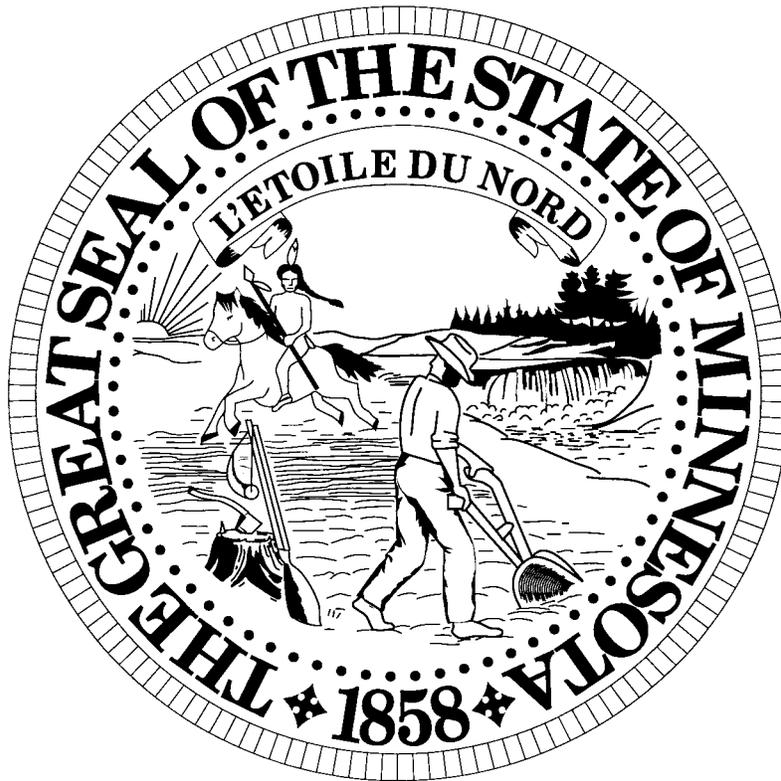


State of Minnesota

State Register

Rules and Official Notices Edition



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

Monday 12 April 2004

Volume 28, Number 41

Pages 1245 - 1284

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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- appointments
- proclamations and commendations
- commissioners' orders
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- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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Printing Schedule and Submission Deadlines

Vol. 28 Issue Number	PUBLISH DATE	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
#41	Monday 12 April	Noon Tuesday 6 April	Noon Wednesday 31 March
#42	Monday 19 April	Noon Tuesday 13 April	Noon Wednesday 7 April
#43	Monday 26 April	Noon Tuesday 20 April	Noon Wednesday 14 April
#44	Monday 3 May	Noon Tuesday 27 April	Noon Wednesday 21 April

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Publication Number: 326630 (ISSN 0146-7751)

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St. Paul, MN 55155 **Website:** www.courts.state.mn.us

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Commodity, Service and Construction Contracts are published Tuesday
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 are available from the Materials Management Helpline (651) 296-2600.
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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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4647.0100; .0200; .0300; .0400; 4667.0005; .0010; .0015; .0020; .0025; .0030; 4685.1010, s. 8; 4700.2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; 4735.0200; 4761.1230; 9000.0050; .0100; s. 2, 3, 7; .0110; .0120; .0130; .0140; .0150; .0160; .0190 (repealed) 1249

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Adopted Rules

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

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

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

Department of Health

Adopted Permanent Rules Relating to Repeal of Obsolete Health Rules

The rules proposed and published at *State Register*, Volume 28, Number 24, pages 777-779, December 15, 2003 (28 SR 777), are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Procedural Rules

The rules proposed and published at *State Register*, Volume 27, Number 39, pages 1457-1471, March 24, 2003 (27 SR 1457), are adopted with the following modifications:

7000.0300 DUTY OF CANDOR.

In all formal or informal negotiations, communications, proceedings, and other dealings between any person and any member, employee, or agent of the board or commissioner, it shall be the duty of each person and each member, employee, or agent of the board or commissioner to act in good faith and with complete truthfulness, accuracy, disclosure, and candor.

7000.0550 AGENDA FOR BOARD MEETINGS.

Subp. 2. Agenda preparation.

B. A board member may request, pursuant to *Minnesota Statutes*, section 116.02, subdivision 8, that the commissioner place an item on the agenda. Unless the request is withdrawn, the commissioner shall place the item on the agenda within 45 days ~~of~~ after the date the request is made by the board member.

7000.0750 BOARD RECORDS AND FINAL DECISION MAKING.

Subp. 4. **Record upon which the board makes other decisions.** The record upon which the board shall make a final decision in all matters other than rulemaking and contested case hearings consists of the following:

B. relevant written materials submitted to the board agency within an established comment period, including requests for an informational meeting and petitions for contested case hearings;

C. written materials submitted to the board agency as allowed by part 7000.0650, subpart 6, and recordings or transcripts of oral statements as allowed by part 7000.0650, subpart 5;

Subp. 9. **Stay of decision.** A person may petition for a stay of a board or commissioner decision. Petitions must comply with the requirements of part 7000.2100 relating to timing, serving of a petition, and petition contents. The board's or commissioner's grounds for granting or denying a petition and the board's or commissioner's consideration of the petition are the same as the requirements of part 7000.2100.

7000.0800 STIPULATION AGREEMENTS.

Subp. 2. **Interim operation.** The commissioner may ~~discretionally,~~ at the commissioner's discretion, provide under the terms of a stipulation agreement for the operation of existing systems pending completion of compliance under the schedule therefor, and under such further conditions as the commissioner may prescribe in the stipulation agreement. Completion of performance under the stipulation agreement shall not relieve any party thereto of any requirement of law or agency rules to apply for all necessary permits or variances.

7000.1300 NOT PUBLIC INFORMATION.

Subp. 7. **Use in contested case hearings.** Any otherwise admissible evidence containing information classified as not public offered by the commissioner, agency, or a party to the contested case hearing shall be made a part of the hearing record of the case, and the administrative law judge may conduct a closed hearing to discuss the information, issue necessary protective orders, and seal all or part of the hearing record pursuant to *Minnesota Statutes*, section 14.60.

7000.1750 CONTESTED CASE HEARINGS.

Adopted Rules

Subp. 4. **Parties.** For the purpose of this part, “party” means each person named as a party by the board or commissioner in the notice of and order for hearing pursuant to part 1400.5100, subpart 7, or persons granted permission to intervene pursuant to part 1400.6200. The board or commissioner is a party pursuant to part 1400.5100, subpart 7. When a contested case hearing is held pursuant to a petition for a hearing, the persons petitioning for the hearing are parties to the matter. In any hearing on an application for a permit or variance, the applicant is a party. The deputy commissioner is a party in any hearing ordered by the agency. ~~Any person who is properly intervened in the contested case under part 1400.6200, is a party.~~ The board may designate any person whose legal rights are affected as a party.

7000.1800 PETITION FOR CONTESTED CASE HEARING.

Subpart 1. **Petition for contested case hearing.** Any person may petition the ~~board or commissioner~~ agency to hold a contested case hearing. To be considered by the ~~board or commissioner~~ agency, a petition must be submitted in writing, must contain the information specified in subpart 2, and must be timely. Timeliness shall be determined as follows:

Subp. 4. Untimely petition for a contested case hearing.

The commissioner shall deny a petition for a contested case hearing if the petition is not timely served as provided in subpart 1. However, the board or commissioner may consider a petition that is not timely if the petition contains the information listed in subpart 2, and the petitioner demonstrates that the petition could not have been submitted to the ~~board or commissioner~~ agency any earlier because it relies on newly discovered material facts that could not have been discovered until after the petition period ended.

7000.2000 FINAL DECISIONS AND ORDERS IN CONTESTED CASES.

Subpart 1. **Time for filing comments and exceptions.** The board or commissioner shall take no final action with respect to a matter for which a contested case hearing has been held for at least ten days after the date of issuance of the administrative law judge’s report. Any person may serve written comments on or exceptions to the findings of fact, conclusions, and recommendations of the administrative law judge at any time up to five days prior to the board meeting at which the matter will be considered for final decision by the board. Where the commissioner is to make a final decision, any person may serve upon the commissioner written comments on or exceptions to the findings of fact, conclusions, and recommendations of the administrative law judge. The written comments or exceptions must be submitted to the commissioner within ten days ~~after receipt of the issuance~~ of the administrative law judge’s report. Any comments and exceptions must be based solely upon the record of the hearing.

7000.2100 PETITION FOR STAY AND REOPENING OF FINAL DECISION FOLLOWING CONTESTED CASE HEARING.

Subp. 4. **Board’s or commissioner’s consideration of petition.** Within 30 days of the board’s ~~or commissioner’s~~ final decision, the board must schedule a meeting to determine whether or not to deny or grant the petition submitted under subpart 1. Within 30 days of the commissioner’s final decision, the commissioner must deny or grant the petition submitted under subpart 1.

7000.7000 VARIANCES.

Subp. 8a. **Commissioner decision.** The commissioner shall make final decisions on variance applications for those matters where the board does not have authority pursuant to *Minnesota Statutes*, section 116.02, subdivision 6, clause (6), or where the board does not exercise authority pursuant to *Minnesota Statutes*, section 116.02, subdivision 8. The commissioner shall approve or deny each application. The commissioner may grant a variance upon conditions the commissioner may prescribe, in accordance with *Minnesota Statutes*, chapter 14. If a contested case hearing has been held, the commissioner shall act on each variance application as expeditiously as possible after receipt of the administrative law judge’s report and recommendation, or after submission of the application if no hearing is held, but no later than 60 days after receipt of the report or submission of the application. Any person may submit to the commissioner a written statement or recommendation regarding a variance application in accordance with part 7000.1800. Any such submission shall be made within ten days following the receipt of the administrative law judge’s report, or within ten days ~~of~~ after submission of an application where no hearing is held.

7000.9000 CONFLICT OF INTEREST.

Subp. 3. **Postboard representation.** For one year after leaving the board, a board member must not represent an interested person or party before the board or appear on behalf of an interested person or party regarding a matter that previously was identified as an item on any board meeting agenda.

7000.9100 PROHIBITED EX PARTE COMMUNICATIONS.

Subpart 1. **Ex parte communication.** “Ex parte communication” means an oral or written, off-the-record communication made between a board member or the commissioner and a person or party, without notice to other interested persons or parties, that is directed to the merits or outcome of a contested case proceeding or rulemaking proceeding after public hearing. This term does not include procedural, scheduling, and status inquiries or other inquiries or for information that have no bearing on the merits or outcome of the proceeding. ~~Notwithstanding the general prohibition on ex parte communications, the commissioner may undertake communications relating to contested case hearings and rulemaking activities that are necessary to carry out the commissioner’s duties and responsibilities. This includes communications with members of the legislative or executive body. The commissioner shall report all ex parte communications to the board in accordance with subpart 3.~~

Veterans Homes Board

Adopted Permanent Rules Relating to Procedural Changes

The rules proposed and published at *State Register*, Volume 28, Number 25, pages 805-818, December 22, 2003 (28 SR 805), are adopted with the following modifications:

9050.0040 DEFINITIONS.

Subp. 38. **Educational expenses.** “Educational expenses” means the actual amounts paid for a nonskilled resident or dependent child’s tuition, mandatory fees, transportation to and from school, supplies and equipment required for coursework, and child care while the person is in school or in transit. For a nonskilled resident to be eligible for educational expenses, the educational program must be part of the resident’s approved care plan. If there is a dispute over whether or not an item is an educational expense, the administrator ~~may issue~~ shall make a final determination on the issue.

9050.0200 DISCHARGE.

Subp. 3. **Grounds for discharge.** Discharge procedures must be instituted with regard to a resident if one of the following grounds or circumstances exist:

G. the resident or resident’s legal representative:

(1) falsifies or ~~improperly~~ incorrectly represents information on income disclosure and verification forms required in parts 9050.0800 to 9050.0900;

(3) falsifies or ~~improperly~~ incorrectly represents information relating to criteria in part 9050.0070, subpart 3 or 4.

Subp. 5. **Contents of notice.** The notice must:

D. state that the resident has the right to appeal the discharge and a description of the appeal procedures.

If the involuntary discharge is immediate, the resident must be provided with a written notice of discharge and information regarding how to appeal the discharge. Any reconsideration hearing may be conducted via telephone if the resident requests it or the parties mutually decide it would be advisable. If a telephone reconsideration hearing is held, the parties must document the resident’s consent for the telephone hearing and why the hearing was held via the telephone.

If the resident is to be discharged under subpart 3, item F, a notice of involuntary discharge must be sent to the resident’s address, if it is known, or to the resident’s last known address and to the address of a person listed by the resident as the person to be contacted during an emergency. The notice of discharge must be signed by the administrator or administrator’s designee and sent by certified mail within ~~a reasonable amount of time~~ five working days, following the determination that the resident is absent without notice.

9050.0600 PROPERTY LIMITATIONS.

Subp. 2. **Real property limitations.** Real property owned by an applicant or resident must be excluded from consideration as an available resource, subject to the limitations in items A and B.

E. Real property that is not salable must be excluded. If the property is an asset that must be liquidated for the resident or applicant to meet the financial needs established by the maintenance charge calculations, the property must be sold within six months of the determination of financial need or within six months of the date of initial admission, whichever is later, unless the property is not salable. For purposes of this item, “not salable” means:

(2) an actual good faith sale attempt was made at a price not more than an estimate of the highest current market value obtained within six months of application for admission or since the last determination of the maintenance charge, but no offer to purchase was received. The market value price estimate must be based upon the written estimates from two licensed real estate professionals. If a purchase offer ~~of at least 90 percent of~~ at the lowest professional market value price estimate was received but was rejected by the seller, it is presumed that the failure to sell the property was due to an improper action on the part of the seller. ~~The 90 percent of the~~ lowest market price estimate must be the figure taken into account in determining the resident’s maintenance charge or the spousal allowance.

For purposes of subitems (1) and (2), the source of information must be from the same geographic area as the property and knowledgeable about the value of the type of property offered for sale. For purposes of subitem (2), “an actual sale attempt” means the individual has listed the property with a licensed real estate broker or salesperson or, if the property is offered for sale by the owner, the owner has affixed to the property a prominently posted, conspicuous sign that is readable from the road or driveway entrance. The sign must include in large, legible type a notice of the sale and the address or phone number of the owner. The owner must prominently advertise the property for sale in the official newspaper of the county, the newspaper of largest circulation in the county, or the local shopper. The minimum period of an actual sale attempt is 90 consecutive days. If a property has been determined to be nonsalable, the owner of the property must offer it for sale again or establish it is still nonsalable within two years after the date of the last determination of nonsalability.

Adopted Rules

Subp. 3. **Other property limitations.** The facility financial staff shall exclude the value of the following personal property:

B. the value of a prepaid burial account, burial plan, burial contract, or burial trust up to an amount set by the board or the entire amount of an investment made prior to the date of initial admission, whichever is greater. The board shall establish and annually review the items categorized under “burial account,” “burial plan,” “burial contract,” and “burial trust” and establish maximum value allowance limits on those items. The allowance set by the board for total burial and funeral costs must not be below \$5,000;

9050.0650 TRANSFERS OF PROPERTY.

Subp. 3. ~~Improper~~ **Incorrect transfers.** A transfer or sale of property for less than market value within 12 months before admission or during the resident’s stay in a board-operated facility, unless permitted under subpart 2, is presumed to be for the purpose of establishing or maintaining eligibility for admission to or continued residence in a board-operated facility or to avoid payment of the maintenance charge, unless the person furnishes convincing evidence to show that the transfer was for another purpose. Convincing evidence must include evidence that the person had no health or economic reasons to believe that nursing home or boarding care would be needed. Upon discovery of an ~~improper incorrect~~ transfer, a retroactive adjustment must be made in the maintenance charge assessed to the resident. If the property that was ~~improperly incorrectly~~ transferred was in the resident’s name, the maintenance charge must be increased to the full cost of care until the facility has been paid the value of the property that was ~~improperly incorrectly~~ transferred in addition to the maintenance charge that would have otherwise been received. If the property that was ~~improperly incorrectly~~ transferred was in the spouse’s name only, the spousal allowance must be eliminated for the number of months which, when multiplied by the amount of the spousal allowance that would have been granted but for the ~~improper incorrect~~ transfer, equals the value of the property that was ~~improperly incorrectly~~ transferred.

If a resident’s maintenance charge or a spousal allowance is adjusted because of a transfer for less than fair market value, the resident, spouse, dependent, or their legal representative may request from the administrator a waiver if the adjusted maintenance charge or spousal allowance will cause undue hardship resulting in an imminent threat to the individual’s health or well-being. In evaluating a request for a waiver, the administrator shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination of hardship. If the administrator does not approve a waiver, the administrator shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the decision. The decision may be appealed to the executive director of the board. An appeal to the executive director must be handled in the same manner as a hearing under part 9050.0580.

9050.0720 CALCULATION OF NET INCOME; ~~EXCLUSIONS~~ DEDUCTIONS FROM INCOME.

Subp. 2. ~~Exclusions~~ **Deductions from income of applicant or resident.** The facility financial staff shall deduct the expenses in this part and parts 9050.0730 and 9050.0740 from gross income to determine net income. Deductible items include:

P. educational expenses actually paid by the person that are not covered by United States Department of Veterans Affairs educational expense benefits or other government or private scholarships, loans, or grants if there is demonstrated progress by the person towards completion of an educational program as part of the person’s individual care plan. If there is a dispute over whether or not an item is an educational expense, the administrator ~~may issue~~ shall make a final determination of the issue;

9050.0750 DEDUCTION FOR VOLUNTARY SUPPORT OF DEPENDENT SPOUSE OR HOUSEHOLD.

Subp. 1b. **Board authority to establish, review, and revise spousal allowance basic needs and personal needs expenditures.** The board shall establish and annually review the items categorized under “basic needs” and “personal needs” and ~~maximum~~ allowance limits on categories of expenses covered within those definitions. The board shall revise the ~~maximum~~ allowances as necessary to reflect a reasonable sum for the average person. If the board does not take action to review the allowance, the allowance must be adjusted by multiplying it by the percentage of change of the Consumer Price Index (CPI) on the first day of each calendar year. The initial recommendations presented to the board by the executive director must be based upon a review of the actual allowances currently being used at each home, data from the Bureau of Labor Statistics, or a combination of the two. Future recommendations must be based upon the current allowances, requests for increased allowances that have been received by the homes, and data from the Bureau of Labor Statistics.

If a spouse believes that an allowance as based upon the ~~maximum~~ allowance limits is insufficient to meet the spouse’s needs, the spouse or a legal representative may submit a written request to the administrator for a waiver. ~~If the administrator determines, based upon the facts presented in the request, that a waiver is appropriate,~~ The decision to grant or deny a waiver must be based on assets, income, or expense information provided under subpart 1a. The reasons for granting or denying the waiver must be put in writing and delivered to the spouse or the legal representative. If the waiver is granted, the administrator shall indicate the amount of the revised spousal allowance and the duration of the waiver. No waiver may be granted for more than one calendar year. A spouse may apply for an additional waiver upon the expiration of an existing waiver.

Subp. 2. **Determination of spouse’s or dependent’s monthly expenses.** The deduction for the basic needs of the dependent spouse or household is the sum of the following expenses, prorated on a monthly basis as they are incurred or can be estimated with

reasonable certainty:

A. expenses related to the homestead as follows:

(2) costs of supporting a dependent child or children residing with the spouse. Allowances for education of the child beyond high school or the equivalent of high school must not be considered. Student loans must not be considered as an allowance expense. If there is a dispute over whether or not an item is an education expense, the administrator ~~has the authority to issue~~ shall make a final determination on the issue;

Subp. 2b. **Application of dependent spouse's or household's available resources.** If an applicant or resident, or the spouse of an applicant or resident, requests a deduction from the applicant's or resident's gross monthly income for support of a dependent spouse or household, the facility financial staff shall verify the available resources of the dependent spouse or household. All resources listed in subpart 2a must be excluded for the purposes of determining availability of resources. If the facility financial staff has verified that the dependent spouse or household has no resources available other than excluded resources, a deduction from the applicant's or resident's gross monthly income must be calculated according to subpart 3.

Available resources must be calculated to include assets belonging to the spouse as of 12 months before the date of admission. Asset transfers to the applicant are permissible. Any action by a spouse within the 12 months before the initial admission for residency that defers income from an asset, limits the liquid value of an asset, or makes an asset unusable is presumed to be improper. If property or resources have been ~~improperly~~ incorrectly transferred, the spousal allowance will be adjusted in accordance with part 9050.0650, subpart ~~3b~~ 3. Any asset transfer or sales after the date of initial admission by a spouse to anyone other than the resident is an ~~improper~~ incorrect transfer and part 9050.0650, subpart ~~3b~~ 3 applies, unless the proceeds of the transfer or sale are used by the spouse or dependent for normal living expenses.

If a maintenance charge or a spousal allowance is adjusted because of an ~~improper~~ incorrect transfer, the resident, spouse, or dependent or their legal representative may request from the administrator a waiver if the adjusted maintenance charge or spousal allowance will cause undue hardship resulting in an imminent threat to the individual's health and well-being. In evaluating a waiver, the administrator shall take into account whether the individual was a victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination of hardship. If the administrator does not approve a waiver, the administrator shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the decision. The decision may be appealed to the executive director. An appeal to the executive director must be handled in the same manner as a hearing under part 9050.0580.

9050.0800 FINANCIAL INFORMATION AND INTERVIEW.

Subpart 1. **General conduct.** An applicant or resident ~~must~~ should be present at an interview held to determine the applicant's or resident's ability to pay or to obtain financial information from the applicant or resident. If the applicant or resident is unable to participate in the meeting, the person's legal representative or the secondary source of information in part 9050.0810, subpart 2, must be present. If the legal representative or secondary source of information attends the meeting instead of the applicant or resident, the reason that the resident or applicant was not personally present must be placed in the applicant's or resident's financial information file.

9050.0900 AUTHORIZATION FORMS.

Subp. 3. **Refusal to sign authorization forms; consequences.** ~~The applicant or resident, applicant's or resident's legal representative, or spouse must complete the following tasks within 30 days of the financial interview or other authorized request. Failure to complete and sign authorization forms on or by the day of admission must result in the resident being refused admission to the facility. The applicant or resident, applicant's or resident's legal representative, or spouse must complete the following tasks within 30 days of the financial interview or other authorized request:~~

9050.1070 RESIDENT RIGHTS AND RESPONSIBILITIES.

Subp. 37. **Contraband.** A resident may not possess contraband items at the facility campus. Contraband includes all illegal articles, firearms, weapons, ammunition, alcoholic beverages, nonprescribed prescription drugs, including narcotics and controlled substances.

Contraband is subject to seizure according to *Minnesota Statutes*, section 198.33, and must be disposed of according to applicable laws. A receipt must be given to the resident and the information must be documented in the resident's chart. ~~No weapons are allowed in a facility vehicle or at a facility campus except for peace officers carrying firearms, other dangerous weapons, and explosives or blasting agents in the conduct of their official duties. The sole exception is for weapons used for official ceremonial purposes, as approved by the administrator.~~

Exempt Rules

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

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

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

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

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

Board of Water and Soil Resources

Adopted Exempt Rules Relating to Watershed District Appeals

8415.0100 PURPOSE.

The rules of procedure in parts 8415.0100 to 8415.0120 govern appeals to the board pursuant to *Minnesota Statutes*, section 103D.537.

8415.0110 DEFINITIONS.

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

Subp. 2. **Board.** "Board" means the Minnesota Board of Water and Soil Resources.

Subp. 3. **Day.** "Day" means a calendar day unless specified otherwise. The day of the event must not be used in counting any time period.

Subp. 4. **Dispute resolution committee.** "Dispute resolution committee" means the committee of the board established pursuant to *Minnesota Statutes*, section 103B.101, subdivision 10.

Subp. 5. **Executive director.** "Executive director" means the executive director of the Minnesota Board of Water and Soil Resources.

Subp. 6. **Person.** "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subp. 7. **Public transportation authority.** "Public transportation authority" means a state, county, city, or township road authority.

8415.0120 APPEALS.

Subpart 1. **Appeal of rules.**

A. An interested person may appeal a rule made by the managers of a watershed district by filing a petition with the board.

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

C. An appeal filed under this subpart must follow the procedures in subpart 3.

Subp. 2. **Appeal of permit decisions.**

A. The watershed district must notify the public transportation authority promptly of its permit decision, but no later than ten days following the decision. A public transportation authority may appeal a final permit decision of a watershed district issued to it by filing a petition with the board. The appeal must be filed within 30 days of the decision by the watershed district managers pursuant to *Minnesota Statutes*, section 103D.537.

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

Exempt Rules

C. An appeal filed under this subpart must follow the procedures in subpart 3 unless the public transportation authority makes a request in the petition for an expedited appeal hearing. The procedures in subpart 4 must be followed if an expedited appeal hearing is requested in the petition.

Subp. 3. Board appeal procedures.

A. Within 30 days after receiving the petition with evidence that the watershed district has been served with a copy of the petition, the board or its dispute resolution committee or executive director shall decide whether to grant the petition and hear the appeal. The board or its executive director shall grant the petition unless the appeal is deemed meritless, trivial, untimely, or brought solely for the purposes of delay; or that the petitioner has not exhausted all local administrative remedies.

B. The board or its executive director may remand the appealed decision back to the watershed district if the petitioner has not exhausted all local administrative remedies such as a public hearing or if the watershed district's record is not adequate. If an appeal is remanded, the watershed district must make a decision within 60 days unless the remand order, or a subsequent order, specifies a longer period.

C. After granting the petition, the appeal must be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the watershed district's record, submittal of the written briefs for the appeal, and the hearing by the dispute resolution committee. Parties to the appeal are the appellant and the watershed district. For appeals of rules, interveners are allowed. For appeals of permit decisions, interveners are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

D. Upon appeal, the watershed district shall forward to the board the record on which it based its decision within 30 days of the granting of the petition. The board shall make its decision on the appeal after hearing. Thirty days' notice of the hearing must be given by the board to the parties. The parties may present written and oral argument. When the watershed district has made formal findings contemporaneously with its decision or there is an accurate verbatim transcript of the proceedings and the proceedings were fairly conducted, the board shall base its review on the record. Otherwise it may remand the matter.

E. In the case of appeals of watershed district rules filed under subpart 1, the board shall affirm the watershed district's decision to adopt the rule if there was a rational basis to adopt the rule and if no procedural errors prejudicial to a party were made.

F. In the case of appeals of watershed district permit decisions filed under subpart 2, the board shall affirm the watershed district's decision if substantial evidence supports the findings of fact, if the watershed district correctly applied the law, watershed district rule and the watershed district's board-approved watershed management plan to the facts, and if the watershed district made no procedural errors prejudicial to a party. Otherwise, the board shall reverse the decision, amend it, or remand it with instructions for further proceedings.

Subp. 4. Expedited board appeal procedures.

A. A public transportation authority that requests an expedited appeal hearing via a petition filed with the executive director must include a written brief with the petition setting forth the items in dispute and the reasons for seeking expedited review including the consequences of proceeding under subpart 3. A copy of the written brief must be provided to the watershed district at the same time as the petition as specified in subpart 2, item B.

B. Intervenors are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

C. The watershed district must submit a copy of the record as soon as possible and in no case later than in conjunction with a written brief to the executive director and the public transportation authority at least ten days before the hearing. No further written submittals by the parties are allowed unless specifically authorized by the board.

D. The board or its dispute resolution committee shall hold a hearing within 30 days of receiving the petition. The board shall make a decision within 30 days of the hearing and apply the standard of review in subpart 3, item F, unless it decides there is not sufficient basis to grant the request to expedite the appeal in which case subpart 3 would apply.

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.

Department of Employment and Economic Development

Rehabilitation Services and Disability Determination Services

Fee Schedule for Medical Consultative Examinations and Ancillary Testing Effective March 1, 2004

VR/Rehabilitation Services and DDS Medical/Psychological Fee Schedule

DDS PAYMENT

The following boxed paragraph applies to the Disability Determination Services only.

For consultative examinations and reports (including general physical, specialist, and laboratory and x-ray examinations), payment is made as follows:

For narrative and/or lab reports received by the State Agency (DDS) one to eighteen calendar days from the date of the examination (i.e., the day after the date of the examination is day one), excluding postal holidays, the DDS will pay providers 100% of either the usual and customary amount billed or 100% of the agency fee maximum, whichever is less.

For narrative and/or lab reports received by the DDS nineteen to thirty days, excluding postal holidays, from the date of the examination, the DDS will pay providers 75% of either the usual and customary amount billed or 75% of the agency fee maximum, whichever is less.

For narrative and/or lab reports received by the DDS thirty-one or more calendar days from the date of the examination, excluding postal holidays, the DDS reserves the right to cancel the CE authorization invoice. Should the DDS decide to pay for such late evidence, the DDS will pay providers no more than 50% of either the usual and customary amount billed or 50% of the agency fee maximum, whichever is less.

Use of available medical transcription services: fee of \$15.00 (this fee is waived for treating physicians performing consultative exams for their patients). Refer to the fee schedule for complete information.

Fee schedule maximums are periodically revised. Revisions are a matter of public record but are not announced. You may request a copy of the current fee schedule by contacting Gary Bahr, Assistant Director-Medical Services, at (651) 296-6729.

MEDICAL/PSYCHOLOGICAL FEES

Comprehensive Physical Examination & Report.....	135.00
Office Call or Limited Examination - No more than 15 minutes, little emphasis on history, up to three specific questions and report (no teledictation fee).....	50.00

SPECIALIST EXAMINATION AND REPORT:

1. Internal Medicine (including cardiologist).....	135.00
A. Doppler studies	
1. Both legs with exercise	
(technical)	(93924-TC) ¹ 155.00
(professional)	(93924-26)..... 85.00
One office	(technical & professional) (93924) 240.00
2. Both legs without exercise	
(technical)	(93922-TC) 80.00
(professional)	(93922-26)..... 50.00
One office	(technical & professional) (93922) 130.00

Official Notices

B. ECG Testing			
1. Resting	(technical)	(93005)	65.00
	(professional)	(93010)	45.00
One office	(technical & professional)	(93000)	110.00
2. Exercise ECG (includes resting ECG)			
	(technical)	(93017)	155.00
	(professional)	(93018)	125.00
One office	(technical & professional)	(93015)	280.00
C. Echocardiography at rest and with cardiovascular stress test			
	(technical)	(93350-TC)	108.35
	(professional)	(93350-26)	171.87
One Office	(technical & professional)	(93350)	280.22
2. Neurological 135.00			
A. Neuro-ophthalmological 135.00			
3. Neuropsychiatric 185.00			
4. Occupational/Physical Therapy Examination 185.00			
5. Ophthalmological & Optometric (Visual Acuity & Visual Fields) 195.00			
A. Funduscopic (Comprehensive) (92004)(92015) 95.00			
B. Visual Acuity Screening (92019) 30.00			
C. Visual Fields (Goldmann Perimetry or equivalent) (92083) 100.00			
6. Orthopedic (Musculoskeletal) 135.00			
7. Otolaryngological 160.00			
A. Otological 80.00			
B. Audiometry			
Basic Comprehensive Audiometry			
(1 and 2, below, combined) (92557) 80.00			
1. Pure Tone (air & bone) audiometry (92553) 43.00			
2. Speech audiometry - threshold & discrimination (92556) 37.00			
3. Hearing Aid Check (Binaural) (92593) 33.00			
4. Hearing Aid Check (Monaural) (92592) 17.00			
5. Electroacoustical Testing (Monaural) (92594) 14.00			
6. Electroacoustical Testing (Binaural) (92595) 18.00			
7. Bekesy Audiometry, screening (92560) 44.21			
8. Visual Reinforcement Audiometry (for very young children) (92579) 43.00			
Non-English Speaking Protocol: (7 - 10, below)			
7. Speech Detection Threshold (92555) 25.00			
8. Typanometry (impedance testing) (92567) 35.00			
9. Acoustic Reflex Testing (92568) 25.00			
10. Pure Tone, air & bone (92553) 43.00			
C. Medical evaluation speech, language, and/or hearing problems (92506) 135.00			
1. Foreign speech/lang eval (add'l fee due to difficulty of exams) 60.00			
8. Pediatric 150.00			

Official Notices

9. Psychiatric (Physical Medical & Rehabilitation).....	135.00
10. Psychiatric.....	135.00
11. Psychological	
DDS: Mental Status Examination [MSE] and activities of daily living	135.00
Psychological tests with evaluation and report:	see per test fee schedule
VR: Clinical Interview and report (VR)	135.00
Testing with report (without clinical interview)	see per test fee schedule
Clinical interview with testing and report may be authorized in one of two ways:	
Hourly fee:	125/hr
Per Test:	see per test fee schedule
Consultation fee	125/hr
	(pro-rated for less than an hour)

PER TEST FEE SCHEDULE

TESTS:

Achenbach Child Behavior Checklist.....	85.00
Achenbach Child Behavior Scales	20.00
Battelle Developmental Inventory	120.00
Bayley Scales of Infant Development (Revised)	120.00
Beck Depression Scale	15.00
Bender Gestalt.....	20.00
Brigance Inventory of Early Development.....	75.00
Clinical Interview (Children)	135.00
Columbia Test of Mental Maturity	70.00
Connors Continuous Performance Test.....	75.00
Connors Questionnaire for Attention Deficit Hyperactivity Disorder	60.00
Denver Developmental Screening Test.....	30.00
Foreign Language Exams (additional fee due to difficulty of the exams).....	60.00
Gates Reading Summary.....	15.00
Gesell Developmental Schedules	45.00
Gray Reading Test.....	30.00
Hopkins Symptom Checklist 25	45.00
Leiter International Performance Scales	120.00
McCarthy Scales of Childrens' Abilities	100.00
Mental Status Exam (MSE) and Description of Activities of Daily Living (Adult)	135.00
Millon Multi-Axial Personality Inventory	75.00
Minnesota Child Development Inventory.....	60.00
Minnesota Multiphasic Personality Inventory (MMPI-2)	85.00
Minnesota Paper Form Test.....	30.00
Myers - Briggs Type Indicator	50.00
Neuropsychological Examination and Report (VR)	Negotiated Rate
Neuropsychological Test Battery (DDS).....	250.00
Neuropsychological Test Battery-Non-English Speaking (DDS).....	250.00
Peabody Individual Achievement Test (PIAT)	65.00
Peabody Picture Vocabulary Test	40.00
Personality Inventory for Children	75.00
Porteus Mazes	65.00
Ravens Progressive Matrices	65.00
Rorschach	75.00
Scales of Independent Behavior	85.00
Stanford Binet Intelligence Scale, 4th Ed. (no payment for Stanford Binet subtests).....	120.00

Test of Non-Verbal Intelligence - 3 (TONI-3)	65.00
Test of Variable Attention (TOVA)	100.00
Tests not listed	Negotiated Rate
Thematic Apperception Test (TAT)	45.00
Trail Making Test (A & B)	15.00
Thurstone Test of Mental Alertness	30.00
Vineland Adaptive Behavior Scale	100.00
Vineland Social Maturity Scale	50.00
Wechsler Adult Intelligence Scale - III (WAIS-III)	125.00
Wechsler Individual Achievement Test - Screener (WIAT-S)	50.00
Wechsler Intelligence Scale for Children - III (WISC-III, WISC IV)	125.00
Wechsler Memory Scale - III (WMS-III)	135.00
Wechsler Pre-School and Primary Scale of Intelligence - R(WPPSI-R, III)Y.	125.00
Wide Range Achievement Test - Revised (WRAT-R)	65.00
Wide Range Assessment of Memory & Learning (WRAML)	100.00
Wisconsin Card Sort	65.00
Woodcock-Johnson Psycho-Educational Battery -Revised	120.00

12. Pulmonary Studies

A. Pulmonary Spirometry, FEV ₁ , Total & timed vital capacity		
(three efforts) w/o bronchodilator	(94010)	98.50
Professional component only	(94010-26).....	39.40
Technical component only	(94010-TC)	59.10
B. Pulmonary Spirometry, FEV ₁		
(three efforts) before and		
after bronchodilator	(94060)	160.00
Professional component only	(94060-26).....	64.00
Technical component only	(94060-TC)	96.00
C. Arterial Blood Gas Studies with Exercise	(82803)	253.00
Professional component only	(82803-26).....	138.50
Technical component only	(82803-TC)	114.50
D. Functional Residual Capacity or Residual Volume	(94240)	112.50
Professional component only	(94240-26).....	45.00
Technical component only	(94240-TC)	67.50
E. Pulse Oximetry with Exercise	(94760)	188.00
F. Carbon Monoxide (CO) Diffusing Capacity	(94720)	115.50
Professional Component Only	(94720-26).....	46.20
Technical Component Only	(94720-TC)	69.30

13. Special Laboratory Studies

A. Acid Phosphatase, total	(84060)	25.00
B. Albumin, serum	(82040)	20.00
C. Alkaline Phosphatase, serum	(84075)	19.50
D. Anti-Convulsant Serum Levels		
1. Clonazepam (Benzodiazepine)	(80154)	52.60
2. Dipropylacetic acid (valproic acid)	(80164)	51.00
3. Mysoline (Primidone)	(80188)	85.00
4. Phenobarbital	(80184)	70.50
5. Phenytoin, total (Dilantin)	(80185)	72.50
6. Tegretol (Carbamazepine)	(80156)	70.50
7. Neurontin (Gabapentin)	(80299)	88.00
E. Antinuclear Antibodies (ANA)	(86038)	51.75
F. Bilirubin, total	(82247)	20.00

Official Notices

G. Complete Blood Count (CBC)	(85025)	30.00	
H. Creatine kinase (CK) (CPK)	(82550)	26.60	
I. Creatinine Clearance	(82575)	37.00	
J. Creatinine, serum (blood)	(82565)	22.00	
K. Ear Debridement	(69220)	35.00	
L. Glucose, quantitative	(82947)	17.50	
M. Hematocrit (spun)	(85013)	13.00	
N. Hemoglobin,	(85018)	15.00	
1. with differential (CBC)	(85025)	30.00	
O. Lactic dehydrogenase (LDH)	(83615)	19.50	
P. Lead, quantitative; blood	(83655)	40.00	
Q. Multi-Chemistry Panels			
1. Comprehensive Metabolic Panel	(80053)	60.00	
Albumin	Potassium		
Bilirubin, Total	Protein, Total		
Calcium	Sodium		
Carbon Dioxide (bicarbonate)	Transferase, alanine amino (ALT) (SGPT)		
Chloride	Transferase, aspartate amino (AST) (SGOT)		
Creatinine	Urea Nitrogen (BUN)		
Glucose			
Phosphatase, Alkaline			
2. Hepatic Function Panel	(80076)	50.00	
Albumin	Transferase, alanine amino (ALT) (SGPT)		
Bilirubin, Total	Transferase, aspartate amino (AST) (SGOT)		
Bilirubin, Direct			
Phosphatase, alkaline			
Protein, Total			
R. MUGA Scan, stress	(78473)	543.00	
	(technical)	(78473-TC)	427.00
	(professional)	(78473-26)	116.00
S. Prothrombin Time	(85610)	18.00	
T. Rheumatoid Factor, Qualitative	(86430)	25.00	
U. Sedimentation Rate, Erythrocyte; Non-Automated	(85651)	20.00	
V. Urinalysis (UA) non-automated, w/out microscopy	(81002)	15.00	
W. Venipuncture (routine) or finger/heel/ear stick for collection of specimen(s)	(36415)	15.00	
14. Miscellaneous			
A. Height and Weight (billable only when not a component of a CE)		30.00	
B. Interpreter Fees (including sign language, tactile communication, and foreign language interpreters):			
1. For DDS Only:			
a. Up to one hour		40.00	
b. Each additional (or fraction of additional) hour		40.00	
c. Sign or Tactile		Negotiated Rate	
d. Background Preparation When Interpreter Present For Exam/ Exam Not Performed		40.00	
2. For VR Only (2 hour minimum):		Negotiated Rate	
C. Completion of Administrative Law Judge (ALJ) medical assessment forms		35.00	
D. Interrogatories		Negotiated Rate	
E. Consultative Examination (CE) Vendor appearance at ALJ hearing		Negotiated Rate	
F. Deposition		Negotiated Rate	
G. Home, Other Residential, or Off-Site Visit		additional \$50.00 plus mileage @ \$.37 per mile	

Official Notices

H. Workshop Evaluation (DDS)	Negotiated Rate
I. Facility Evaluation (VR)	Operating Agreement Rate

15. Medical or psychological report from records, including photocopies (MER) 35.00

16. Chiropractic, & Physical Therapy report from records, including photocopies 10.00

17. For VR Only:

Physician's or psychologist's written narrative of individual's medical or psychological history and/or condition, in response to VR request for such 50.00

FAILED EXAMS

For Vocational Rehabilitation Exams

Failed medical appointments (no shows) and cancellations or rescheduling 50% of examination minimum with less than 24 hours notice

Failed Neuropsychiatric exam 60.00

Failed Psychological exam 50.00

For Disability Determination Services (Social Security Disability) Exams

Failed (no show) or canceled appointments in all specialty areas No Payment

MEDICAL TRANSCRIPTION FEE 15.00

When a consultative examination provider chooses to utilize the transcription services available for use, a \$15.00 fee will be deducted from the total cost of the examination. The \$15.00 fee will not be charged for dictated reports re:

1. CEs performed by treating physicians/psychologists;
2. Limited CEs and office calls performed by regular CE providers; nor for
3. Reports from treating sources summarizing medical evidence of record.

LABORATORY AND X-RAY FEES

The subheadings are self-explanatory. The CURRENT PROCEDURAL TERMINOLOGY CODE corresponds to the American Medical Association's Current Procedural Terminology (CPT) codes, which are used by most sources providing medical services. These may also be used for easy in-agency identification of a particular procedure. When ordering and authorizing a particular laboratory or x-ray study, however, describe the test or x-ray to be done. Do not authorize by the CPT code.

X-ray charges may be presented in two possible formats: one combines the technical (the x-ray, itself) and professional (the physician's interpretation) components when these are provided by the same facility; the other format separates the technical and professional components when these services are provided by separate facilities.

For example: For a PA Chest X-ray, single view, one would find:

71010	Chest single view, PA	\$ 55.00
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This would be the acceptable maximum for an x-ray and interpretation at a single facility; however, when the professional component is billed separately, the procedure may be identified by adding the modifier -26 to the usual CPT code. Payment is made on the basis of up to and including 40% of the fee maximum. When the technical component is billed separately, the procedure may be identified by adding the modifier -TC to the usual CPT code. Payment is made on the basis of up to and including 60% of the fee maximum.

For example:

71010-26	Chest single view, PA --PROF COMP ONLY	\$ 20.00
71010-TC	Chest single view, PA --TECH COMP ONLY	\$ 35.00

This would also refer to a PA chest x-ray, single view, where the x-ray is taken at one facility (which could receive up to \$33.00) and the interpretation provided by another facility (which could be allowed up to \$17.00 for their service).

Official Notices

X-Rays

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
71010	X-RAY	CHEST SINGLE VIEW, PA	55.00
71010-26	X-RAY	CHEST SINGLE VIEW, PA — PROF COMP ONLY	20.00
71010-TC	X-RAY	CHEST SINGLE VIEW, PA — TECH COMP ONLY	35.00
71020	X-RAY	CHEST 2 VIEWS OR STEREO	70.00
71020-26	X-RAY	CHEST 2 VIEWS OR STEREO — PROF COMP ONLY	25.00
71020-TC	X-RAY	CHEST 2 VIEWS OR STEREO — TECH COMP ONLY	45.00
72040	X-RAY	SPINE, CERVICAL, AP & LATERAL	78.00
72040-26	X-RAY	SPINE, CERVICAL, AP & LATERAL —PROF COMP ONLY	31.20
72040-TC	X-RAY	SPINE, CERVICAL, AP & LATERAL —TECH COMP ONLY	46.80
72070	X-RAY	SPINE, THORACIC, AP & LATERAL (DORSAL)	70.00
72070-26	X-RAY	SPINE, THORACIC, AP & LATERAL (DORSAL) — PROF COMP ONLY	28.00
72070-TC	X-RAY	SPINE, THORACIC, AP & LATERAL (DORSAL) — TECH COMP ONLY	42.00
72080	X-RAY	SPINE, THORACOLUMBAR, AP & LATERAL	75.00
72080-26	X-RAY	SPINE, THORACOLUMBAR, AP & LATERAL — PROF COMP ONLY	30.00
72080-TC	X-RAY	SPINE, THORACOLUMBAR, AP & LATERAL — TECH COMP ONLY	45.00
72090	X-RAY	SCOLIOSIS STUDY, INCL. SUPINE & ERECT	177.25
72090-26	X-RAY	SCOLIOSIS STUDY, INCL. SUPINE & ERECT — PROF COMP ONLY	47.00
72090-TC	X-RAY	SCOLIOSIS STUDY, INCL. SUPINE & ERECT — TECH COMP ONLY	130.25

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
72100	X-RAY	SPINE, LUMBOSACRAL, AP & LATERAL	78.00
72100-26	X-RAY	SPINE, LUMBOSDACRAL, AP & LATERAL — PROF COMP ONLY	31.20
72100-TC	X-RAY	SPINE, LUMBOSACRAL, AP & LATERAL — TECH COMP ONLY	46.80
72170	X-RAY	PELVIS, AP ONLY	55.00
72170-26	X-RAY	PELVIS, AP ONLY — PROF COMP ONLY	22.00
72170-TC	X-RAY	PELVIS, AP ONLY — TECH COMP ONLY	33.00
73000	X-RAY	CLAVICLE, COMPLETE	46.00
73000-26	X-RAY	CLAVICLE, COMPLETE — PROF COMP ONLY	18.40
73000-TC	X-RAY	CLAVICLE, COMPLETE — TECH COMP ONLY	27.60
73010	X-RAY	SCAPULA, COMPLETE	56.00
73010-26	X-RAY	SCAPULA, COMPLETE — PROF COMP ONLY	22.40
73010-TC	X-RAY	SCAPULA, COMPLETE — TECH COMP ONLY	33.60
73030	X-RAY	SHOULDER, COMPL, MINIMUM 2 VIEWS	57.00
73030-26	X-RAY	SHOULDER, COMPL, MINIMUM 2 VIEWS — PROF COMP ONLY	22.80
73030-TC	X-RAY	SHOULDER, COMPL, MINIMUM 2 VIEWS — TECH COMP ONLY	34.20
73060	X-RAY	HUMERUS, MINIMUM 2 VIEWS	52.00
73060-26	X-RAY	HUMERUS, MINIMUM 2 VIEWS — PROF COMP ONLY	20.80
73060-TC	X-RAY	HUMERUS, MINIMUM 2 VIEWS — TECH COMP ONLY	31.20
73070	X-RAY	ELBOW, AP & LATERAL	47.00
73070-26	X-RAY	ELBOW, AP & LATERAL — PROF COMP ONLY	18.80

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
73070-TC	X-RAY	ELBOW, AP & LATERAL — TECH COMP ONLY	28.20
73080	X-RAY	ELBOW, COMPLETE, MINIMUM 3 VIEWS	58.75
73080-26	X-RAY	ELBOW, COMPLETE, MINIMUM 3 VIEWS — PROF COMP ONLY	23.50
73080-TC	X-RAY	ELBOW, COMPLETE, MINIMUM 3 VIEWS — TECH COMP ONLY	35.25
73090	X-RAY	FOREARM, AP & LATERAL	49.50
73090-26	X-RAY	FOREARM, AP & LATERAL — PROF COMP ONLY	19.80
73090-TC	X-RAY	FOREARM, AP & LATERAL — TECH COMP ONLY	29.70
73100	X-RAY	WRIST, AP & LATERAL	48.00
73100-26	X-RAY	WRIST, AP & LATERAL — PROF COMP ONLY	19.20
73100-TC	X-RAY	WRIST, AP & LATERAL — TECH COMP ONLY	28.80
73110	X-RAY	WRIST, COMPLETE, MINIMUM 3 VIEWS	53.00
73110-26	X-RAY	WRIST, COMPLETE, MINIMUM 3 VIEWS — PROF COMP ONLY	21.20
73110-TC	X-RAY	WRIST, COMPLETE, MINIMUM 3 VIEWS — TECH COMP ONLY	31.80
73120	X-RAY	HAND, 2 VIEWS	47.70
73120-26	X-RAY	HAND, 2 VIEWS — PROF COMP ONLY	19.08
73120-TC	X-RAY	HAND, 2 VIEWS — TECH COMP ONLY	28.62
73130	X-RAY	HAND, MINIMUM 3 VIEWS	52.50
73130-26	X-RAY	HAND, MINIMUM 3 VIEWS — PROF COMP ONLY	21.00
73130-TC	X-RAY	HAND, MINIMUM 3 VIEWS — TECH COMP ONLY	31.50
73140	X-RAY	FINGER(S), MINIMUM 2 VIEWS	42.00

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
73140-26	X-RAY	FINGER(S), MINIMUM 2 VIEWS — PROF COMP ONLY	16.80
73140-TC	X-RAY	FINGER(S), MINIMUM 2 VIEWS — TECH COMP ONLY	25.20
73500	X-RAY	HIP, UNILATERAL, 1 VIEW	42.00
73500-26	X-RAY	HIP, UNILATERAL, 1 VIEW — PROF COMP ONLY	16.80
73500-TC	X-RAY	HIP, UNILATERAL, 1 VIEW — TECH COMP ONLY	25.20
73510	X-RAY	HIP, COMPLETE, MINIMUM 2 VIEWS (AP PELVIS & LAT OF AFFECTED HIP)	65.50
73510-26	X-RAY	HIP, COMPLETE, MINIMUM 2 VIEWS — PROF COMP ONLY	26.20
73510-TC	X-RAY	HIP, COMPLETE, MINIMUM 2 VIEWS — TECH COMP ONLY	39.30
73520	X-RAY	HIPS, BILATERAL, MINIMUM 2 VIEWS EACH HIP, INCLUDING AP OF PELVIS	100.00
73520-26	X-RAY	HIPS, BILATERAL, MINIMUM 2 VIEWS EACH HIP, INCLUDING AP OF PELVIS — PROF COMP ONLY	40.00
73520-TC	X-RAY	HIPS, BILATERAL, MINIMUM 2 VIEWS EACH HIP, INCLUDING AP OF PELVIS — TECH COMP ONLY	60.00
73550	X-RAY	FEMUR, AP & LATERAL	56.70
73550-26	X-RAY	FEMUR, AP & LATERAL — PROF COMP ONLY	22.68
73550-TC	X-RAY	FEMUR, AP & LATERAL — TECH COMP ONLY	34.02
73560	X-RAY	KNEE, AP & LATERAL	55.00
73560-26	X-RAY	KNEE, AP & LATERAL — PROF COMP ONLY	22.00
73560-TC	X-RAY	KNEE, AP & LATERAL — TECH COMP ONLY	33.00
73562	X-RAY	KNEE, AP/LAT/OBLIQUE, MINIMUM 3 VIEWS	61.00

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
73562-26	X-RAY	KNEE, AP/LAT/OBLIQUE, MINIMUM 3 VIEWS — PROF COMP ONLY	24.40
73562-TC	X-RAY	KNEE, AP/LAT/OBLIQUE — TECH COMP ONLY	36.60
73564	X-RAY	KNEE, COMPLETE, INCL OBLIQUE AND/OR TUNNEL AND/OR PATELLAR AND/OR STANDING VIEWS	75.00
73564-26	X-RAY	KNEE, COMPLETE, INCL OBLIQUE AND/OR TUNNEL AND/OR PATELLAR AND/OR STANDING VIEWS — PROF COMP ONLY	30.00
73564-TC	X-RAY	KNEE, COMPLETE, INCL OBLIQUE AND/OR TUNNEL AND/OR PATELLAR AND/OR STANDING VIEWS — TECH COMP ONLY	45.00
73590	X-RAY	TIBIA & FIBULA, AP & LATERAL	52.00
73590-26	X-RAY	TIBIA & FIBULA, AP & LATERAL — PROF COMP ONLY	20.80
73590-TC	X-RAY	TIBIA & FIBULA, AP & LATERAL — TECH COMP ONLY	31.20
73600	X-RAY	ANKLE, AP & LATERAL	45.00
73600-26	X-RAY	ANKLE, AP & LATERAL — PROF COMP ONLY	18.00
73600-TC	X-RAY	ANKLE, AP & LATERAL — TECH COMP ONLY	27.00
73610	X-RAY	ANKLE, COMPL, MINIMUM 3 VIEWS, STANDING	54.00
73610-26	X-RAY	ANKLE, COMPL, MINIMUM 3 VIEWS, STANDING — PROF COMP ONLY	21.60
73610-TC	X-RAY	ANKLE, COMPL, MINIMUM 3 VIEWS, STANDING — TECH COMP ONLY	32.40
73620	X-RAY	FOOT, AP & LATERAL	47.00
73620-26	X-RAY	FOOT, AP & LATERAL — PROF COMP ONLY	18.80
73620-TC	X-RAY	FOOT, AP & LATERAL — TECH COMP ONLY	28.20

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
73630	X-RAY	FOOT, COMPL, MINIMUM 3 VIEWS	56.00
73630-26	X-RAY	FOOT, COMPL, MINIMUM 3 VIEWS — PROF COMP ONLY	22.40
73630-TC	X-RAY	FOOT, COMPL, MINIMUM 3 VIEWS — TECH COMP ONLY	33.60
73660	X-RAY	TOE OR TOES, MINIMUM 2 VIEWS	43.25
73660-26	X-RAY	TOE OR TOES, MINIMUM 2 VIEWS — PROF COMP ONLY	17.30
73660-TC	X-RAY	TOE OR TOES, MINIMUM 2 VIEWS — TECH COMP ONLY	29.95
76020	X-RAY	BONE AGE STUDIES	55.00

Laboratory Studies

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
80053	LAB	COMPREHENSIVE METABOLIC PANEL	60.00
80076	LAB	HEPATIC FUNCTION PANEL	50.00
80154	LAB	CLONAZEPAM (BENZODIAZEPINES)	52.60
80156	LAB	CARBAMAZEPINE, SERUM	70.50
80164	LAB	DIPROPYLACETIC ACID (VALPROIC ACID)	51.00
80184	LAB	PHENOBARBITAL	70.50
80185	LAB	PHENYTOIN; (DILANTIN; DIPHENYLHYDANTOIN), BLOOD	72.50
80188	LAB	PRIMIDONE (MYSOLINE)	85.00
80299	LAB	NEURONTIN (GABAPENTIN)	88.00
81000	LAB	URINALYSIS, COMPLETE WITH MICROSCOPY	20.00
81002	LAB	URINALYSIS, WITHOUT MICROSCOPY	15.00
82040	LAB	ALBUMIN, SERUM	20.00
82247	LAB	BILIRUBIN; BLOOD, TOTAL	20.00
82270	LAB	BLOOD; OCCULT, FECES, SCREENING	9.75
82310	LAB	CALCIUM, BLOOD; CHEMICAL	13.70

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
82550	LAB	CREATINE KINASE (CK) (CPK), BLOOD; TOTAL	26.60
82565	LAB	CREATININE; SERUM (BLOOD)	22.00
82570	LAB	CREATININE; URINE	16.53
82575	LAB	CREATININE CLEARANCE; BLOOD OR URINE	37.00
82947	LAB	GLUCOSE, QUANTITATIVE	17.50
82951	LAB	GLUCOSE TOLERANCE TEST (GTT), 3 SPECIMENS (INCLUDES GLUCOSE)	48.00
83615	LAB	LACTATE DEHYDROGENASE (LD) (LDH)	19.50
83655	LAB	LEAD, QUANTITATIVE, BLOOD	40.00
84060	LAB	PHOSPHATASE, ACID; TOTAL	25.00
84075	LAB	PHOSPHATASE, ALKALINE	19.50
84132	LAB	POTASSIUM; SERUM	15.50
84133	LAB	POTASSIUM; URINE	20.00
84439	LAB	THYROXINE, FREE	40.00
84442	LAB	THYROXINE BINDING GLOBULIN (TBG)	48.80
84450	LAB	TRANSFERASE; ASPARTATE AMINO (AST) (SGOT)	20.40
84460	LAB	TRANSFERASE; ALANINE AMINO (ALT) (SGPT)	20.40
84520	LAB	UREA NITROGEN, BLOOD (BUN), QUANTITATIVE	15.30
84550	LAB	URIC ACID, BLOOD	19.75
84560	LAB	URIC ACID, URINE	29.20
85013	LAB	HEMATOCRIT (SPUN)	13.00
85018	LAB	HEMOGLOBIN	15.00
85025	LAB	COMPLETE BLOOD COUNT (CBC)	30.00
85585	LAB	PLATELET; ESTIMATION ON SMEAR, ONLY	9.00
85595	LAB	PLATELET; AUTOMATED COUNT	17.00
85610	LAB	PROTHROMBIN TIME	18.00

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
85651	LAB	SEDIMENTATION RATE, ERTHROCYTE; NON-AUTOMATED	20.00
86038	LAB	ANTINUCLEAR ANTIBODIES (ANA)	51.75
86140	LAB	C-REACTIVE PROTEIN	23.95
86430	LAB	RHEUMATOID FACTOR, QUALITATIVE	25.00
87116	LAB	CULTURE, TUBERCLE OR OTHER ACID FAST BACILLI (E.G., TB, AFB, MYCOBACTERIAL; ANY SOURCE), ISOLATION ONLY	46.30
92083	LAB	VISUAL FIELD EXAM WITH SEVERAL ISOPTERS ON GOLDMANN PERIMETRY OR EQUIVALENT	100.00
92541	LAB	SPONTANEOUS NYSTAGMUS TEST, INCLUDING GAZE AND FIXATION NYSTAGMUS, WITH RECORDING	69.12
92542	LAB	POSITIONAL NYSTAGMUS TEST, MINIMUM 4 POSITIONS, WITH RECORDING	61.02
92543	LAB	CALORIC VESTIBULAR TEST, EACH IRRIGATION (BINAURAL, BITHERMAL STIMULATION CONSTITUTES 4 TESTS), WITH RECORDING	77.84
92544	LAB	OPTOKINETIC NYSTAGMUS TEST, BI-DIRECT- IONAL, FOVEAL, OR PERIPHERAL STIMULATION, WITH RECORDING	47.33
92545	LAB	OSCILLATING TRACKING TEST, WITH RECORDING	40.48
92553	LAB	PURE TONE AUDIOMETRY - AIR & BONE	43.00
92556	LAB	SPEECH AUDIOMETRY - THRESHOLD AND DISCRIMINATIONS	37.00
92557	LAB	BASIC COMPREHENSIVE AUDIOMETRY (92553 & 92556 COMBINED)	80.00
92560	LAB	BEKESY AUDIOMETRY, SCREENING	44.21
92567	LAB	TYMPANOMETRY (IMPEDANCE TESTING)	35.00
92568	LAB	ACOUSTIC REFLEX TESTING	25.00
92569	LAB	ACOUSTIC REFLEX DECAY TEST	28.00
92585	LAB	EVOKED RESPONSE AUDIOMETRY	242.23

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
92591	LAB	HEARING AID EXAM & SELECTION (BINAURAL)	65.00
92591	LAB	HEARING AID EXAM & SELECTION (VR ONLY)	65.00 Per Hour
92593	LAB	HEARING AID CHECK (BINAURAL)	25.00
93000	LAB	ECG, AT LEAST 12 LEADS, WITH INTERPRETATION & REPORT	80.00
93005	LAB	ECG, TRACING ONLY, WITHOUT INTERPRETATION AND/OR REPORT	50.00
93010	LAB	ECG, INTERPRETATION AND REPORT ONLY	30.00
93012	LAB	TELEPHONIC OR TELEMETRIC TRANSMISSION OF ECG RHYTHM STRIP	146.33
93015	LAB	CARDIOVASCULAR STRESS TEST USING MAXIMAL OR SUBMAXIMAL TREADMILL OR BICYCLE EXERCISE; CONTINUOUS ECG MONITORING, AND/OR PHARMACOLOGICAL STRESS; WITH PHYSICIAN SUPERVISION, WITH INTERPRETATION AND REPORT	250.00
93017	LAB	CARDIOVASCULAR STRESS TESTING, TRACING ONLY WITHOUT INTERPRETATION OR REPORT	110.00
93018	LAB	CARDIOVASCULAR STRESS TESTING, INTERPRETATION AND REPORT ONLY	140.00
93350	LAB	ECHOCARDIOGRAPHY, TRANSTHORACIC, REAL TIME WITH IMAGGE DOCUMENTATION (2D) (WITH OR WITHOUT M-MODE RECORDING), DURING REST AND CARDIOVASCULAR STRESS TEST, WITH INTERPRETATION AND REPORT	280.22
93350-26	LAB	ECHOCARDIOGRAPHY, DURING REST AND CV STRESS TEST - PROF COMP ONLY	171.87
93350-TC	LAB	ECHOCARDIOGRAPHY, DURING REST AND CV STRESS TEST - TECH COMP ONLY	108.35
94720	LAB	CO DIFFUSING CAPACITY, ANY METHOD	115.50
94720-26	LAB	CO DIFFUSING CAPACITY — PROF COMP ONLY	46.20
94720-TC	LAB	CO DIFFUSING CAPACITY — TECH COMP ONLY	69.30

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
95819	LAB	ELECTROENCEPHALOGRAM (EEG), INCLUDING RECORDING AWAKE, DROWSY, AND ASLEEP, WITH HYPERVENTILATION AND/OR PHOTIC STIMULATION; WHEN APPROPRIATE	183.07
95819-26	LAB	EEG — PROF COMP ONLY	99.63
95819-TC	LAB	EEG — TECH COMP ONLY	83.44
95860	LAB	NEEDLE ELECTROMYOGRAPHY (EMG); ONE EXTREMITY AND RELATED PARASPINAL AREAS	130.14
95860-26	LAB	EMG - ONE EXTREMITY AND RELATED PARASPINAL AREAS — PROF COMP ONLY	23.03
95860-TC	LAB	EMG - ONE EXTREMITY AND RELATED PARASPINAL AREAS — TECH COMP ONLY	107.10
95861	LAB	EMG - TWO EXTREMITIES AND RELATED PARASPINAL AREAS	222.93
95863	LAB	EMG - THREE EXTREMITIES AND RELATED PARASPINAL AREAS	264.65
95864	LAB	EMG - FOUR EXTREMITIES AND RELATED PARASPINAL AREAS	346.22
95900	LAB	NERVE CONDUCTION, AMPLITUDE & LATENCY/ VELOCITY, EACH NERVE; MOTOR, WITHOUT F-WAVE	66.00
95900-26	LAB	NERVE CONDUCTION, AMPLITUDE & LATENCY/ VELOCITY, EACH NERVE; MOTOR — PROF COMP ONLY	49.19
95900-TC	LAB	NERVE CONDUCTION, AMPLITUDE & LATENCY/ VELOCITY, EACH NERVE; MOTOR — TECH COMP ONLY	17.44
95904	LAB	NERVE CONDUCTION, VELOCITY, AND/OR LATENCY STUDY; SENSORY OR MIXED, EACH NERVE	56.67
95904-26	LAB	NERVE CONDUCTION, VELOCITY, AND/OR LATENCY STUDY; SENSORY OR MIXED, EACH NERVE— PROF COMP ONLY	42.96

Official Notices

<u>Current Procedural Terminology Code</u>	<u>Type of Service</u>	<u>Procedure Description</u>	<u>Maximum</u>
95904-TC	LAB	NERVE CONDUCTION, VELOCITY, AND/OR LATENCY STUDY; SENSORY OR MIXED, EACH NERVE—TECH COMP ONLY	13.70
95930	LAB	VISUAL EVOKED POTENTIAL (VEP) TESTING CENTRAL NERVOUS SYSTEM, CHECKERBOARD OR FLASH	175.00

TRANSPORTATION

VR and DDS Consultative Examination (CE) Providers

The current mileage rates for clinicians performing consultative examinations who must travel to perform a consultative examination, taken from the Commissioners Plan, are:

Private Car	\$.37 per mile
Specially Equipped Van50 per mile
Motorcycle15 per mile

Department of Employment and Economic Development

Solicitation of Comments on State Administrative Rules

From time to time over the past two decades the Department of Employment and Economic Development, in its earlier organizations, has asked Minnesota businesses for their comments and concerns about state administrative rules affecting their business operations--especially those rules which, in a business' opinion, should be amended or repealed because they are unnecessary, unduly burdensome or costly for compliance, or hinder business competitiveness, growth or success. The department has used those responses to initiate or support administrative or legislative efforts at amendment or repeal of existing rules and at adoption of new rules. These efforts have yielded some considerable successes on the substance of rules (e.g., harmonization of the state's securities private placement and limited offering regulations with federal securities law), on rulemaking procedure (e.g., amendment of the Minnesota Administrative Procedure Act to require rules made on the record in place of agency policy statements), and on the number and coverage of rules (e.g., repeal of over one hundred forty sets of outdated rules).

In addition to those efforts, there have been in recent years a number of regulatory improvement initiatives by the legislature amending the rulemaking process of the Minnesota Administrative Procedure Act to require, for example: notice to legislators of proposed rulemaking [*Minnesota Statutes* 14.116 (1998)]; yearly review of rules by agencies [*Minnesota Statutes* 14.05 subd. 5 (1998)]; regulatory policy that state agency rules emphasize "superior achievement" and "maximum flexibility" [*Minnesota Statutes* 14.002 (1998)]; and veto of rules by the governor [*Minnesota Statutes* 14.05 subd. 6 (1999)].

As part of its strategic plan adopted in February 2004 the Department of Employment and Economic Development now seeks to "Review the impact of state administrative rules on key industries - such as biosciences - propose elimination of existing and/or adoption of new rules where appropriate to facilitate industry growth." [The full text of the plan "Driving Minnesota's Economic Growth: A Strategic Action Plan" is available on the department's web site at www.deed.state.mn.us.] To aid in that review the department is here soliciting the comments and concerns of businesses about state administrative rules that negatively impact the growth, competitiveness or success of the individual responding business and/or all members of a particular industry. The department will welcome, as part of those comments, suggestions on the language of new or amended rules that would remove the negative effects of current rules. The department will also welcome suggestions as to how the rulemaking procedure of the Minnesota Administrative Procedure Act might be improved.

For purposes of the review a "state administrative rule" has the definition of "rule" given in *Minnesota Statutes* 14.02 subd. 4:

"Rule" means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure.

"Agency" or "state agency" has the definition of "agency" given in *Minnesota Statutes* 14.02 subd 2:

"Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a judicial branch court, having a statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. "Agency" also means the capitol area architectural and planning board.

Format for response

Comments must be in writing (to include e-mail responses) delivered by one or more of "Methods of response" noted below. There is no specific format for response; however, to facilitate understanding and analysis of responses all respondents are asked to:

- Describe their company and/or industry.
- Identify by reference to *Minnesota Rules* the specific administrative rule which is the subject of comment.
- Describe the specific ways in which the rule has had an adverse effect on the respondent business and/or its industry; for example, through costs of entry associated with licensing and permitting, costs of lost opportunity and delay because of enforcement actions, incremental costs of compliance associated with hiring of new personnel or retention of outside counsel, loss of business to competitors in other locations not subject to the same kind or level of rules.
- Quantify the impact in dollar terms if possible.
- All respondents, including those responding by e-mail, should include their actual name and U.S. mailing address. Persons responding on behalf of corporate or other legal entities should be sure to identify both the entity's name and address and their own name and address.

Period of response

Comments must be received by 5:00 PM July 15, 2004

Methods of response

Written comments by U.S. mail, fax, or other methods of physical delivery should be addressed to Charles A. Schaffer, Minnesota Department of Employment and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, Minnesota 55101-2146; FAX (651) 296-1290.

Written comments by e-mail should be sent to charles.schaffer@state.mn.us.

All comments received will be public information under the Minnesota Government Data Practices Act (*Minnesota Statutes* Chapter 13).

Department of Human Services

Child Safety and Permanency Division

Notice of Availability of Citizen Review Panel Report

The federal Child Abuse Prevention & Treatment Act requires states to establish at least three citizen review panels to evaluate how well state and local agencies are fulfilling their child protection responsibilities. Their 2004 annual report is now available. The report provides an overview of the work of four panels in Chisago, Ramsey, Washington and Winona Counties. For a copy of the report contact:

Laura Beilke
Department of Human Services
Child Safety and Permanency Division
444 Lafayette Road North
St. Paul, MN 55155-3830
(651) 215-1284

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Advisory Committee Meeting

The Ombudsman for MH/MR Advisory Committee will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thurs., April 15, 2004. The meeting will be held in Suite 420 of the Metro Square Building on 7th & Robert St., St. Paul.

Please RSVP to Paula at (651) 296-3848 or (800) 657-3506.

Official Notices

Public Utilities Commission

Notice of Prehearing Conference in the Matter of the Application of Mankato Energy Center, LLC for a Certificate of Need for a Large Electric Generating Facility

Public Utilities Commission Docket No. IP-6345/CN-03-1884

On March 2, 2004, Mankato Energy Center, LLC (Mankato Energy or the Company), a wholly-owned subsidiary of Calpine Corporation, filed a certificate of need application with the Minnesota Public Utilities Commission (the Commission). Mankato Energy supplemented its application on March 29, 2004, in accordance with requirements of the Commission.

The application is for a natural gas-fired generating facility proposed for a site near Mankato, Minnesota. Mankato Energy indicated the proposed facility would be part of a larger plant, the other portion of which would generate power and energy for Northern States Power Company (d/b/a Xcel Energy) under a Purchased Power Agreement and would be exempt from the need process in accordance with *Minnesota Statutes* § 216B.2422, subd. 5 (b).

A copy of the application is included on the website of the Environmental Quality Board at www.eqb.state.mn.us/Docket.html?Id=5792.

According to Mankato Energy, the portion of the facility that is subject to Commission approval in this proceeding includes one combustion turbine, one heat recovery steam generator, and two additional cells on the cooling tower. The Company noted that a natural gas pipeline connection and a short transmission line to Xcel Energy's Wilmarth Substation would be other associated facilities not requiring certification by the Commission.

The proposed "project" falls under the definition of "large energy facility" in *Minnesota Statutes* § 216B.2421, subd. 2 (1). Therefore, in accordance with *Minnesota Statutes* § 216B.243, subd. 2, the project, as proposed, cannot be sited or constructed in Minnesota unless the Commission issues a certificate of need to the Company.

The Commission has ordered a contested case hearing to consider the merits of the application.

Administrative Law Judge Allan W. Klein has been assigned to conduct the hearings in this proceeding. His address and telephone number are: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 341-7609.

A prehearing conference will be held on Friday, April 23, 2004, at 9:30 p.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147. Potential parties are encouraged to attend.

Notice of public and evidentiary hearings will be provided at a later date.

Questions regarding this matter may be directed to Commission staff person David Jacobson at (651) 297-4562.

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.

CriMNet

Criminal Justice Information System Integration Grants - 2004

Program Purposes:

- Develop a comprehensive plan to integrate all criminal justice information systems within a jurisdiction. (Subd. 6); or
- Implement an approved criminal justice information integration plan (or other criminal justice information systems project) within one or more jurisdictions or regions. (Subd. 7)

Coordinating Agencies:

Minnesota Department of Public Safety, Bureau of Criminal Apprehension, CriMNet and the Criminal and Juvenile Information Policy Group

Eligible Applicants:

Local government and municipal agencies

Duration of Funding:

Grant and matching funds must be spent by April 30, 2005

Matching Funds Required:

50:50 ratio of applicant match to grant funds. Match must be a combination of hard cash and in-kind match. At least 10% must be cash.

Sources of Grant Funds:

U.S. Dept of Justice: Crime Identification Technology Act and National Criminal History Improvement Program

Applicant Workshop

1:30 - 3:30 PM, Thursday, April 29, 2004

Application Due Date:

3:00 P.M. Thursday, May 21, 2004

Review Process:

Each application will be evaluated by an impartial review panel appointed by the Criminal and Juvenile Information Policy Group. Review panel recommendations will be presented to the Task Force and Policy Group. The Policy Group has final award or denial authority.

Grant Making Authority

Minnesota Statutes 299C.65

To Request an Application Contact:

Dana Gotz, CriMNet - Bureau of Criminal Apprehension

Dana.Gotz@state.mn.us

Department of Human Services

Children and Family Services Administration

Notice of Request for Proposals (RFP): Minnesota Adoption Support and Preservation (MN ASAP)

Grant Overview

The purpose of this RFP is to obtain a qualified provider to partner with the Minnesota Department of Human Services (also known as the "Department") to manage Minnesota Adoption Support and Preservation (MN ASAP), Minnesota's program for post-adoption services in order to increase the quality of adoptive placements for children under state guardianship, as well as to recruit and retain appropriate adoptive families. While the primary target population of MN ASAP is families who adopt children under state guardianship, the services of MN ASAP also assist parents who have built their families through other types of adoption.

MN ASAP consists of three interrelated components: Adoption Information Clearinghouse, Adoptive Parent Support Network and Training for Adoptive Parents and Professionals. The Information Clearinghouse compiles and disseminates adoption-related information through a Web site and newsletter. The Adoptive Parent Support Network coordinates support groups and administers parent liaisons, experienced adoptive parents located throughout the state to provide support, advocacy, information and referrals to adoptive families. The Training for Adoptive Parents and Professionals provides opportunities for on-going training in a variety of adoption-related topics.

Sample Services

- Maintain, operate and continue to enhance the MN ASAP Web site.
- Collect and disseminate adoption-relevant information to adoptive families and professionals.
- Write, publish and disseminate a quarterly newsletter for adoptive families and professionals.
- Initiate and coordinate adoption support groups throughout Minnesota.
- Supervise the parent liaisons.
- Provide information and referrals.
- Organize adoption-relevant training sessions for adoptive parents and professionals.
- Collaborate with the Department, the counties, and private adoption agencies.
- Develop significant methods of evaluation and provide quarterly reports to the Department.

State Grants & Loans

Funding

The anticipated grant contract amount is \$700,000 for state fiscal year (SFY) 2005 and \$700,000 for SFY 2006. The grant contract will commence on July 1, 2004. The funds will be used by the grantee to meet the contracted task requirements of all three components of MN ASAP.

Eligibility

In order to be qualified, an applicant must have knowledge of issues related to adoption and have experience in the adoption field. An applicant must have the capacity to provide culturally competent services. In addition, an applicant must have the ability to manage a computer database and publish a newsletter.

The full text of the RFP is available upon request by contacting: Melissa Sherlock, Program Consultant; Children and Family Services Division; 444 Lafayette Road N.; St. Paul, MN 55155-3831; phone: (651) 282-5307. It is also available online at http://www.dhs.state.mn.us/RFP_Grants/default.htm.

Proposals must be submitted in the format described in the RFP. **Proposals must be received no later than 4 p.m. on Friday, May 7, 2003.** Late proposals will not be considered.

Dated: 12 April 2004

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 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.

Administration Department

Communications Media Division

CORRECTION and Subscriptions

Please note that due to an error, our Web site has mistakenly presented the *State Register* with LINKS and other access aids, including those for Contracts and Grants, and the Index. We are sorry for this error. These special features are meant only for subscribers to the E-mail *State Register*. They will no longer be available to viewers of the *State Register* on-line.

Printed (hard) copies of *State Register* will ***no longer*** be available after Vol. 28, #52. Only subscriptions to E-mail will be available, beginning with Vol. 29, #1 - July 6, 2004. Have the *State Register* E-MAILED to you the afternoon it is published, on Friday.

With an E-mail subscription, you will receive THREE EXTRAS free-of-charge:

- #1 - CONTRACTS & GRANTS - contracts, grants and loans, and non-state contracts.
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- #3 - LINKS are provided in the above for fast reference and to save you time and effort.

Subscriptions are \$180 for one year, \$80 ***less*** than the cover price. FAX your credit card information: (651) 297-8260; or send in your check/credit card information to: Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Or, call (651) 297-8774 and charge your credit card. E-mail: jessie.rahmeyer@state.mn.us for more information.

Minnesota State Colleges and Universities

Request for Sealed Proposals for Laptop Program

NOTICE IS HEREBY GIVEN that Minnesota State College - Southeast Technical will receive sealed proposals for their Laptop Program. Proposals will include requests for laptops, equipment, software, services and financing.

Proposal specifications will be available April 12, 2004 from the Minnesota State College - Southeast Technical Purchasing Department, 1250 Homer Road, P.O. Box 409, Winona, MN 55987 or by calling (507) 453-2726 or by email to mkroening@southeastmn.edu.

There will be a vendor questions and answer meeting on April 26, 2004 at 1:00 p.m. in Room 144 at the Winona Campus, 1250 Homer Road, Winona, MN.

Sealed proposals must be received by Mike Kroening at Minnesota State College - Southeast Technical, P.O. Box 409, or at 1250 Homer Road, Winona, MN 55987 by 3:00 p.m., May 14, 2004.

Minnesota State College - Southeast Technical reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Minnesota Historical Society

Notice of Request for Bids for Restoration and Stabilization Services

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete the Hillside Restoration Phase II project at the James J. Hill House Historic Site in St. Paul, Minnesota. The work will consist of the following tasks: restoring the lower yard stone retaining wall and mushroom cave; stabilizing a sandstone block wall; and improving site drainage, including the installation and connection of manholes and a rock infiltration system.

The Request for Bids and other front-end documents are available by calling or writing Mary Green Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. Telephone: (651) 297-7007; e-mail: mary.green-toussaint@mnhs.org.

To receive plans and specifications for this project, please contact Close Landscape Architecture, 275 E. 4th Street Ste. 610, St. Paul, MN 55101. Phone (651) 222-5754. Fax (651) 222-1017. A non-refundable plan deposit of \$30.00 will be required for one set. Make plan deposit checks out to Close Landscape Architecture.

There will be a **MANDATORY** pre-bid meeting for all interested parties on Thursday, April 29th, 2004, at 2:00 p.m. at the site, which is located at 240 Summit Avenue, Saint Paul, MN 55102.

Bids must be received no later than 2:00 p.m., Local Time, Tuesday, May 11, 2004. No late bids will be accepted.

Dated: 12 April 2004

Minnesota Department of Human Services

Request for Information for Services Tracking System

1.0 INFORMATION FOR VENDORS

1.1 PURPOSE AND INTENT

The Minnesota Department of Human Services, through its Continuing Care Division, is seeking information from vendors to develop a Service Tracking System for the Department.

This RFI is designed to increase Minnesota's understanding of the available options in the area of service tracking systems. Interested responders should include information related to the capabilities, costs, and infrastructure of such a system. Responders should be sure to include information about tracking in home direct support workers, i.e. personal care assistants. DHS would also like more information about systems that could be expanded in the future to track additional provider services.

For a copy of the complete RFI or if you have questions please email Jolayne.lange@state.mn.us. Questions about this RFI will be accepted until April 26, 2004. Responses will be accepted until the close of business, May 1, 2004.

Responses to this request should be sent to:

Attn: Jolayne Lange
MN Department of Human Services
2284 Highcrest Road
Roseville MN 55155-3857

Please send six (6) copies of your response. Responses should be no more than 20 pages long.

State Contracts

The Department of Human Services

Continuing Care Administration

Request for Proposals for the Development of a Comprehensive Long-term Care Infrastructure Framework

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) requires the services of a Responder to develop three elements:

1. A standard protocol for assessment(s) inclusive of all ages and disabilities with the flexibility to address eligibility, payment of service and case management.
2. A common data collection tool to capture information necessary to allocate resources, separate from a document used for care planning, and that also acknowledges available informal caregivers and supports.
3. Recommendations to best utilize the assessment protocols and common data tools to assign resources with the result that long-term care benefits are determined reliably and equitably for each eligible person across all ages, disabilities and functional abilities.

The responder will work closely with DHS to ensure that the protocol and tool meets with DHS standards and policy.

The selection process will be based upon the following criteria:

- Responder's background and experience in long-term care medical assistance policy and financing;
- Responder's proposed work plan;
- Responder's ability to outline a clear and reasonable budget for this project

The total budget for the protocol development shall not exceed \$150,000. Organizations are responsible for all costs associated with the preparation, delivery and presentation of materials in response to this RFP. Organizations must not communicate with any DHS staff concerning this RFP, except as provided for in this document, as follows.

Any questions, concerns, or communications regarding this RFP should be directed to:

Shelly Owen
Minnesota Department of Human Services
Pathways to Employment
Main Reception Desk
444 Lafayette Road
St. Paul, MN 55155-3872
Phone: (651) 582-1798
Fax: (651) 582-1808
Email: shelly.k.owen@state.mn.us

If you would like a list of the questions and answers, please email Ms. Owen to be placed on the Responder information list.

This is not the RFP, to request a full copy, please contact Ms. Owen or on the Department of Human Services website under the Disability Services Division: <http://www.dhs.state.mn.us/Contcare/disability/default.htm>

All substantive questions concerning this RFP must be put in writing and received by Ms. Owen by April 21, 2004. Written responses will be mailed to respective responders no later than April 30, 2004.

Applications must arrive at the Department of Human Services no later than 4:20 p.m. Central Daylight time on May 10, 2004, to be considered.

Department of Human Services

Disability Services Division

Request for Proposals to Design a State to County Resource Allocation Methodology

The Department of Human Services, Disability Services Division (DSD) is soliciting responses to a Request for Proposal to design a state to county resource allocation methodology for the Mental Retardation and Related Conditions (MR/RC) Medicaid Waiver program that offers access and distribution of resources necessary to meet waiver requirements, while assuring budget integrity for the State.

To request a copy of the Request for Proposal contact:

Jolayne Lange
Disability Service Division
444 Lafayette Road North, St. Paul, MN 55155-3857
Telephone: 651-582-1904
711 TTY/Speech-to-Speech Relay
Fax: (651) 582-1962

Department of Transportation

Engineering Services Division

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.

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 for MCES Maintenance Management System Support

RFP Number 04P026

This is a **correction** to an ad for this solicitation that appeared on **March 29 and April 5, 2004**. That ad incorrectly stated, "The successful proposer is to provide Architect/Engineer oversight of the work." Architect/Engineer participation is not required by this solicitation.

All firms interested in this project as otherwise described in the prior ads should submit a written request for a copy of the RFP from:

Harriet Simmons, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre
230 E. Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1138
E-mail: harriet.simmons@METC.state.mn.us

Ramsey County

Request for Proposal for Professional Consultants to assist Ramsey County with its 800 MHz Radio Communication System

RFP-COMGR171-2

Ramsey County is currently accepting proposals from qualified firms or individuals to assist the County in its development of a countywide subsystem to the Metropolitan Public Safety Communications System. The project includes all aspects of a communications system that are likely to be affected by moving from an existing conventional communications systems to a regional inter-operable system. This change will affect other key components of public safety operations such as computer aided dispatch (CAD), the operating procedures and practices for public safety agencies, the location of dispatch operations, fire department alerting systems, the 911 phone answering systems, and other factors.

The areas of expertise needed include architects and civil and electrical engineers. Proposers must have experience working with 800 MHz radio communication system development and have the capacity to assist the County due to an aggressive timeline.

For a copy of the full Request for Proposals or more information please contact:

Contract and Analysis Services
Room 280 City Hall/Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102
Phone: (651) 266-8900
Fax: (651) 266-8919

Deadline for proposals: 2:00 PM CDT on Monday, May 3, 2004

Non-State Contracts & Grants

University of Minnesota

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

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

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

University of Minnesota

Purchasing Services for Big Ten/CICPC Institutions

Request for Proposal U129 for a Preferred Car Rental Supplier for the Big Ten/CICPC

NOTICE IS HEREBY GIVEN that the University of Minnesota, Purchasing Services is seeking a Preferred Car Rental Supplier for the Big Ten/CICPC member institutions. Member institutions are: The University of Chicago, University of Illinois, Indiana University, University of Iowa, University of Michigan, Michigan State University, University of Minnesota, Northwestern University, Pennsylvania State University, Purdue University, the Ohio State University, and the University of Wisconsin.

This contract will run from July 1, 2004 through June 30, 2006, with the option to extend the contract term for three additional one-year periods.

For a copy of the full Request for Proposal, or more information, contact:

Corey Christianson
University of Minnesota, Purchasing Services, Suite 560
1300 South Second Street
Minneapolis, MN 55454-1082
Phone: (612) 624-2319
Fax: (612) 626-0366
Email: *chris276@groupwise.umn.edu*

Deadline for proposals is 3:00 p.m. CST on Monday, April 26, 2004. No late proposals will be considered.

University of Minnesota

Request for Information (RFI) for Development and Delivery of Technical Assistance Material for the Minnesota Local Technical Assistance Program (LTAP) at the Center for Transportation Studies, University of Minnesota

The Center for Transportation Studies at the University of Minnesota is seeking qualified vendors to provide professional consulting services. Qualified vendors will be considered who have:

- Strong understanding of Minnesota's local transportation agencies.
- Strong oral and written skills and abilities to design and instruct technical materials.
- Verifiable technical skills.
- Returned the information requested (hardcopy, not e-mail) requested in the RFI.

For a free copy of the full RFI (#1009) or more information, please contact:

Jim Grothaus or Mindy Jones
Center for Transportation Studies
200 Transportation and Safety Building
511 Washington Ave. S.E.
Minneapolis, MN
Phone: (612) 626-1077
E-mail: *jgrothaus@cts.umn.edu* or *jones154@cts.umn.edu*

Non-State Contracts & Grants

Initial submission deadline for RFI is 4:00 p.m. April 22, 2004.

Final submission deadline for RFI is 4:00 p.m. April 23, 2005.

University of Minnesota

Request for Information (RFI #1008) for Transportation Technical Assistance Services to Assist With the Delivery of the Minnesota Local Technical Assistance Program (MN LTAP) Center for Transportation Studies, University of Minnesota

The Center for Transportation Studies at the University of Minnesota is seeking qualified vendors to provide professional services. Qualified vendors will be considered who have:

- Strong understanding of Minnesota's transportation agencies specifically State, City and County agencies.
- At least a bachelors degree in civil engineering (a minimum of 10 years experience in transportation-related organizations or in working with engineering-related topics)
- Experience in managing multiple projects and working with technical subject matter; involvement in defining technical information needs and developing technical information resources.
- Ability to facilitate collaborative relationships with multiple organizations; excellent interpersonal, oral, and written communication skills.
- Verifiable technical skills.
- Returned the information requested (hardcopy, not e-mail) requested in the RFI.

For a free copy of the full RFI (#1008) or more information, please contact:

Jim Grothaus or Mindy Jones
Center for Transportation Studies
200 Transportation and Safety Building
511 Washington Ave. S.E.
Minneapolis, MN
Phone: (612) 626-1077

E-mail: jgrothaus@cts.umn.edu or jones154@cts.umn.edu

Initial submission deadline for proposals is 4:00 p.m. April 2, 2004.

Final submission deadline for proposals is 4:00 p.m. April 23, 2005.



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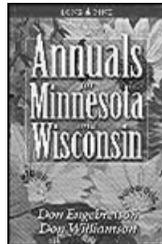


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