E.11, subd. 6 (2002).

Dated: September 22, 2003

MINNESOTA EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Mary Hedges

Executive Director of the Minnesota Emergency

Medical Services Regulatory Board

## **Minnesota Higher Education Facilities Authority**

### **Notice of Public Hearing on Revenue Obligations on Behalf of the University of St. Thomas**

**NOTICE IS HEREBY GIVEN** that a public meeting will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the "University"), as owner and operator of University of St. Thomas, at the Authority's office at Suite 450, 380 Jackson Street, St. Paul, Minnesota on October 15, 2003 at 2:00 p.m.

Under the proposal, the Authority would issue its revenue bonds or other obligations in an original principal amount of up to approximately \$27,000,000 to finance a project generally described as: (a) the refunding of the Authority's outstanding Refunding Revenue Bonds, Series Three-R1 (University of St. Thomas), dated June 15, 1993, which were issued in the original principal amount of \$22,985,000 to refund certain revenue bonds of the Authority originally issued to finance various projects on the University's St. Paul, Minnesota campus, described as follows: (i) First Mortgage Revenue Bonds, Series U (College of St. Thomas), dated January 1, 1978, issued in the original principal amount of \$685,000 to finance construction and equipping of a two-story residential facilities addition to Murray Hall, a student union facility, (ii) First Mortgage Revenue Bonds, Series X (College of St. Thomas), dated September 1, 1978, issued in the original principal amount of \$1,800,000 to finance construction and equipping of the John Paul II residence building, (iii) Variable Rate Demand Revenue Bonds, Series Two-I (College of St. Thomas), dated December 5, 1985, issued in the original principle amount of \$5,500,000 to finance the construction and equipping of two additional floors to and renovation of Brady Hall Dormitory and Dowling Hall Dormitory and additional related parking, (iv) Revenue Bonds, Series Two-O (College of St. Thomas), dated May 1, 1998, issued in the original principal amount of \$11,100,000 to finance expansion and remodeling of Murray Hall, additions to and renovation of Brady Center, a classroom facility, exterior repairs to Grace Residence Hall and Cretin Residence Hall, renovation of the heating plant, acquisition and installation of computer equipment and acquisition of parcels of property adjacent to the St. Paul campus and located within the blocks bounded by Summit, Cretin, Grand and Cleveland Avenues, and (v) Revenue Bonds, Series Two-S (College of St. Thomas), dated May 1, 1989, issued in the original principal amount of \$4,415,000 to finance renovation and equipping of Grace Residence Hall and Cretin Residence Hall and the renovation of and construction of an addition to Binz Refractory, a dining facility; and (b) the refunding if the Authority's outstanding Refunding Mortgage Revenue Bonds, Series Three-R2 (University of St. Thomas), dated June 15, 1993, which were issued in the original principal amount of \$23,015,000 to refund a portion of the Authority's Mortgage Revenue Bonds, Series Three-C (University of St. Thomas), dated March 1, 1991, originally issued to finance the acquisition and construction of Terrence Murphy Hall, a multistory education building located at 1000 LaSalle Avenue on the University's downtown Minneapolis, Minnesota campus. The street address of the St. Paul campus is 2115 Summit Avenue, Saint Paul, Minnesota.

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

Dated: September 29, 2003

By Order of the Minnesota Higher Education Facilities Authority

Marianne Remedios

Executive Director

# Official Notices

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## Minnesota Department of Public Safety

### Office of Pipeline Safety

#### REQUEST FOR COMMENTS on Possible Amendment to Rules Governing The Minnesota Excavation Notice System, *Minnesota Rules*, chapter 7560

**Subject of Rules.** The Minnesota Department of Public Safety, Office of Pipeline Safety requests comments on its possible amendment to rules governing the Minnesota Excavation Notification System, *Minnesota Rules*, chapter 7560. The office is considering rule amendments that help to clarify the existing excavation notification system required under *Minnesota Statutes*, chapter 216D. The need to amend these rules is based primarily on continuing efforts to increase public safety and on the findings from a group of damage prevention stakeholders.

Beginning in August 2001, the Office of Pipeline Safety assembled a group of over 40 damage prevention stakeholders (experts) to take a close look at the current state of Minnesota's Excavation Notification System governed under *Minnesota Statutes*, chapter 216D and *Minnesota Rules*, chapter 7560. This group was made up of facility operators, excavators, municipalities, and regulators. The group identified 24 areas that they felt needed to be looked at under the law and/or rules. Five subgroups were formed to address the 24 issues. Over a nine-month period these subgroups worked very hard to research the problem areas and to propose possible solutions. The subgroups were requested to: provide a detailed description of an identified issue, explain who the issue affects, research the Common Ground Best Practices Report (1999) and practices of other states, and propose possible solutions.

Based on the recommendations from the group of damage prevention stakeholders, the Office of Pipeline Safety is considering rule amendments that address the following: clarification of the definition of an operator, requiring new facilities to be installed with locating wire or some other equally effective means of locating, requiring new facilities installed in public rights-of-way to be adequately mapped for purposes of responding to locate requests, the duties of operators and excavators regarding emergency excavations, the duties of operators and excavators regarding excavation notices requesting a meet prior to excavation, the minimum requirements for marking an underground facility including positive response by the facility operator, and clarification of precautions to avoid damage regarding trenchless excavations.

**Persons Affected.** The amendment to the rules would likely affect excavators, operators of underground facilities, the Gopher One-Call Center staff, and members of the general public who wish to conduct their own excavations.

**Statutory Authority.** *Minnesota Statutes*, section 299J.04, subdivision 4, gives the Commissioner of Public Safety authority to adopt rules to implement *Minnesota Statutes*, sections 299J.01 to 299J.17. *Minnesota Statutes*, section 299J.04, subdivision 1, gives the commissioner the duty to "enforce sections 216D.01 to 216D.09, as provided in sections 216D.08 and 216D.09." Given the above authority, the department is authorized to adopt rules to implement enforcement of chapter 216D. *Minnesota Statutes*, sections 216D.08, subdivision 4, and 299F.60, subdivision 5, give the Commissioner of Public Safety the authority to issue rules in respect to civil penalties. General agency rulemaking authority is also identified in *Minnesota Statutes*, section 14.06.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department does contemplate appointing an advisory committee to comment on the possible rules.

**Rules Drafts.** The department has not yet prepared a draft of the possible rules amendments.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Michael J. McGrath, Office of Pipeline Safety, 444 Cedar Street, Suite 147, St. Paul, Minnesota 55101-5147; (651) 296-5103; FAX: (651) 296-9641; or [Dps.Mnops.Rulescomments@state.mn.us](mailto:Dps.Mnops.Rulescomments@state.mn.us). TTY users may call the Department of Public Safety at (651) 282-5555.

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

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: September 23, 2003

Richard W. Stanek, Commissioner  
Department of Public Safety

**Department of Transportation (Mn/DOT)****Engineering Services Division****Office of Construction****Notice of Suspension**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective September 9, 2003, for a period of sixty (60) days:

- Tenson Construction, Big Lake, MN
- Paul Ival Tendrup, Big Lake, MN
- Bonnie Marie Tendrup, Big Lake, MN

**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 Office of Environmental Assistance****Notice of Requests for Loan Proposals for the Environmental Assistance Loan Program**

**NOTICE IS HEREBY GIVEN** that the Minnesota Office of Environmental Assistance (OEA) is issuing this Request for Proposals (RFP) to solicit loan projects for the Environmental Assistance Loan Program (Program) in the Fiscal Years 2004-2005.

The Program allows the OEA to award up to a maximum OEA loan of \$100,000, at zero percent interest. Program guidelines call for OEA loan funds to be matched by a minimum dollar-for-dollar match (1:1) by loans from a participating financial institution. A fee is assessed to each loan to cover administrative and service costs.

Preference will be given to projects related to waste reduction, pollution prevention, and other prevention-based or preventative technologies and practices. As funds are repaid, additional loans will be awarded for projects that will improve Minnesota's environmental and economic quality.

For information or a RFP/application, contact:

Kevin McDonald, OEA

**Phone:** (651) 215-0262 or 1-800-657-3843

**Email:** [kevin.mcdonald@moea.state.mn.us](mailto:kevin.mcdonald@moea.state.mn.us)

The RFP, with application forms attached, is also downloadable and available on the OEA's web site at <http://www.moea.state.mn.us>

Applications under this RFP may be submitted, on a rolling-basis, **through April 1, 2005**. Applications received after this deadline will not be considered.

This notice is issued by the Director of the OEA under authority provided in *Minnesota Statutes* Chapter 115A.0716, subd. 3 and *Minnesota Rules* Parts 9210.0800 to 9210.0855, which allows the director to administer its Environmental Assistance Loan Program.

**Department of Human Services****Aging Initiative****Notice of Request For Proposals to Rebalance and Integrate Long-Term Care and Promote the Independence of Older Adults**

The Minnesota Department of Human Services Aging Initiative is soliciting proposals from qualified applicants to expand home- and community-based services for older adults as directed by *Minnesota Statutes* 256.9754, and 256B.0917 subd. 13. The purpose of the Community Service/Community Services Development grants awarded under this Request for Proposals (RFP) is to help

# State Grants & Loans

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communities rebalance their long-term care service system for persons age 65 years and older and support their families by reducing reliance on nursing facility care, increasing the supply of home- and community-based services and integrating health and social services to provide better consumer experiences and administrative efficiencies. DHS will give preference to proposals from communities that have had or will have a voluntary nursing facility closure.

DHS is seeking proposals that will 1.) Integrate family, informal and quasi-formal care systems, formal social service systems and health care services; 2.) Increase the numbers of older Minnesotans using home- and community-based services in target communities; 3.) Increase home- and community-based services in target communities; and 4.) Coordinate with existing services funded by State, Federal, and other sources.

Eligible applicants for these grants are non-profit agencies, for-profit entities, including nursing facilities, housing owners and service providers, and units of government. DHS encourages coordination and collaborations among applicants and requires participation of an informal service provider, a county or counties, a health care provider and Area Agency on Aging.

A tele-video applicant conference will be held October 7, 2003 from 1:30 -3:30 PM at the following locations:

**St. Paul** DHS Central Office  
444 Lafayette Rd. N.  
Room 5F

Call 651-296-2770 to register for DHS Central Office.

Other locations don't require registration. Contact information is provided for people to call for directions.

**Bemidji** Beltrami County Social Services  
619 Beltrami Ave. NW  
contact: Sara - 218-755-4500

**Crookston** Polk County Courthouse  
Lower Level, Suite 110  
612 N. Broadway  
contact: Jessie Rodseth - 218-281-4788 x1338

**Duluth** St. Louis County Government Center  
320 W. 2nd St., Rm. 709  
contact: Donna Burns - 218-725-5192

**Litchfield** Meeker County Court House  
325 Sibley Ave. N.  
contact: Cori Sherman - 320-693-5202

**Mankato** Blue Earth County Human Services  
410 S. 5th St., Basement Level  
contact: Mary Miller - 507-389-8273

**Marshall** Lincoln-Lyon-Murray Human Services  
Lyon County Courthouse, 1st Floor  
607 W. Main St.  
contact: Cindy Buchert- 507-532-1222

**Wheaton** Traverse County Courthouse  
702 - 2nd Ave. N.  
contact: Roger Strand - 320-563-4343

**Winona** Winona County  
202 W. 3rd St.  
contact: Rita Wiegorek - 507-457-6250

The full text of the RFP, which includes requirements that must be met in order to submit a proposal and proposal evaluation criteria, is available on the Internet at:

[www.dhs.state.mn.us/agingint/policy/cmtysrvs.htm](http://www.dhs.state.mn.us/agingint/policy/cmtysrvs.htm) or upon request by contacting:

Rolf Hage, Community Capacity Consultant

DHS Aging Initiative

444 Lafayette Rd. S.

St. Paul, MN. 55155-3843

[Rolf.hage@state.mn.us](mailto:Rolf.hage@state.mn.us)

Phone: (800) 882-6262

TTY: (800) 627-3529



## State Contracts

**Informal Solicitations:** 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](http://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

### Request for Proposals for Executive Search Firm

**NOTICE IS HEREBY GIVEN** that proposals are being solicited to select an executive search consultant to assist the Minnesota State Colleges and Universities System in the search for qualified candidates for vacancies for Presidents with the Minnesota State Colleges and Universities System during fiscal year 2003-2004.

Applicants must have evidence of successful experience in working with search committees on searches for higher education chief executives and evidence of success in providing clients with diverse pools of candidates for searches in higher education. For further information or to request a copy of the full Request for Proposal, please contact:

Linda Skallman, Associate Vice Chancellor  
Minnesota State Colleges & Universities/Personnel  
500 World Trade Center, 30 East Seventh Street  
St. Paul, MN 55101  
**Telephone:** (651) 297-8263  
*[linda.skallman@so.mnscu.edu](mailto:linda.skallman@so.mnscu.edu)*  
**FAX:** (651) 297-3145

Proposals are due by Friday, October 17, 2003.

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

## Department of Employment and Economic Development

### Workforce Partnerships Division, Dislocated Worker Program

#### Notice of Request for Qualifications for Dislocated Worker Program Service Providers

The Minnesota Department of Employment and Economic Development - Dislocated Worker Program is requesting qualification information from public or private non-profit organizations interested in being selected and certified as MN Dislocated Worker Service Providers. The purpose of the MN Dislocated Worker Program is to minimize the economic impact of layoffs and plant closings to employers and workers through the provision of services, which enable the unemployed to return to work quickly at the highest skill and wage level possible.

The Request for Qualification ("RFQ") document packet provides information outlining the specifications regarding Purpose, Eligible Organizations, Services, Time Frame, and Certification Process Steps.

To receive a copy of the "Request for Qualifications for Dislocated Worker Program Service Providers" contact:

Edward Retka  
MN Dislocated Worker Program  
MN Department of Employment and Economic Development  
500 Metro Square, 121 7th Place East  
St. Paul, MN 55101  
**Phone:** (651) 296-2953

[NOTE: This solicitation includes all private or public non-profit organizations seeking to provide Dislocated Worker Program Services with the exception of Federal W I A (Workforce Investment Act) Workforce Service Areas.]

**Five copies of the application must be submitted by 4:00 PM Friday October 31, 2003. Late, Faxed or e-mailed proposals will not be considered.**

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Contracts

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## Department of Transportation

### Program Support Group

#### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento  
Pre-Qualification Administrator  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

## Department of Transportation

### Engineering Services Division

#### 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](http://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 editor for further details.

### Metropolitan Council

#### Notice of Request for Proposals (RFP) on the Engineering/Architectural Services for the Blue Lake and Seneca Wastewater Treatment Plants

##### Contract 03P093

The Metropolitan Council is requesting proposals for Engineering and Architectural services for the Blue Lake Wastewater Treatment Plant Improvements and the Seneca Wastewater Treatment Plant Disinfection and Phosphorus Removal projects. The services involves developing comprehensive facilities plans for the two plants that encompass facilities needed to accommodate growth, facilities to provide for redundancy, system rehabilitation, addition of phosphorus removal processes, changes to disinfection systems, and other plant specific needs.

A tentative schedule for the project is as follows:

<b>Issue Request for Proposals:</b>	<b>October 1, 2003</b>
<b>Receive Proposals:</b>	<b>November 12, 2003</b>
<b>Contract negotiated, executed, Notice to Proceed:</b>	<b>January 2004</b>

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a written request for the RFP to:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council - Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**e-mail:** harriet.simmons@metc.state.mn.us

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for Instructor-Led End-User Computer Training

##### Contract Number 03P102

The Metropolitan Council is requesting proposals for instructor-led computer training classes for Council employees for a period of four years. Required programs include *Windows 2000*, *Microsoft Office 97 & XP*, *Novell GroupWise 6*, and *Palm Pilot*. All training will be held at Council facilities on an as-needed basis.

The anticipated schedule for this procurement is:

<b>Issue Request for Proposals</b>	<b>September 29, 2003</b>
<b>Proposals Due</b>	<b>October 23, 2003</b>
<b>Award Contract</b>	<b>November 2003</b>

# Non-State Contracts & Grants

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All firms interested in receiving an RFP package are invited to submit an e-mail or written request to:

Sunny Jo Emerson, Senior Administrative Assistant  
Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1499  
**Fax:** (651) 602-1083  
**e-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

Note: The RFP is **NOT** available in electronic form.

## Metropolitan Council

### Notice of Request for Proposals (RFP) to Assist the MetroGIS Staff Coordinator

The Metropolitan Council is requesting Professional Services to assist the MetroGIS Staff Coordinator support several initiatives important to efficiently and effectively achieving the core functions of MetroGIS. MetroGIS is an award winning, innovative, regional geographic information systems initiative serving the seven-county Minneapolis-St. Paul (Minnesota) metropolitan area. It provides a regional forum to promote and facilitate widespread sharing of geospatial data. MetroGIS is a voluntary collaboration of local and regional governments, with partners in state and federal government, academic institutions, nonprofit organizations and businesses. See [www.metrogis.org](http://www.metrogis.org) for more information about MetroGIS's objectives and accomplishments.

A tentative schedule is as follows:

<i>Issue Request for Proposals</i>	<b>September 22, 2003</b>
<i>Receive Proposals</i>	<b>November 3, 2003</b>
<i>Contract negotiated, executed, NTP</i>	<b>January 2, 2004</b>

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

## Metropolitan Council - Metro Transit

### Notice of Request for Proposals Credit Card Processor

#### RFP No. 03P106

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council, on behalf of its Metro Division, is soliciting proposals from credit card processors who are currently processing transactions from merchants under the International Standards Organization ISO-8583 format and protocol.

The Council is seeking proposals for merchant card network/acquirer/processor services to process approximately \$4 million of retail sales in credit (but not debit) card transactions per year, for up to 3 years. The estimated average sale per transaction is \$35. Vendor must accept Council transactions from a host computer, in accordance with ISO format 8583. The Council submits about \$2 million in annual sales to its current card processor who is not ISO 8583 compliant. These sales are expected, but not guaranteed, to migrate to the new processor and are part of the above \$4 million in of annual sales forecast.

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# Non-State Contracts & Grants

The *tentative* schedule for this process is:

<i>RFP Issue Date</i>	<b>September 29, 2003</b>
<i>Proposals Due</i>	<b>October 28, 2003</b>
<i>Consultant Selection</i>	<b>November 5, 2003</b>
<i>Notice to Proceed</i>	<b>November 19, 2003</b>
<i>Commence System Set-ups</i>	<b>November 20, 2003</b>
<i>Start System Testing</i>	<b>December 1, 2003</b>
<i>Production</i>	<b>January 1, 2004</b>

All firms interested in this project should submit a written request for a copy of the RFP through:

Harriet Simmons, Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

Please provide the name of one contact person; complete company name; address/city/state/zip along with phone/fax/cell phone and pager numbers as well as e-mail information if you wish to be placed on the Solicitation List. **All other inquiries** regarding this procurement shall be directed by e-mail to Hugh McConnell at: [hugh.mcconnell@metc.state.mn.us](mailto:hugh.mcconnell@metc.state.mn.us). **Any other contact with Council employees on this matter throughout the entire solicitation process risks vendor disqualification.**

## 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](http://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 the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

