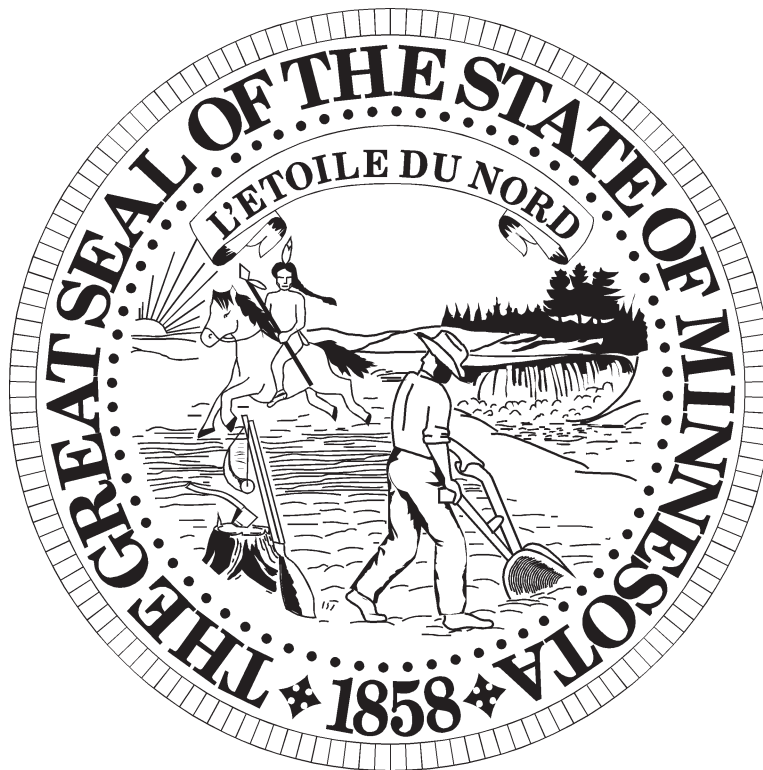


State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

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State Register

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

The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

| Vol. 36 Issue Number | PUBLISH DATE (BOLDFACE shows altered 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 Proposed, Adopted and Exempt RULES |
|----------------------------|---|---|---|
| # 35 | Monday 19 March | Noon Tuesday 13 March | Noon Wednesday 7 March |
| # 36 | Monday 26 March | Noon Tuesday 20 March | Noon Wednesday 14 March |
| # 37 | Monday 2 April | Noon Tuesday 27 March | Noon Wednesday 21 March |
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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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757.

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

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

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

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Labor and Industry (DLI)

Construction Codes and Licensing Division

Proposed Permanent Rules Relating to the Minnesota State Building Code

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Pertaining to Certain NFPA Standards Incorporated by Reference in the Minnesota State Building Code, *Minnesota Rule* parts 1305.0903, 1305.3500, 1307.0092, 1309.4300, 1346.1500, and 1346.5800

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until Friday, April 20, 2012.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Colleen Chirhart at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, **phone:** (651) 284-5867, **fax:** (651) 284-5749, and **e-mail to:** colleen.chirhart@state.mn.us. **TTY** users may call the Department at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed rules are about amendments to certain chapters in the Minnesota State Building Code ("MSBC") to coordinate with proposed amendments currently being considered for the Minnesota State Fire Code ("MSFC"). The MSFC is administered by the Department of Public Safety through the Fire Marshal Division. The Department of Labor and Industry adopts the MSFC in cooperation with the Fire Marshal Division. The proposed amendments under consideration for the MSFC will affect certain provisions in the MSBC, which must be coordinated.

The current MSFC, *Minnesota Rules*, Chapter 7511, incorporates by reference the 2006 edition of the *International Fire Code* ("IFC"), with amendments. The 2009 edition of the IFC and other coordinating International Codes typically adopted in Minnesota were not adopted into the MSFC and MSBC. As a result, some of the standards referenced in the 2006 IFC are becoming outdated and newer versions of certain standards are needed to keep current with new technologies. The proposed amendments being considered for the MSFC will incorporate newer versions of certain standards, published by the National Fire Protection Association, Inc. ("NFPA"), Quincy, Massachusetts. Because the proposed amendments to update these NFPA Standards in the IFC are also referenced in the MSBC, it is necessary and reasonable to amend the coordinating provisions in the MSBC that reference the same NFPA Standards to eliminate any

Proposed Rules

conflict or confusion between the Codes and to ensure uniform application and enforcement among the building construction and fire protection industries.

The statutory authority to adopt the rule amendments is *Minnesota Statutes*, section 326B.02, subdivision 5, which authorizes, in part, the Commissioner of the Department of Labor and Industry to adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under Chapter 326B, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping.

Minnesota Statutes, section 326B.101 requires, in part, that the commissioner of the Department administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs.

Minnesota Statutes, section 326B.106, subdivision 1, requires, in part, that the Commissioner of the Department of Labor and Industry shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control.

Comments. You have until 4:30 p.m. on Friday, April 20, 2012, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Department encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Friday, April 20, 2012. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

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

Proposed Rules

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

Dated: 2-16-2012

Ken B. Peterson, Commissioner
Department of Labor and Industry

1305.0903 [F] SECTION 903, AUTOMATIC SPRINKLER SYSTEMS.

[For text of subps 1 to 5, see M.R.]

Subp. 5a. [F] Section 903.3.1. IBC [F] Section 903.3.1 is amended by adding a subsection to read as follows:

903.3.1.6 Modifications to sprinkler standards. The sprinkler installation standards as referenced in Sections 903.3.1.1, 903.3.1.2, and 903.3.1.3 are modified as follows:

903.3.1.6.1 Hose stream requirements. When, in the opinion of the fire chief, an adequate alternate water supply for hose stream requirements is provided or available, the water supply requirements for the sprinkler system hose stream demands may be modified.

903.3.1.6.2 Elevator shafts and equipment. Sprinkler protection shall not be installed in elevator shafts, elevator pits, or elevator machine rooms.

903.3.1.6.3 Swimming pools. Sprinkler protection need not be provided on the ceiling of rooms containing swimming pools when the pool area is used exclusively for swimming purposes and when sprinklers are provided around the perimeter of the pool area.

903.3.1.6.4 NFPA 13 modifications. Sections ~~8.6.4.1.4.2, 8.6.4.1.4.3, 8.14.8.2, and 8.16.2.5~~ 8.15.8.2 and 8.17.2.5 of NFPA 13 are revised to read:

~~**8.6.4.1.4.2 Combustible spaces; installation near peak.** Sprinklers under a roof or ceiling in combustible concealed spaces of wood joist or wood truss construction with members 3 feet (0.9 m) or less on center and a slope having a pitch of four in 12 or greater shall be installed so that a row of sprinklers is installed within 12 inches (305 mm) horizontally of the peak and 1-12 inches (25.4-305 mm) down from the bottom of the top chord member.~~

~~**8.6.4.1.4.3 Combustible spaces; installation along eave.** Sprinklers under a roof or ceiling in combustible concealed spaces of wood joist or wood truss construction with members 3 feet (0.9 m) or less on center and a slope having a pitch of four in 12 or greater shall be installed so that the sprinklers installed along the eave are located not less than 5 feet (1.5 m) from the intersection of the truss cords.~~

~~**8.14.8.2 8.15.8.2 Linen closets and pantries.** Sprinklers are not required in linen closets and pantries within dwelling units that meet the following conditions:~~

1. The area of the space does not exceed 12 square feet (1.1 m²).
2. The least dimension does not exceed 3 feet (0.9 m).
3. The walls and materials are surfaced with noncombustible or limited combustible materials.
4. The closet or pantry contains no mechanical equipment, electrical equipment, or electrical appliances.

~~**8.16.2.5 8.17.2.5 Valves.**~~

~~**8.16.2.5.1 8.17.2.5.1 Fire department connection.** A listed check valve shall be installed in each fire department connection.~~

~~**8.16.2.5.1.1 8.17.2.5.1.1 Maximum pipe length.** There shall be a maximum of 25 feet (7.6 m) of pipe between the check valve and the fire department connection inlet. Exception: This maximum shall not apply to the check valve serving a free-standing fire department connection.~~

~~**8.16.2.5.1.2 8.17.2.5.1.2 Check valve location.** The check valve shall be located to minimize freezing potential.~~

Proposed Rules

[For text of subps 6 to 8, see M.R.]

1305.3500 CHAPTER 35, REFERENCED STANDARDS.

Subpart 1. Modifications to chapter 35. The list of referenced standards in IBC chapter 35 is modified as follows:

- A. References to NFPA 11-02 shall be deleted and replaced with references to NFPA 11-05.
- B. References to NFPA 12-00 shall be deleted and replaced with references to NFPA 12-08.
- C. References to NFPA 12A-04 shall be deleted and replaced with references to NFPA 12A-08.
- D. References to NFPA 13-02 shall be deleted and replaced with references to NFPA 13-10.
- E. References to NFPA 13R-02 shall be deleted and replaced with references to NFPA 13R-10.
- F. References to NFPA 14-03 shall be deleted and replaced with references to NFPA 14-07.
- G. References to NFPA 30-03 shall be deleted and replaced with references to NFPA 30-08.
- H. References to NFPA 72-02 shall be deleted and replaced with references to NFPA 72-10.
- I. References to NFPA 2001-04 shall be deleted and replaced with references to NFPA 2001-08.

Subp. 2. Supplemental standards. The standards listed in this subpart shall supplement the list of referenced documents in chapter 35 of the IBC. The standards referenced in this subpart shall be considered part of the requirements of this rule to the extent prescribed in each rule or reference. IBC Chapter 35 is amended by modifying a referenced standard as follows:

NFPA 45 - 2004 Standard on Fire Protection for Laboratories Using Chemicals

1307.0092 REFERENCED CODES, STANDARDS, AND SPECIFICATIONS.

Section 9.1 ASME A17.1 and ASME A17.1a referenced documents. References to NFPA 13-1985 shall be deleted and replaced with references to NFPA 13-2010.

1309.4300 REFERENCED STANDARDS.

Modifications to chapter 43. The list of referenced standards in IRC chapter 43 is modified as follows:

- A. References to NFPA 13-02 shall be deleted and replaced with references to NFPA 13-10.
- B. References to NFPA 58-04 shall be deleted and replaced with references to NFPA 58-11.
- C. References to NFPA 72-02 shall be deleted and replaced with references to NFPA 72-10.

1346.1500 CHAPTER 15, REFERENCED STANDARDS.

Subpart 1. Modifications to chapter 15. The list of referenced standards in IMC Chapter 15 is modified as follows:

- A. References to NFPA 211-2003 shall be deleted and replaced with references to NFPA 211-2006.
- B. References to NFPA 30A-00 shall be deleted and replaced with references to NFPA 30A-08.
- ~~B.~~ C. References to NFPA 31-2001 shall be deleted and replaced with references to NFPA 31-2006.
- D. References to NFPA 58-04 shall be deleted and replaced with references to NFPA 58-11.

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E. References to NFPA 72-02 shall be deleted and replaced with references to NFPA 72-10.

[For text of subp 2, see M.R.]

1346.5800 CHAPTER 8 REFERENCED STANDARDS.

Subpart 1. Modifications to IFGC chapter 8. The list of referenced standards in IFGC chapter 8 is modified as follows:

A. References to NFPA 30A-03 shall be deleted and replaced with references to NFPA 30A-08.

B. References to NFPA 58-04 shall be deleted and replaced with references to NFPA 58-11.

Subp. 2. Supplemental standards. The standards listed in this part shall supplement the list of referenced documents in chapter 8 of the 2006 IFGC. The standards referenced in this rule shall be considered part of the requirements of this rule to the extent prescribed in each rule or reference.

A. NFPA 54-2009 National Fuel Gas Code;

B. NFPA 85-2007 Boiler and Combustion Systems Hazards Code; and

C. ASME CSD-1 2006 Controls and Safety Devices for Automatic Boilers.

EFFECTIVE DATE. The amendments to *Minnesota Rules*, parts 1305.0903, 1305.3500, 1307.0092, 1309.4300, and 1346.5800, are effective five working days after publication of the notice of adoption in the State Register.

Minnesota Board of Nursing

Proposed Permanent Rules Relating to Nursing Professional and Practical Nursing Licensure and Registration

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Professional and Practical Licensure, *Minnesota Rules*, Chapter 6305

- 6305.0100 DEFINITIONS**
- 6305.0200 PURPOSE AND AUTHORITY**
- 6305.0300 AUTHORIZATION TO PRACTICE NURSING**
- 6305.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION**
- 6305.0405 REQUIREMENTS FOR LICENSURE FOR APPLICANTS EDUCATED IN CANADA**
- 6305.0500 REQUIREMENTS FOR LICENSURE BY ENDORSEMENT**
- 6305.0600 APPLICATION NULLIFICATION**
- 6305.0800 INCORPORATION BY REFERENCE**

Proposed Repeal of Rules Governing Professional and Practical Registration, *Minnesota Rules*, Chapter 6310

- 6310.2900 REGISTRATION RENEWAL PROCEDURES**
- 6310.3200 REREGISTRATION PROCEDURES**
- 6310.3600 REGISTRATION FEES**

Proposed Amendment to Rules Governing Professional and Practical Registration, *Minnesota Rules*, Chapter 6310

- 6310.2600 DEFINITIONS**
- 6310.2700 PURPOSE**
- 6310.2800 REGISTRATION RENEWAL REQUIREMENTS**
- 6310.3000 SUBSTANTIATION OF PARTICIPATION IN CONTINUING EDUCATION**
- 6310.3100 REREGISTRATION REQUIREMENTS**

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6310.3300 CHANGE OF NAME AND ADDRESS ON RECORDS
6310.3400 LOST, STOLEN, OR DESTROYED LICENSE
6310.3500 VERIFICATION OF MINNESOTA LICENSE
6310.3700 DISHONORED CHECKS
6310.3800 INCORPORATION BY REFERENCE

Introduction. The Board of Nursing intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until Wednesday, April 18, 2012.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Ann M. Jones at Minnesota Board of Nursing, 2829 University Avenue SE, Suite 200, Minneapolis, MN 55414, **phone:** (612) 617-2294, or **e-mail:** nursing.education@state.mn.us. **TTY** users may call the Board of Nursing at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about professional and practical licensure and registration. The statutory authority to adopt the rules is *Minnesota Statutes*, section 148.191 subdivision 2 authorizing the Board to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.285. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, April 18, 2012 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Board encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Board hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Wednesday, April 18, 2012. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person, Mee Chang at Minnesota Board of Nursing, 2829 University Avenue SE, Suite 200, Minneapolis, MN 55414, (612) 617-2294, or nursing.education@state.mn.us.

Modifications. The Board may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

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

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

Dated: 28 February 2012

Shirley A. Brekken, Executive Director
Minnesota Board of Nursing

6305.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 6305.0100 to ~~6305.0700~~ 6305.0800, the following terms have the meanings given them.

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

Subp. 2. [See repealer.]

Subp. 3. [Repealed, 18 SR 2195]

Subp. 4. [Renumbered subp 6a]

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

Subp. 6a. **Affidavit of graduation Confirmation of program completion.** ~~“Affidavit of graduation”~~ “Confirmation of program completion” means the ~~form supplied by~~ evidence submitted to the board used to authenticate officially that the applicant has ~~fulfilled all requirements~~ graduated or is eligible for graduation.

Subp. 6b. **Continuing education report.** “Continuing education report” means the evidence submitted to the board to officially authenticate that the applicant has fulfilled all continuing education requirements for licensure.

Subp. 7. [See repealer.]

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

Subp. 7b. **Eligibility for graduation.** “Eligibility for graduation” means that the applicant has fulfilled all the requirements of an approved nursing program and is awaiting the official conferral of the degree by the school.

Subp. 8. [Repealed, 18 SR 2195]

Subp. 9. [Repealed, 18 SR 2195]

Subp. 10. [Repealed, 18 SR 2195]

Subp. 11. **Jurisdiction.** “Jurisdiction” means a state or territory of the United States.

Subp. 12. **Graduation.** “Graduation” means ~~completion~~ all requirements of an approved nursing program are met and the degree is conferred.

Subp. 13. **License.** “License” means the ~~document~~ authority issued by the board to an individual who meets for the first time the requirements ~~for practicing to practice~~ professional or practical nursing in Minnesota.

Subp. 14. **Licensure application.** “Licensure application” means the ~~form supplied~~ method required by the board used in applying for professional or practical nurse licensure.

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Subp. 15. [Repealed, 15 SR 838]

Subp. 16. [Repealed, 15 SR 838]

Subp. 17. **Nursing ability.** “Nursing ability” means the ~~mental and physical capacity and skill~~ and judgment necessary to perform nursing actions safely.

Subp. 18. [See repealer.]

[For text of subps 19 and 20, see M.R.]

Subp. 21. **Program.** “Program” means ~~an organized set of courses designed to prepare students to meet the nursing education requirements for licensure as practical or professional nurses~~ a course of study offered by a controlling body that prepares students to practice practical nursing or professional nursing.

Subp. 21a. **Program completion.** “Program completion” means graduation or eligibility for graduation from a nursing program approved by a United States jurisdiction or Canadian province.

Subp. 22. **Refresher course equivalent or equivalent.** “Refresher course equivalent” or “equivalent,” when used to refer to a refresher course, means an educational activity that includes a clinical component and is used in lieu of a refresher course. Examples of equivalent activities are a preceptorship, an orientation program, a program of study leading to a degree in nursing, or a clinical course to enhance nursing skills in a clinical area: for the applicant for licensure by endorsement under *Minnesota Statutes*, section 148.211, subdivision 2, or for reregistration under *Minnesota Statutes*, section 148.231, subdivision 5, means a planned program of study with a clinical component that provides a review and evaluation of basic nursing knowledge and abilities to enhance clinical competency within the professional or practical scope of practice. The criteria for a refresher course is identified in Program Requirements: Appendices to Minnesota Administrative Rules, Chapter 6305, in part 6305.0800, as incorporated by reference in part 6305.0800.

Subp. 23. **Registration.** “Registration” means the process whereby the names and original license numbers of individuals licensed by the board are listed as individuals authorized to engage in professional or practical nursing during a registration period.

Subp. 24. **Temporary permit.** “Temporary permit” means the authority issued by the board that authorizes the practice of professional or practical nursing in Minnesota prior to final board action on the application for licensure or during participation in the clinical portion of a refresher course.

6305.0200 PURPOSE AND AUTHORITY.

Parts 6305.0100 to 6305.0700 are adopted pursuant to *Minnesota Statutes*, section 148.191. The parts pertain to the authorization to practice, the requirements for licensure by examination, the requirements for licensure ~~without examination~~ by endorsement, and nullification of applications. Part 6305.0400 applies to applicants who have not passed an examination acceptable to the board. Part 6305.0405 applies to applicants educated in Canada. Part 6305.0500 applies to applicants who have passed an examination acceptable to the board.

6305.0300 AUTHORIZATION TO PRACTICE NURSING.

Subpart 1. **Required authorization.** A Minnesota license and current registration ~~certificate~~ or a temporary permit is required if an individual practices professional nursing as defined in *Minnesota Statutes*, section 148.171, subdivision 15, or practical nursing as defined in *Minnesota Statutes*, section 148.171, subdivision 14, whether for monetary compensation or as a volunteer, or if an individual is a faculty member for an out-of-state nursing or nursing assistant program and is supervising nursing students or nursing assistant students in Minnesota except as provided in *Minnesota Statutes*, section 148.271. If the temporary permit is revoked or expires, whichever occurs first, an applicant must not practice nursing until a license has been issued.

Exceptions as identified in *Minnesota Statutes*, section 148.271, include the following:

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

Subp. 1a. **Authorized abbreviations.** The categories of nursing personnel listed below may use abbreviations as follows:

A. Public health nurse, abbreviated “PHN.”

B. Registered nurse, abbreviated “RN,” may only be used by a registered nurse who is currently registered in Minnesota or an

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applicant for licensure in Minnesota who holds a temporary permit as authorized in subpart 9.

C. Licensed practical nurse, abbreviated “LPN,” may only be used by a licensed practical nurse who is currently registered in Minnesota or an applicant for licensure in Minnesota who holds a temporary permit as authorized in subpart 9.

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

[For text of subp 2, see M.R.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. **Temporary permit to practice nursing without direct supervision.** The board shall grant an applicant who is not the subject of a pending investigation or disciplinary action a temporary permit to practice nursing that does not require direct supervision if the applicant:

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

C. applies for a temporary permit to practice ~~on a form obtained from the board;~~

D. submits evidence of licensure and current eligibility to practice in another jurisdiction or Canadian province. Evidence of licensure and eligibility to practice may include, but is not limited to, ~~a copy of the document from another jurisdiction or Canadian province that authorizes current practice;~~ an official statement from another jurisdiction or Canadian province that the applicant is currently authorized to practice, or an official statement from another jurisdiction or Canadian province that the licensure examination was passed and that the applicant is authorized to practice pending licensure; and

E. has graduated from a nursing program approved for the type of license for which the application has been submitted.

Subp. 7. **Length of temporary permits.** ~~The permit authorizing practice under the direct supervision of a registered nurse expires 60 days from the date of issue or upon the applicant’s notification by the board of failure on the examination, whichever occurs first. The board may extend this permit if the applicant has come under investigation by the board after the issuance of the initial permit until the matter is resolved for the applicant.~~

The temporary permit authorizing practice without direct supervision expires ~~12 months~~ 60 days after the date of issue. The board may extend the temporary permit if the applicant has come under investigation by the board after the issuance of the initial temporary permit until the matter is resolved for the applicant.

Subp. 8. **Revocation of temporary permit.** The board shall revoke a temporary permit in the following situations.

A. The board shall revoke a permit if the permit holder:

(1) has been notified of the results of the examination;

(2) is licensed by the board;

(3) did not write in another jurisdiction an examination acceptable to the board;

(4) did not pass an examination in another jurisdiction with a score acceptable to the board;

(5) is not eligible for licensure; or

(6) did not graduate.

B. The board may act to decide whether to revoke a permit if the board determines that:

(1) an applicant for licensure by examination did not meet the graduation requirements in part 6305.0400, subpart 4 or 5;

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(2) an applicant for licensure without examination presented fraudulent evidence of licensure in another jurisdiction or Canadian province; or

(3) an applicant has engaged in conduct which constitutes grounds for denial of a license.

A. an applicant for licensure by endorsement presented fraudulent evidence of licensure in another jurisdiction or Canadian province;
or

B. an applicant has engaged in conduct which constitutes grounds for denial of a license.

Subp. 9. **Designated titles.** The permit holder who is an applicant for registered nurse licensure by examination shall use the title “graduate nurse,” abbreviated “GN.” The temporary permit holder who is an applicant for registered nurse licensure without examination by endorsement shall use the title registered nurse, abbreviated “RN.” The permit holder who is an applicant for licensed practical nurse licensure by examination shall use the title “graduate practical nurse,” abbreviated “GPN.” The temporary permit holder who is an applicant for licensed practical nurse licensure without examination by endorsement shall use the title “licensed practical nurse,” abbreviated “LPN.”

6305.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. **Licensure application.** An applicant shall obtain the application forms for licensure and instructions for filing from the board. An applicant shall respond to questions on the application that relate to the grounds for disciplinary action in Minnesota Statutes, section 148.261. An applicant shall submit true information. Falsification or omission of information provides grounds for disciplinary action. ~~The application must be notarized.~~ If an application is received without a fee, it shall be returned to the applicant.

Subp. 2. [Repealed, 18 SR 2195]

[For text of subp 3, see M.R.]

Subp. 4. **Graduation or eligibility for graduation from approved professional nursing program.** An applicant who has graduated from or is eligible for graduation from an approved professional nursing program is eligible for licensure as a registered nurse ~~if the applicant’s nursing education includes classroom and clinical instruction. The learning activities must have been provided according to either item A or B.~~

A. The learning activities involved patients in each of the following categories:

- (1) newborn through 11 months;
- (2) one year through 12 years;
- (3) 18 years through 64 years;
- (4) 65 years and older;
- (5) healthy patients, such as patients in an uncomplicated maternity cycle or patients in need of health teaching;
- (6) acutely ill patients suffering from an illness with a short and relatively severe course; and
- (7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

- (1) patients having nursing care needs in all stages of illness;
- (2) adults, including those over 65 years of age and children receiving medical and surgical therapy;
- (3) patients having mental illness; and
- (4) mothers and newborn infants in the maternity cycle.

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Subp. 5. **Graduation or eligibility for graduation from approved practical nursing program.** An applicant who has graduated from or is eligible for graduation from an approved practical nursing program is eligible for licensure as a licensed practical nurse ~~if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.~~

A. The learning activities involved patients in each of the following categories:

- (1) newborn through 11 months;
- (2) one year through 12 years;
- (3) 18 years through 64 years;
- (4) 65 years and older;
- (5) healthy patients, such as patients in an uncomplicated maternity cycle;
- (6) acutely ill patients suffering from an illness with a short and relatively severe course; and
- (7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

- (1) children;
- (2) mothers of newborn infants;
- (3) newborn infants;
- (4) adults with common illnesses;
- (5) geriatric patients; and
- (6) patients with mental and emotional problems.

Subp. 6. [See repealer.]

Subp. 7. **Resolution of educational deficiencies.** Any deficit in nursing education ~~as outlined in subpart 4 or 5~~ identified through the credentials evaluation must be made up prior to admission to the examination in one of the following ways:

A. The applicant must successfully complete ~~a regular course or a course~~ coursework designed for an applicant that ~~includes classroom instruction, clinical instruction, and evaluation of nursing ability~~ provides theoretical and clinical learning activities with patients across the life span and also with patients throughout the whole wellness, acute, and chronic illness continuum. This coursework must be in the area of deficit in an approved nursing program which that prepares students for the type of licensure for which the applicant is applying.

B. If the deficit is a clinical ~~instruction and evaluation of nursing ability~~ coursework deficit and not a ~~classroom~~ theoretical coursework deficit, an applicant for ~~registered nurse~~ licensure must successfully complete ~~90 hours of~~ clinical instruction including evaluation of nursing ability in the deficit area; ~~and an applicant for licensed practical nurse licensure must successfully complete 65 hours of clinical instruction including evaluation of nursing ability in the deficit area.~~ The clinical instruction including evaluation must be supervised by a faculty person who is a registered nurse.

The applicant must submit evidence of having completed ~~item A or B~~ the coursework designed to resolve the deficiencies on an affidavit provided by the board and signed by all individuals responsible for the makeup activities.

Subp. 8. **Affidavit of graduation or transcript Confirmation of program completion.**

A. An affidavit Confirmation of graduation or a transcript is required if an applicant graduated from an approved nursing program in a United States jurisdiction or Canadian province. If an applicant submits ~~an affidavit~~ confirmation of graduation, the ~~affidavit~~

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confirmation must be completed and signed by an official of the nursing program or controlling institution and must bear the seal or stamp of the program or controlling institution. If the applicant submits a transcript, it must be an official transcript from the educational institution or nursing program that verifies that the applicant has graduated from the nursing program.

B. Confirmation of eligibility for graduation is required if an applicant is eligible to graduate from an approved nursing program in a United States jurisdiction or Canadian province. If an applicant submits a confirmation of eligibility for graduation, the confirmation must be completed and signed by an official of the nursing program or controlling institution and must bear the seal or stamp of the program or controlling institution.

C. If the board finds after the examination has been taken that the affidavit of graduation confirmation of program completion was completed in error, the examination results shall not be released nor action taken on the application until the applicant has graduated met all requirements for program completion. If graduation all requirements for program completion are not met within 12 months after the application was submitted, the application will be nullified in accordance with part 6305.0600. If there is evidence that the applicant was aware of nongraduation status not meeting program requirements before the examination and did not inform the board, the matter may be handled through a disciplinary proceeding.

Subp. 9. [Repealed, 18 SR 2195]

Subp. 10. **Fees.** The board shall charge the following fees: A licensure or retake fee must be paid to the board and must be received before evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency. If for any reason a license is not issued, the fee is not refundable.

A: A licensure fee must be paid to the board and must be received before evaluation of an applicant's qualifications for examination and licensure:

B: A fee is required with the request to retake the examination and must be paid to the board and must be received before evaluation of an applicant's qualifications to retake the examination:

C: Personal checks are not accepted. Each remittance must be in the form of United States currency, cashier's check, or money order.

D: If for any reason a license is not issued, fees are not refundable.

E: The permit fee is \$50 and must be paid to the board.

Subp. 11. [Repealed, 18 SR 2195]

Subp. 12. **Licensure examination.** The licensure examinations are the examinations of the National Council of State Boards of Nursing, Inc. An applicant must receive a pass on the National Council Licensure Examination.

A. An applicant is eligible for an examination when the following have been received:

(1) application for licensure;

(2) fee for licensure;

(3) affidavit of graduation or transcript confirmation of program completion;

(4) when applicable, request to retake the examination and fee;

(5) when applicable, verification of passing score on the CGFNS qualifying examination; and

(6) (5) when applicable, verification of comparable education; and

(6) when applicable, verification of completion of an English proficiency examination that meets a board-established passing standard.

B: The board will notify the applicant by mail when the applicant is eligible to take the examination. Placing the notice in first class

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~~United States mail, postage prepaid and addressed to the applicant's last known address constitutes official notification.~~

~~E.B. To take the examination, the applicant must meet all requirements of the test service of the National Council of State Boards of Nursing, Inc., including the payment of fees, and, after receipt of an authorization to test, schedule the examination at one of the testing centers.~~

~~E.C. Official notification of the results of the examination shall be by first class United States mail, postage prepaid and addressed to the applicant's last known address using the last contact information provided by the applicant. This constitutes official notification.~~

~~E.D. An applicant who fails an examination and wants to retake the examination must notify the board on a form by a method provided by the board. On the request to retake the examination, an applicant shall respond to questions that relate to the grounds for disciplinary action listed in Minnesota Statutes, section 148.261. The board may require further information of the applicant in order to determine whether the applicant has engaged in conduct warranting disciplinary action. An applicant must submit true information. Falsification or omission of information provides grounds for denial of a license. The request to retake the examination must be notarized. If the request is received without a fee, it shall be returned to the applicant. The board will notify the applicant by mail when the applicant is eligible to retake the examination. Placing the notice in first class United States mail, postage prepaid and addressed to the applicant's last known address, constitutes official notification.~~

~~Subp. 13. **Initial registration.** An individual who is issued a license by the board shall also be registered by the board. The licensure fee shall serve as payment for the initial registration period.~~

6305.0405 REQUIREMENTS FOR LICENSURE FOR APPLICANTS EDUCATED IN CANADA.

~~Subpart 1. **Acceptable examination.** An applicant for licensure who passed an examination acceptable to the board as listed in part 6305.0500, subparts 11 and 12, shall submit an application for licensure by endorsement as listed in part 6305.0500.~~

~~Subp. 2. **Insufficient score.** An applicant for licensure whose examination score does not meet the Minnesota score requirement in part 6305.0500, subpart 11 or 12, must successfully take the current examination for licensure. The applicant must meet the requirements in subpart 3.~~

~~Subp. 3. **Unacceptable examination.** An applicant for licensure who did not take an examination acceptable to the board must successfully take the current examination for licensure.~~

~~A. The applicant must submit:~~

~~(1) the application for licensure by examination;~~

~~(2) the licensure fee;~~

~~(3) confirmation of program completion; and~~

~~(4) if applicable, a verification of licensure from the Canadian province of original licensure and a verification of licensure from the Canadian province in which the applicant was most recently employed if this is different from the Canadian province in which the applicant was licensed by examination.~~

~~B. To take the examination, the applicant must meet all requirements of the test service of the National Council of State Boards of Nursing, Inc., including the payment of fees, and, after receipt of an authorization to test, schedule the examination at one of the testing centers. Passing the examination will be accepted in lieu of the requirements set out in part 6305.0500, subparts 7 and 8.~~

6305.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION BY ENDORSEMENT.

~~Subpart 1. **Proof of licensure in another jurisdiction or Canada.** To be licensed to practice nursing in Minnesota without writing an examination by endorsement, an applicant must submit proof, on a form provided by the board, that the applicant is licensed in another jurisdiction or Canadian province and has passed an examination acceptable to the board as listed in subparts 11 and 12. Proof of licensure must be obtained from the jurisdiction or Canadian province in which the applicant wrote an acceptable examination as well as the jurisdiction or Canadian province in which the applicant was most recently employed. Proof of licensure must be obtained from the jurisdiction in which the applicant was first licensed, if this is different from the jurisdiction in which the applicant was licensed based on an acceptable examination.~~

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Subp. 2. **Licensure application.** An applicant shall obtain the application forms and instructions for filing from the board. An applicant shall respond to questions on the application that relate to the grounds for disciplinary action listed in Minnesota Statutes, section 148.261. An applicant shall submit true information. Falsification or omission of any information provides grounds for denial of a license. ~~The application must be notarized.~~ If an application is received without a fee, it shall be returned to the applicant. Application for licensure begins on the date when an application and fee are received by the board.

Subp. 3. **Fee.** A licensure fee must be paid to the board and must be received before evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, ~~cashier's check, or money order.~~ If for any reason a license is not issued, the fee is not refundable.

[For text of subs 4 and 5, see M.R.]

Subp. 6. **Waiver of graduation requirement.** The board shall waive the requirement of graduation from an approved nursing program if:

A. an applicant has been licensed by another jurisdiction ~~or Canadian province~~ based on requirements equivalent to the qualifications required in Minnesota at the time of the applicant's original licensure; or

B. an applicant for licensed practical nurse licensure has been licensed by another jurisdiction and passed an acceptable examination as specified in subpart 12 and has had at least 4,000 clock hours of employment as a licensed practical nurse in the ~~60 calendar months preceding five years prior to~~ application for licensure in Minnesota.

Subp. 7. **Current nursing education or acceptable nursing practice.** An applicant who has engaged in acceptable nursing practice as defined in part 6305.0100, subpart 1a, who has graduated from an approved nursing program, or who has completed a degree program with a major in nursing during the two years immediately preceding application for licensure is exempt from the continuing education requirements in subpart 8. Verification of acceptable nursing practice must be submitted to verify practice dates. If the applicant was employed by an institution or agency, an employer shall complete the verification. In lieu of an employer, a patient, volunteer supervisor, patient's family or physician, or peer can verify acceptable nursing practice. If the applicant supplies a written statement that verification cannot be obtained because the institution or agency no longer has the relevant records or the institution or agency has gone out of business, the last date of employment shall be accepted from the applicant. An affidavit Confirmation of graduation or evidence from the nurse licensing agency in another jurisdiction ~~or Canadian province~~ must be submitted to verify the graduation date.

Subp. 8. **Continuing education.** An applicant who has not engaged in acceptable nursing practice within the two years preceding receipt by the board of the application for licensure must comply with items A to D.

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

C. ~~The applicant must participate in and report participation in acceptable continuing education as specified in part 6310.2800, subparts 3, items A, B, C, E, and F, and 5. If the applicant has not engaged in acceptable nursing practice for ten years or more, the applicant must successfully complete a refresher course or refresher course equivalent as defined in part 6310.2600, subpart 9d. The refresher course or refresher course equivalent must include a clinical component. If the length of the refresher course or its equivalent is less than the hours required in item D, other acceptable continuing education must be completed to meet the hour requirement. The applicant shall participate in the continuing education or complete the refresher course or the refresher course equivalent within the 24 months immediately preceding board action on the application for licensure.~~

D. ~~The applicant must complete the required number of contact hours of continuing education. The registered nurse must complete one contact hour of acceptable continuing education for each month that the applicant was not engaged in acceptable practice. The licensed practical nurse must complete one contact hour for every two months that the applicant was not engaged in acceptable practice. The maximum hours required are 150 hours for a registered nurse applicant and 75 hours for a licensed practical nurse applicant. The continuing education must be reported on the form provided by the board.~~

~~If the applicant is required to successfully complete a refresher course or its equivalent, the applicant shall report the successful completion of the refresher course or refresher course equivalent on an affidavit provided by the board. The affidavit must be signed by the refresher course provider, the preceptor, the instructor, an official of the nursing program, or the employer.~~

~~C. The applicant must participate in and report participation in acceptable continuing education as specified in part 6310.2800, subparts 3, items A, B, C, E, and F, and 5. The applicant must complete the required number of contact hours of continuing education. The~~

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registered nurse must complete one contact hour of acceptable continuing education for each month that the applicant was not engaged in acceptable practice. The licensed practical nurse must complete one contact hour for every two months that the applicant was not engaged in acceptable practice. The maximum hours required are 60 hours for a registered nurse applicant and 30 hours for a licensed practical nurse applicant. The continuing education must be reported on the form provided by the board.

D. If the applicant has not engaged in acceptable nursing practice for more than five years, the applicant must successfully complete a refresher course that meets board criteria. The applicant shall complete the refresher course within the 24 months immediately preceding board action on the application for licensure.

The applicant shall report the successful completion of the refresher course on an affidavit provided by the board. The affidavit must be signed by the person responsible for the refresher course. Successful completion of a refresher course will meet continuing education requirements.

Subp. 9. **Clinical component temporary permit to practice.** The applicant shall have a temporary permit to practice to participate in the clinical component of a refresher course ~~or its equivalent~~ with the exception of degree granting programs. ~~For the latter, A temporary permit may be issued if it is required by the degree granting program. For the applicant who is not eligible for a temporary permit based on current licensure in another United States jurisdiction, a temporary permit shall be issued for use only in the refresher course or its equivalent.~~ To obtain this temporary permit, the applicant must submit the completed licensure application, fee, and a statement of intent to participate in a refresher course ~~or refresher course equivalent~~. The statement of intent must be signed by the ~~refresher course provider, the preceptor, the instructor, an official of the nursing program, or the employer person responsible for the refresher course~~. The statement of intent must contain the request for a temporary permit. The board shall issue a temporary permit after the application, fee, and statement of intent have been received and evaluated for compliance with this chapter. The board shall issue the temporary permit for no more than 90 days. This temporary permit is valid only for practice as a part of the refresher course ~~or its equivalent~~. While the temporary permit is in effect, the registered nurse may use the title registered nurse, abbreviated “RN,” and a licensed practical nurse may use the title licensed practical nurse, abbreviated “LPN.” If there is a delay in the completion of the clinical portion of the refresher course ~~or its equivalent~~, the applicant shall ~~return the expired permit and~~ complete another statement of intent. The board shall issue another temporary permit for no more than 90 days.

Subp. 10. **Affidavit Evidence of graduation.** An applicant must submit ~~an affidavit of graduation confirmation of program completion~~, signed by an official of the nursing program and bearing the seal or stamp of the program. If an official school transcript is submitted, it shall be accepted in lieu of ~~an affidavit of graduation confirmation of program completion~~. ~~An affidavit Confirmation of program completion~~ is not required if the licensing authority in another jurisdiction ~~or Canadian province~~ verifies graduation from an approved program. If a licensed practical nurse applicant has not graduated from an approved program, the applicant shall send his or her employer a form supplied by the board for documentation of 4,000 clock hours of employment. The form must be completed by the employer and returned to the board. The board shall determine if the employment fulfills the requirement of Minnesota Statutes, section 148.211, subdivision 4.

[For text of subps 11 to 13, see M.R.]

Subp. 14. **Unacceptable examination.** An applicant for licensure who did not take an examination acceptable to the board must successfully take the current examination for licensure. The applicant must submit the application for licensure ~~without examination by endorsement~~, the licensure fee, a verification of licensure from the jurisdiction ~~or Canadian province~~ of original licensure, and a verification of licensure from the jurisdiction ~~or Canadian province~~ in which the applicant was most recently employed if this is different from the jurisdiction ~~or Canadian province~~ in which the applicant was licensed by examination. To take the examination, the applicant must meet all requirements of the test service of the National Council of State Boards of Nursing, Inc., including the payment of fees, and, after receipt of an authorization to test, schedule the examination at one of the testing centers. Passing the examination will be accepted in lieu of the requirements set out in subparts 7 and 8.

Subp. 15. **Registration following licensure by endorsement.** The board shall authorize an individual to engage in the practice of practical or professional nursing in Minnesota ~~once the registration requirements have been met~~. ~~The initial registration period is defined in part 6310.2600, subpart 15. Licensees shall participate in the number of contact hours of acceptable continuing education according to the number of full months in their initial registration period. For licensed practical nurses, the number of contact hours is one contact hour for every two months of registration. For registered nurses, the number of contact hours is one contact hour for every month of registration.~~

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6305.0600 APPLICATION NULLIFICATION.

[For text of subp 1, see M.R.]

Subp. 2. **Licensure without examination by endorsement.** The board will nullify an application for licensure ~~without examination~~ by endorsement if the applicant fails to complete the application process within one year after submission of the application.

[For text of subps 3 and 4, see M.R.]

6305.0800 INCORPORATION BY REFERENCE.

Program Requirements: Appendices to Minnesota Administrative Rules, Chapter 6305, issued by the Minnesota Board of Nursing, 2012, are incorporated by reference. They are available through the Minnesota Board of Nursing Web site at <http://www.....> They are not subject to frequent change.

6310.2600 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Continuing education participation period.** “Continuing education participation period” means the 24-month interval of time immediately before the registration ~~renewal deadline~~ expiration date during which a licensee must fulfill the continuing education requirements for registration renewal. The length varies for a licensee’s first registration period after licensure or reregistration, beginning on the date of licensure or reregistration and ending on the registration ~~deadline~~ expiration date.

Subp. 5. **Continuing education report form.** “Continuing education report form” means the ~~printed document provided by evidence submitted to the board for use in reporting the information required in parts 6310.2800 to 6310.3000 to officially authenticate that the applicant has fulfilled all continuing education requirements for licensure.~~

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

Subp. 6. **Instructor.** “Instructor” means a presenter, preparer, ~~or~~ or guide for a continuing education activity, ~~or~~ or written programmed instruction ~~comes within this definition.~~

Subp. 6a. [See repealer.]

Subp. 7. **License.** “License” means the ~~document~~ authority issued by the board to an individual who meets for the first time the requirements to practice professional or practical nursing in Minnesota.

[For text of subps 7a to 8b, see M.R.]

Subp. 8c. [See repealer.]

[For text of subp 9, see M.R.]

Subp. 9a. [Renumbered subp 17]

[For text of subps 9b and 9c, see M.R.]

Subp. 9d. **Refresher course equivalent or equivalent.** “Refresher course equivalent” or “equivalent” when used to refer to a refresher course means an educational activity that includes a clinical component and can be used in lieu of a refresher course. These activities include a preceptorship, an orientation program, a program of study leading to a degree in nursing, or a clinical course to enhance nursing skills in a clinical area; “Refresher course” for the applicant for licensure by endorsement under *Minnesota Statutes*, section 148.211, subdivision 2, or for reregistration under *Minnesota Statutes*, section 148.231, subdivision 5, means a planned program of study with a clinical component that provides a review and evaluation of basic nursing knowledge and abilities to enhance clinical competency within the professional or practical scope of practice. The criteria for a refresher course is identified in Program Requirements: Appendices to Minnesota Administrative Rules, Chapter 6310, in part 6310.3800 as incorporated by reference in part 6310.3800.

[For text of subps 10 and 11, see M.R.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

[For text of subp 14, see M.R.]

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Subp. 15. **Registration period.** “Registration period” means the interval of time ~~for which a registration certificate is issued during which the individual is authorized to engage in professional or practical nursing during a registration period.~~ The initial registration period following licensure, endorsement, or reregistration is from six to 29 full calendar months starting on the day of licensure, endorsement, or reregistration and ending on the last day of the licensee’s month of birth in an even-numbered year if the year of birth was an even-numbered year or in an odd-numbered year if the year of birth was in an odd-numbered year. Subsequent registration periods are 24-month periods. For registration renewal, the period starts on the first day of the month following expiration of the previous registration period. The period ends the last day of the licensee’s month of birth in an even- or odd-numbered year according to the licensee’s year of birth.

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

Subp. 17. **Temporary permit.** “Temporary permit” means the authority issued by the board to an applicant for reregistration that authorizes practice of professional or practical nursing in Minnesota during participation in the clinical portion of a refresher course.

6310.2700 PURPOSE.

Parts 6310.2600 to ~~6310.3100~~ 6310.3000 establish the requirements ~~and procedures~~ for registration for professional nurses and practical nurses including continuing education.

~~Parts Part~~ 6310.3100 ~~and 6310.3200~~ establishes the requirements ~~and procedures~~ for reregistration. Parts 6310.3300 to 6310.3700 establish the requirements and procedures for change of name and address, duplicate and replacement documents, lost, stolen, or destroyed licenses; and verification of Minnesota license.

6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

Subpart 1. **Registration renewal application.**

~~A. A licensee shall submit an application for renewal by the deadline for renewal of registration. The board shall provide a registration renewal notice at least three full calendar months before a licensee’s registration expiration date using the last contact information provided by the licensee which constitutes official notification. Failure to receive the registration renewal application mailed notice sent by the board does not relieve the licensee of the obligation to renew registration by the deadline expiration date.~~

B. A licensee shall submit the completed registration renewal application, fee, and continuing education report to the board in time for the application to be received in the board office by the registration expiration date. The board shall return an application that is received without a fee or an application that is incomplete. The licensee must resubmit the application and fee by the licensee’s registration expiration date.

C. A licensee shall respond to questions on the application that relate to the grounds for disciplinary action listed in Minnesota Statutes, section 148.261. The licensee shall submit true information. Falsification or omission of information provides grounds for disciplinary action. The board may require further information of the licensee to determine whether the licensee has engaged in conduct warranting disciplinary action listed in Minnesota Statutes, section 148.261.

Subp. 2. **Fee.** ~~The licensee shall pay the fee specified in part 6310.3600, subpart 1; submit the fee with the application for renewal by the registration expiration date. The fee must be made payable to the Minnesota Board of Nursing. The board shall return a fee that is received without an application or is made out incorrectly. The licensee shall resubmit the fee with an application by the licensee’s registration expiration date. The fee is not refundable.~~

Subp. 3. **Continuing education.** ~~Continuing education requirements for the licensed practical nurse begin for registration periods that begin on or after November 1, 1993. The report of continuing education is due by the application deadline for subsequent renewals of registration. A registered nurse shall participate in the ratio of at least one contact hour of acceptable continuing education for each month of registration. A licensed practical nurse shall participate in the ratio of at least one contact hour of acceptable continuing education for each two months of registration.~~

For a continuing education activity to be acceptable for renewal of registration, the criteria in items A to G must be met.

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

[For text of subps 4 and 5, see M.R.]

Subp. 5a. **Continuing education report.** Confirmation of continuing education shall be a part of the renewal of registration application. Each licensee shall verify that the continuing education activities used to meet the licensee’s renewal requirements meet all the

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criteria in subparts 3, 4, and 5, and that the information is true in every respect.

Subp. 6. [Repealed, 18 SR 468]

Subp. 6a. **Application deadline for submission.** ~~The registration renewal application, registration renewal fee, and continuing education report must be received in the board office on or before the last day of the month preceding by the licensee's registration expiration date. This receipt deadline is referred to as the application deadline. If the application deadline falls on a weekend or holiday, receipt by the board on the following business day constitutes timely submission.~~

~~If the licensee's registration renewal application, registration renewal fee, and continuing education report are received in the board office after the application deadline, a late application fee is required. If the application is received after the licensee's registration expires, registration expiration date, the applicant is not eligible for renewal of registration. If the registration expiration date falls on a weekend or holiday, receipt by the board on the following business day constitutes timely submission. However, The board shall return the application and fee to the licensee. The board shall provide a reregistration application to the licensee. The licensee may not practice nursing after the registration expiration date until registration renewal reregistration requirements have been met as specified in this part 6310.3100.~~

Subp. 6b. **Incomplete application notice.** If the board receives an incomplete renewal application and fee by the registration expiration date, the board shall notify the licensee of any deficiency. On the deficiency notice, the board shall note if the application, the continuing education report, or the fee submitted by a licensee is incomplete, incorrect, or not in compliance with this part. The licensee may not practice nursing after the registration expiration date until registration requirements have been met. The registration renewal application, fee, and other documents will be retained by the board whenever possible.

Subp. 6c. **Insufficient hours.** If a licensee does not have enough contact hours of acceptable continuing education, the licensee has the options listed in items A and B.

A. Defer the number of contact hours that the licensee is lacking. The deferred hours shall be added to the contact hours required in the immediately succeeding continuing education participation period. Contact hours may be deferred if there are no current deferred contact hours required of the licensee. If the licensee is deferring a fraction of a contact hour, a whole contact hour must be deferred. If the licensee does not renew for the continuing education participation period that included the deferred hours, the deferred hours shall be required for reregistration.

B. Allow registration to expire and reregister.

Subp. 6d. **Noncompliance with continuing education requirement.** A licensee provides grounds for disciplinary action if the licensee does not meet one of the options for insufficient hours in subpart 6c or fails an audit and is not eligible to defer.

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

Subp. 8. **Retention of information.** Each licensee shall keep information documenting each continuing education activity submitted to meet registration renewal requirements. The licensee shall retain the information for two years after the continuing education activities are reported to the board ~~on the continuing education report form.~~

[For text of subp 9, see M.R.]

Subp. 10. **Exemption from renewal of registration.** Pursuant to Minnesota Statutes, section 326.56, a licensee who is in the armed forces of the United States or is employed outside the United States in employment which is essential to the prosecution of any war or the national defense, and whose registration was in effect at the time of entry into the armed forces or engagement in employment outside the United States, is not obligated to renew registration. The board must be notified in writing by the licensee regarding the qualifications for this exemption. The exemption ceases six months after discharge from active duty or termination of the aforementioned employment. A registration renewal ~~application notice~~ shall be sent to the licensee ~~who has applied for the exemption~~ at the time that a registration renewal ~~application notice~~ would normally be sent to the licensee. The licensee may be requested to reconfirm exempt status. If the licensee no longer qualifies for the exemption, the requirements for registration renewal must be met. The required number of contact hours are calculated based on the number of months since the exemption ceased to the month of the registration renewal ~~application deadline expiration date~~ and according to the ratio specified in subpart 3.

Subp. 11. **Nullification of incomplete registration renewal.** The board shall nullify incomplete registration renewal applications that are not completed, returned, and received by the board within 30 days following notification of the deficiency or by the licensee's

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registration expiration date, whichever is later. For a nullified application, the fee shall be forfeited and the application and other documents may be destroyed according to Minnesota Statutes, section 138.17, subdivision 7.

Subp. 12. **Removal of name from list.** The name of a licensee who does not return the complete renewal application and fees by the registration expiration date shall be removed from the list of individuals authorized to practice professional or practical nursing.

6310.3000 SUBSTANTIATION OF PARTICIPATION IN CONTINUING EDUCATION.

Subpart 1. **Substantiation of continuing education activity.** At the time of renewal, the board shall randomly select a sample of licensees and require substantiation of participation in the activities that the licensees ~~reported~~ confirmed on their continuing education report ~~form~~. The licensee shall submit documents or written statements that verify the ~~following:~~ information in part 6310.2800, subpart 3, item G.

- ~~A: the name of the activity;~~
- ~~B: the date of the activity;~~
- ~~C: the number of contact hours or hours equivalent to contact hours;~~
- ~~D: the objectives;~~
- ~~E: the name and qualifications of the instructor; and~~
- ~~F: presence at or participation in the activity.~~

Licensees who participated in other acceptable continuing education listed in part 6310.2800, subpart 4, with required documentation or subpart 5, shall submit with submission of all or a portion of the article, book, paper, study, research, or brochure that verifies participation as a panel member.

Failure to substantiate the hours with the required information shall result in the hours being automatically deferred to the next participation period unless the licensee is not eligible to do so. At the next renewal or reregistration, the licensee shall substantiate participation in all the hours of continuing education required for that reporting period including the automatically deferred hours. Failure to substantiate the hours at this time shall provide grounds for disciplinary action.

[For text of subp 2, see M.R.]

6310.3100 REREGISTRATION REQUIREMENTS.

Subpart 1. **Reregistration application.** A licensee shall obtain a reregistration application from the board. A licensee shall submit an application for reregistration and respond to questions on the application that relate to the grounds for disciplinary action listed in Minnesota Statutes, section 148.261. The licensee shall submit true information. Falsification or omission of information provides grounds for disciplinary action. The board may require further information of the licensee to determine whether the licensee has engaged in conduct warranting disciplinary action listed in Minnesota Statutes, section 148.261. The board shall return an application that is received without a fee or an application that is incomplete.

Subp. 2. Penalty fees.

- A: The fee for reregistration is the current registration renewal fee.
- ~~B: The late application fee is applicable if the licensee's registration expired within the two years preceding submission of the reregistration application unless the licensee has been licensed and is practicing nursing in another jurisdiction or country.~~
- ~~C: In addition to the fee in item A and when applicable the fee in item B, The penalty fee for practicing nursing without current registration is also applicable if the licensee practiced nursing in Minnesota after expiration of the licensee's registration. A reregistration fee and any penalty fee for practicing without current registration must be paid to the board and must be received before evaluation of an applicant's qualifications for reregistration. Remittance must be in the form of United States currency. Personal checks are not accepted for penalty fees.~~

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D. For purposes of calculating the penalty fee for practicing nursing without current registration, the number of calendar months, or parts of months, of practice shall be calculated from the first day the licensee does not have current registration to the date of last nursing practice.

Subp. 2a. **Continuing education; report.** Licensees whose registrations expired within the two years preceding application for reregistration shall report participation in the required number of acceptable continuing education hours. To fulfill this requirement, the criteria in items A to E must be met.

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

D. The board shall provide a method for reporting continuing education. In the report of continuing education, the board shall require the name of the activity, the date of the activity, and the number of contact hours for each of the activities. The licensee shall report participation in the required acceptable continuing education. A professional nurse who has been certified in a nursing specialty may submit a copy of the practice specialty certificate in lieu of reporting participation in the continuing education contact hours. The copy of the current certificate must be attached to the report of continuing education. Each licensee shall verify that the continuing education activities met all the criteria specified in part 6310.2800, subpart 3, items A to C and E to G; 4; or 5, and that the information contained on the continuing education report is true in every respect.

[For text of subp 2b, see M.R.]

Subp. 2c. **Acceptable nursing practice requirement.** A licensee shall submit proof of acceptable nursing practice that occurred within the two years immediately preceding receipt by the board of the application for reregistration. Verification of acceptable nursing practice must be reported on a form provided by the board or in a statement submitted in writing that includes the information required by the board on the verification of practice form. It must be completed by the individual best able to verify the licensee's practice. If the licensee was employed by an institution or agency, an employer shall complete the verification. In lieu of an employer, a patient, volunteer supervisor, patient's family, physician, or peer may verify acceptable practice. If the applicant supplies a written statement that verification cannot be obtained because the institution or agency no longer has the relevant records or went out of business, the last date of employment shall be accepted from the applicant.

Subp. 3. [Repealed, 12 SR 102]

Subp. 4. [Repealed, 12 SR 102]

Subp. 5. [Repealed, 15 SR 838]

Subp. 6. **Additional continuing education in lieu of acceptable nursing practice.** ~~Licensees~~ A licensee who ~~have~~ has not been engaged in acceptable nursing practice within the two years preceding receipt by the board of the application for reregistration must comply with items A to D:

A. A licensee must report the number of months since ~~their~~ the licensee's last date of acceptable nursing practice.

B. A licensee must submit a verification of acceptable nursing practice.

C. A licensee must participate in and report participation in acceptable continuing education as specified in part 6310.2800, ~~subpart~~ subparts 3, items A, B, C, E, and F; 4, or, and 5. If the licensee has not engaged in acceptable nursing practice for ten years or more, the licensee must successfully complete a refresher course or refresher course equivalent. An affidavit of successful completion must be signed by the person responsible for the refresher course or the refresher course equivalent. If the length of the refresher course or its equivalent is less than the hours required in item D, other acceptable continuing education must be completed to meet the hour requirement. The licensee shall participate in the continuing education or complete the refresher course or the refresher course equivalent within the 24 months immediately preceding board action on the application for reregistration. The licensee must complete the required number of contact hours of continuing education. The registered nurse must complete one contact hour of acceptable continuing education for each month that the licensee was not engaged in acceptable practice. The licensed practical nurse must complete one contact hour for every two months that the licensee was not engaged in acceptable practice. The maximum hours required are 60 hours for a registered nurse and 30 hours for a licensed practical nurse. The continuing education must be reported on the form provided by the board.

D. ~~A licensee must complete the required number of contact hours. The registered nurse shall complete one contact hour of acceptable continuing education for each month that the licensee was not engaged in acceptable nursing practice. The licensed practical~~

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nurse shall complete one contact hour for every two months that the licensee was not engaged in acceptable nursing practice. The maximum hours required are 150 hours for a registered nurse and 75 hours for a licensed practical nurse. If the licensee has not engaged in acceptable nursing practice for more than five years, the licensee must successfully complete a refresher course that meets board criteria. The licensee shall complete the refresher course within the 24 months immediately preceding board action on the application for licensure.

The licensee shall report the successful completion of the refresher course on an affidavit provided by the board. The affidavit must be signed by the person responsible for the refresher course. Successful completion of a refresher course will meet continuing education requirements.

Subp. 7. **Temporary permit to practice.** The licensee shall have a temporary permit to practice to participate in the clinical component of a refresher course ~~or its equivalent~~ with the exception of degree granting programs. ~~For the latter,~~ A temporary permit may be issued if the degree granting program requires it.

Subp. 7a. **Clinical component temporary permit to practice.** To obtain a temporary permit to complete the clinical portion of a refresher course if being taken in Minnesota, a licensee shall submit the completed reregistration application, fee, and a statement of intent to participate in a refresher course. The statement of intent must be signed by the person responsible for the refresher course. The statement of intent must contain the request for a temporary permit. The board shall issue a temporary permit after the application, fee, and statement of intent have been received and evaluated for compliance with this chapter. The board shall issue the temporary permit for no more than 90 days. The temporary permit is valid only for practice as a part of the refresher course. While the temporary permit is in effect, the registered nurse may use the title registered nurse, abbreviated "RN," and a licensed practical nurse may use the title licensed practical nurse, abbreviated "LPN." If there is a delay in the completion of the clinical portion of the refresher course, the licensee shall complete another statement of intent. The board shall issue another temporary permit for no more than 90 days.

Subp. 7b. **Affidavit of successful completion of a refresher course.** The licensee who must successfully complete a refresher course shall submit the affidavit of successful completion of a refresher course. The affidavit of successful completion must be signed by the person responsible for the refresher course.

Subp. 8. **Licensees residing outside Minnesota.** If A licensee residing outside of Minnesota ~~applies applying~~ for reregistration for the purpose of obtaining verification of current registration status to another country or United States jurisdiction, ~~the requirements for reregistration are the reregistration application, applicable fee, request for verification of licensure, and verification fee; must have an out-of-state address and submit a verification of licensure request from another jurisdiction. The verification of licensure request must be submitted with the reregistration application. The fee for verification must be separate from the fee for reregistration.~~

[For text of subs 9 to 13, see M.R.]

Subp. 14. **Nullification and reapplication.** The board shall nullify an incomplete reregistration application if the licensee fails to complete the application process within one year after submission of the application. For a nullified application, the reregistration shall be forfeited and the application and other documents may be destroyed according to *Minnesota Statutes*, section 138.17, subdivision 7. If a licensee fails to submit an application and fee within six months after the board received any other documents relating to the application, the board may destroy the documents. If a licensee whose application has been nullified wants to be reregistered, a new reregistration application must be submitted and all applicable reregistration requirements must be met.

Subp. 15. **Initial registration following reregistration.** The board shall authorize an individual to engage in the practice of practical or professional nursing in Minnesota once the reregistration requirements have been met. The initial registration period is as defined in part 6310.2600, subpart 15. Licensees shall participate in the number of contact hours of acceptable continuing education according to the number of full months in the initial registration period. For licensed practical nurses, the number of contact hours is one contact hour for every two months of registration. For registered nurses, the number of contact hours is one contact hour for every month of registration. The continuing education must meet the criteria in part 6310.2800.

6310.3300 CHANGE OF NAME AND ADDRESS ON RECORDS.

Subpart 1. **Name change.** The licensee who has changed names shall notify the board ~~in writing~~ as soon as possible and request a revised registration certificate. ~~When requesting a revised registration certificate, the licensee shall return the current certificate provide official documentation of the name change to the board. The board may require substantiation of the name change by requiring official documentation.~~

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Subp. 2. **Address change.** The licensee who has changed addresses shall notify the board as soon as possible. The board shall notify the licensee of address changes made in the licensee's records. ~~However, a revised registration certificate will not be issued.~~

6310.3400 ~~DUPLICATE AND REPLACEMENT DOCUMENTS LOST, STOLEN, OR DESTROYED LICENSE.~~

Subpart 1. **License.** A duplicate license shall not be issued. A replacement license may be issued for a fee when the licensee notifies the board, ~~by certified statement,~~ that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated.

Subp. 2. ~~[See repealer.]~~

Subp. 3. ~~[See repealer.]~~

6310.3500 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification of licensure.** ~~Licensure verification for the purpose of obtaining a license in another jurisdiction must be completed through Nursys, the nurse licensing database for the National Council of State Boards of Nursing. Licensure verification for another purpose such as a licensee wishing a certified statement of licensure status sent to another United States jurisdiction or a foreign country or to any other third party may, upon written request and payment of a fee, have a certified statement of Minnesota licensure status issued to the Board of Nursing, other official agency empowered to issue nursing licenses in the other jurisdiction or country or a third party. A replacement of the certified statement shall not be issued within the first two months nor more than six months after the original statement was issued. If requested by the licensee, a replacement shall be issued without charge between two and six months after the original statement was issued.~~

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

6310.3700 DISHONORED CHECKS.

Subpart 1. **Service charge.** If a licensee submits a dishonored check for any of the fees required in ~~part 6310.3600, subpart 1, items A to G or 6316.0200, subpart 3~~ Minnesota Statutes, section 148.243, a service charge shall be assessed in keeping with Minnesota Statutes, section 332.50, subdivision 2 604.113.

~~[For text of subp 2, see M.R.]~~

Subp. 3. **Additional fee.** Nonreplacement of a dishonored check for the fees required in ~~part 6310.3600, subpart 1, items C to G or 6316.0200, subpart 3~~ Minnesota Statutes, section 148.243, and nonpayment of the service charge will result in the amounts being added to the next fee the licensee must pay.

6310.3800 INCORPORATION BY REFERENCE.

Program Requirements: Appendices to Minnesota Administrative Rules, Chapter 6310, issued by the Minnesota Board of Nursing, 2012, are incorporated by reference. They are available through the Minnesota Board of Nursing Web site at <http://www.....> They are not subject to frequent change.

REPEALER. Minnesota Rules, parts 6305.0100, subparts 2, 7, and 18; 6305.0300, subparts 3, 4, and 5; 6305.0400, subpart 6; 6310.2600, subparts 6a, 8c, 12, and 13; 6310.2900, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; 6310.3200; 6310.3400, subparts 2 and 3; and 6310.3600, are repealed.

Minnesota Racing Commission**Proposed Permanent Rules Relating to Horse Racing****NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING****Proposed Amendments to Rules Governing Horse Racing, *Minnesota Rules*, 7876 Stabling, 7890 Horse Medication, and 7897 Prohibited Acts**

Introduction. The Minnesota Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until April 18, 2012.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Richard Krueger at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55379, **phone:** (952) 496-7950, **fax:** (952) 496-7954, and **e-mail:** richard.krueger@state.mn.us. **TTY** users may call the Racing Commission at 1-800-627-3529.

Subject of Rules and Statutory Authority. The Commission is considering rule amendments that require a record of a negative test for Equine Piroplasmiasis under certain conditions, add or revise definitions to Horse Medication definitions, set regulatory limits on medications, and prohibit acts with regard to feed and medication. The statutory authority to adopt the rules is *Minnesota Statutes*, section 240.23. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, April 18, 2012, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Commission encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Wednesday, April 18, 2012. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness may be viewed on our web site at www.mrc.state.mn.us.

Proposed Rules

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

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

Dated: 23 February 2012

Richard Krueger, Executive Director
Minnesota Racing Commission

7876.0100 ON-TRACK STABLING.

[For text of subs 1 to 9, see M.R.]

Subp. 10. **Original health certificate.** Any horse arriving on the grounds must be accompanied by an original health certificate issued not more than ten days prior to arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infections anemia test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificate must be surrendered to the stable gate personnel for immediate transmittal to the commission veterinarian. The health certificate will remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new health certificate. Horses leaving and returning after the 30-day period will need to be accompanied by a new original health certificate issued not more than ten days prior to arrival.

Subp. 11. **Record of negative test for equine piroplasmiasis.** When an active case of equine piroplasmiasis (EP) is reported by a government agency within North America, the Racing Commission, the executive director, or the deputy director, in consultation with the chief commission veterinarian, has the authority to require proof of an equine piroplasmiasis (EP) test taken within 12 months of the date of entry upon the racetrack when a horse enters or is already on the confines of the racetrack. No horse shall be allowed to enter the confines of any association holding a license to conduct a race meeting or race in Minnesota unless the horse has had the required test. The test must indicate a negative result for *Theileria equi* and *Babesia caballi*. Record of the negative test shall be attached to the certificate of veterinarian inspection (CVI) and presented at the stable gate when the horse first enters the confines.

7876.0110 OFF-TRACK STABLING.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Original health certificate.** Any horse arriving on the grounds must be accompanied by an original health certificate issued not more than ten days prior to arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infections anemia test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificate must be surrendered to the stable gate personnel for immediate transmittal to the commission veterinarian. Trainers with horses shipping in and out with health certificates originating within Minnesota may obtain a copy of the horse's certificate from the commission veterinarian allowing them 30 days of use. Day one begins with the original issue date. The health certificate will remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new health certificate. Horses leaving and returning after the 30-day period will need to be accompanied by a new original health certificate issued not more than ten days prior to arrival.

Subp. 5. **Record of negative test for equine piroplasmiasis.** When an active case of equine piroplasmiasis (EP) is reported by a government agency within North America, the Racing Commission, the executive director, or the deputy director, in consultation with the chief commission veterinarian, has the authority to require proof of an equine piroplasmiasis (EP) test taken within 12 months of the date of entry upon the racetrack when a horse enters or is already on the confines of the racetrack. No horse shall be allowed to enter the confines of any association holding a license to conduct a race meeting or race in Minnesota unless the horse has had the required test. The test must indicate a negative result for *Theileria equi* and *Babesia caballi*. Record of the negative test shall be attached to the certificate of veterinarian inspection (CVI) and presented at the stable gate when the horse first enters the confines.

7876.0120 ON- AND OFF-TRACK STABLING OF NONRACING HORSES.

Any horse arriving on the grounds must be accompanied by an original health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. ~~Trainers with horses shipping in and out with health certificates originating within Minnesota may obtain a copy of the horse's certificate from the commission veterinarian allowing them 30 days of use. Day one begins with the original issue date. The health certificate shall remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new health certificate. Horses leaving and returning after the 30-day period will need to be accompanied by a new original health certificate issued not more than ten days prior to arrival. The horse must also have a negative equine piroplasmosis test as prescribed in part 7876.0100, subpart 11, or 7876.0110, subpart 5.~~

7890.0100 DEFINITIONS.

[For text of subps 1 to 11, see M.R.]

Subp. 11a. **Intra-articular (IA)**. "Intra-articular" or "IA" means in the joint space.

Subp. 11b. **Intramuscular (IM)**. "Intramuscular" or "IM" means in the muscle.

Subp. 11c. **Intravenous (IV)**. "Intravenous" or "IV" means in the vein.

Subp. ~~11a~~ 11d. **Ketoprofen**. "Ketoprofen" is a nonsteroidal anti-inflammatory drug with the chemical name 2-(3-benzoylphenyl)propionic acid.

Subp. 12. [Repealed, 25 SR 1609]

Subp. 12a. **Limit of detection (LOD)**. "Limit of detection" or "LOD" means the lowest concentration of the drug that can be detected by a particular laboratory method.

Subp. 12b. **Limit of quantitation (LOQ)**. "Limit of quantitation" or "LOQ" means the lowest concentration of the drug that can be reliably quantified by a particular laboratory method and is generally higher than the LOD.

Subp. 13. **Medication**. "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. ~~The following~~ Nonsteroidal anti-inflammatory drugs (NSAIDs):

(1) The use of one of the three approved NSAIDs shall be permitted under the following conditions:

(+)

(a) bute, provided that the test sample does not contain more than ~~the five~~ micrograms of the substance or ~~metabolites~~ metabolite(s) thereof per milliliter of blood plasma ~~permitted in Minnesota Statutes, section 240.24, subdivision 2 or serum;~~

(=)

(b) flunixin, provided that the test sample does not contain more than 20 nanograms ~~of the substance or metabolites~~ metabolite(s) thereof per milliliter of blood plasma ~~or serum;~~ and

(3)

(c) ketoprofen, provided that the test sample does not contain more than ten nanograms ~~of the substance or metabolites~~ metabolite(s) thereof per milliliter of blood plasma ~~or serum.~~

(2) No NSAIDs can be administered within the 24 hours before post time for the race in which the horse is entered. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

Proposed Rules

(3) The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.5 micrograms per milliliter of serum or plasma, or any unapproved NSAID in the post-race serum or plasma sample, is not permitted.

(4) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample taken at the direction of the official veterinarian to determine the quantitative NSAID levels and/or the presence of other drugs which may be present in the blood or urine sample.

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

[For text of subps 13a to 14b, see M.R.]

Subp. 14c. **PO.** "PO" means orally.

[For text of subp 15, see M.R.]

Subp. 15a. **Regulatory limit.** "Regulatory limit" is the concentration of a drug and/or its metabolite below which no administrative action is taken.

[For text of subps 16 to 21, see M.R.]

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Presence.** The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.5 micrograms per milliliter of serum or plasma or any unapproved NSAID in the post-race serum, plasma, or urine sample is not permitted. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

[For text of subps 6 to 9, see M.R.]

Subp. 10. **Medications with regulatory limits.** No medications other than those listed in this subpart or found in part 7890.0100, subpart 13, items A to D, shall be allowed in the test sample of a horse. Levels on the following medications shall not exceed:

Medications

Regulatory Limits

2-(1-hydroxyethyl)promazine

10 ng/ml (urine)

Clenbuterol

25 pg/ml (serum or plasma)

Dantrolene and Hydroxydantrolene

50 ng/ml (urine)

Dantrolene and Hydroxydantrolene

0.1 ng/ml (serum or plasma)

Detomidine (or metabolite)

10 ng/ml (urine)

Dexamethasone

0.1 ng/ml (serum or plasma)

Diclofenac

2 ng/ml (serum or plasma)

DMSO

10 mcg/ml (serum or plasma)

Firocoxib

40 ng/ml (serum or plasma)

Glycopyrrolate

2.0 pg/ml (serum or plasma)

Isoxsuprine

50 ng/ml (serum or plasma) after screening level in urine of >500 ml

Methocarbamol

1 ng/ml (serum or plasma)

Methylprednisolone

0.1 ng/ml (serum or plasma)

Pyrilamine

50 ng/ml (urine)

Triamcinolone Acetonide

0.1 ng/ml (serum or plasma)

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 19, see M.R.]

Subp. 20. **Possession or use of a drug, substance, medication, biological product, or venom.**

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

D. No person shall feed, or cause or knowingly permit to be fed, or conspire in any manner to feed products that contain any drug

not permitted by chapter 7890 to a horse entered or to be entered for a race.

E. No person shall have in the person's possession, within the confines of a racetrack or within its stables, buildings, sheds, or grounds, where horses are lodged or kept which are eligible to race over a racetrack, any feed products containing drugs not otherwise and expressly approved for use in race horses.

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.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

Adopted Permanent Rules Relating to Licensing and Operations

The rules proposed and published at *State Register*, Volume 35, Number 49, pages 1903-1907, June 06, 2011 (35 SR 1903); and Volume 36, Number 10, pages 337-340, September 26, 2011 (36 SR 337), are adopted with the following modifications:

1800.2600 ORAL EXAMINATION INTERVIEW.

An applicant shall appear before the board for oral examination interview and shall submit two exhibits of engineering work the applicant has performed if the applicant qualifies for waiver of the fundamentals of engineering examination as provided in part 1800.2800.

The applicant shall furnish a letter to the board from the applicant's employer verifying the degree of involvement and responsibility displayed by the applicant in the conduct of the project exhibited.

Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Public Safety (DPS) Adopted Expedited Permanent Rules Relating to Intoxication Testing

The rules proposed and published at *State Register*, Volume 36, Number 25, pages 783-784, January 19, 2012 (36 SR 783), are adopted with the following modifications:

7502.0425 INSTRUMENTS FOR ANALYZING BREATH SAMPLES.

Subp. 2. **DataMaster DMT-G with Fuel Cell Option.** The DataMaster DMT-G with Fuel Cell Option is approved by the commissioner ~~for use~~ for the purpose of determining the alcohol concentration of a breath sample ~~employing infrared technology only, and for use employing,~~ provided that the sample is analyzed using either the unit's infrared technology or the unit's infrared technology used in conjunction with its fuel cell technology.

Subp. 3. **DataMaster DMT-G with Rev A Fuel Cell Option.** The DataMaster DMT-G with Rev A Fuel Cell Option is approved by the commissioner for the purpose of determining the alcohol concentration of a breath sample, provided that the sample is analyzed using either the unit's infrared technology or the unit's infrared technology in conjunction with its fuel cell technology.

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.

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The Official Notices section gives you a “heads up” on important state meetings and announcements. The *State Register* reaches a large audience of “interested eyes” every week. Remember to publish your notices here - it only costs \$10.20 per 1/10 of a page used in the *State Register* - it’s the least expensive legal advertising in the state.

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Minnesota Department of Human Services (DHS)

Purchasing and Service Delivery Division

Public Comment Requested: State Demonstration to Integrate Medicare and Medicaid Benefits and Service Delivery

The Minnesota Department of Human Services (DHS) is requesting input from consumers, family caregivers, advocates, providers and other stakeholders on a draft proposal integrating Medicare and Medicaid benefits and service delivery. DHS will release this draft of its proposal to the federal Centers for Medicare & Medicaid Services (CMS) for a Medicare- Medicaid Integrated Financing and Delivery Demonstration under the CMS initiative “State Demonstrations to Integrate Care for Dual Eligible Individuals” after 12:00 noon on March 19, 2012 at <http://www.dhs.state.mn.us/dualdemo>. Under this demonstration the State proposes to re-design existing managed care programs for seniors and people with disabilities dually eligible for both Medicare and Medicaid. This proposal is being developed as part of the State’s Medical Assistance reform initiative under *Minnesota Statutes* 256.021 subd. 4 (i). Proposed changes are designed to align incentives between primary, acute and long term care, promote accountability for total costs of care across both Medicare and Medicaid, improve health outcomes, implement provider payment reforms and focus on person centered care coordination to achieve a seamless experience for dually eligible members.

This draft proposal builds on a conceptual framework for integrated financing models that was shared with stakeholders on March 2, 2012 and remains a work in progress. DHS announces a 30 day public comment period beginning Monday, March 19, 2012 through Thursday, April 19 2012. Please provide comments on this proposal as soon as possible, but no later than 4 p.m. on Thursday, April 19, 2012. Input from consumers, family caregivers, advocates, providers and other stakeholders is essential to the process and will be used to develop the final proposal that Minnesota will submit to CMS on April 26, 2012.

Submit comments and questions via email to: dual.demo@state.mn.us Written comments may also be mailed to:

Pamela J. Parker
Purchasing and Delivery Systems
PO Box 64984
St. Paul, MN 55164

Official Notices

State Board of Investment (MSBI)

Notice to Institutional Investment Management Firms for Consideration to Potentially Manage a Portion of the Pension Assets and Other Accounts

The Minnesota State Board of Investment (MSBI) retains institutional investment management firms to manage a portion of the pension assets and other accounts under its control. Periodically, the MSBI will conduct a search for institutional investment management firms on an as needed basis. For additional information on the domestic stock, international stock, or domestic bond portfolio programs for the MSBI, firms are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
60 Empire Drive, Suite 355
St. Paul, MN 55103-3555
Telephone: (651) 296-3328
Fax: (651) 296-9572
E-mail: minn.sbi@state.mn.us

Please refer to this notice in your written request.

Department of Labor and Industry (DLI)

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates for Labor Code 103 and 727 in Polk County

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/12/11, for **Labor Code 103**, Laborer, Landscaping in Polk County, and **Labor Code 727**, Wiring Systems Technician in Polk County.

Copies with the corrected certified wage rate for this County may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Natural Resources (DNR)

Division of Fish and Wildlife

Request for Comments on Possible Amendments to and Repeal of Rules Governing Northern Pike Fishing Regulations and Other Fishing Regulations and Requirements, *Minnesota Rules*, chapters 6262, 6264, and 6266

Subject of Rule. The Minnesota Department of Natural Resources (DNR) requests comments on its possible amendments to and repeal of rules governing northern pike and other fishing regulation matters. The proposed rules will:

- Permanently adopt the emergency rule adopted in November 2011 that moved the northern pike lakes that are regulated by bag limits or catch-and-release from *Minnesota Rules*, chapter 6264, "Experimental and Special Regulations," to *Minnesota Rules*, chapter 6262, "Statewide Fishing Regulations."

Official Notices

- Make technical changes to reflect renumbering or renaming of location references by local authorities such as the roads that are referenced in 6264.0125 for the Tait River.
- Make changes to clarify or improve consistency of regulations.
- Change or add to existing fishing regulations to reflect recently enacted statute changes, make other existing emergency rules permanent, or make changes to improve consistency between existing regulations.

Persons Affected. The rules may affect anglers; darkhouse spears; individuals or businesses, such as resorts, motels, stores, and guides that provide goods or services to anglers; and individuals and businesses that use or own property on or bordering Minnesota waters.

Statutory Authority. The adoption of the rules is authorized in general by *Minnesota Statutes*, section 97A.045, subdivisions 1,2,3,4, and 5, which describe the general powers and duties of the commissioner of natural resources to protect wild animals, modify seasons, regulate boundary waters, and prescribe permits and licenses. *Laws of Minnesota 2011*, First Special Session, chapter 2, article 5, section 55, restricted the types of northern pike fishing regulations that could be included in *Minnesota Rules*, chapter 6264.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on May 30, 2012. The DNR does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The DNR does not anticipate that final rule language will be available before publication of the proposed rule. The DNR has prepared a summary of the possible rule amendments or repeals and will provide a copy on request.

Agency Contact Person. Written or oral comments, questions, or requests to receive a draft of the proposed rules should be addressed to:

Linda Erickson-Eastwood
Department of Natural Resources
500 Lafayette Road, Box 20
St. Paul, Minnesota 55155-4020
E-mail: linda.erickson-eastwood@state.mn.us
Telephone: (651) 259-5200 or 1-888-MINNDNR
TTY: (651) 296-5484 or (800) 652-3929

More information about the proposed rules can be found by visiting the DNR website:

<http://www.dnr.state.mn.us/input/rules/rulemaking.html>

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

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

Dated: 24 February 2012

Tom Landwehr, Commissioner
Department of Natural Resources

Official Notices

Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective February 10, 2012 until April 10, 2012:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective February 24, 2010 until February 24, 2013:

- Joseph Edward Riley, Morris, MN
- John Thomas Riley, Morris, MN

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.

Department of Transportation (Mn/DOT) State Aid for Local Transportation Division Notice of Appointment and Meeting of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Advisory Committee who will meet on Thursday, March 22, 2012 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126. This notice is given pursuant to *Minnesota Statute* 14.46. The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by Minnesota Rules for State Aid Operations 8820 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will include the following:

1. **Petition of City of Lake Elmo** for a variance from *Minnesota Rules* 8820.9920, *Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects* as they apply to Keats Avenue North Street Improvements from 47th Street North to Trunk Highway 36 so as to allow the following:
 - A lane width of 11 feet in lieu of 12 feet as required by law.
 - A shoulder width of 5 feet in lieu of 6 feet as required by law.
 - A clear zone of 15 feet in lieu of 30 feet as required by law.

2. **Petition of City of Hastings** for a variance from *Minnesota Rules* 8820.9936, *Minimum Design Standards, Urban; New or Reconstruction Projects* as they apply to the reconstruction of TH291 (18th Street) so as to allow the following:
 - A lane width of 10.5 feet in lieu of 11 feet as required by law.
 - A curb reaction distance of 1.5 feet in lieu of 2 feet as required by law.

3. **Petition of City of Rochester** for a variance from *Minnesota Rules* 8820.9936, *Minimum Design Standards, Urban; New or Reconstruction Projects* as they apply to reconstruction of 6th Street SW from 4th Avenue SW to TH 63 (South Broadway) so as to allow a parking lane width of 8 feet in lieu of 10 feet as required by law.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, 395 John Ireland Boulevard, Mailstop 500, St. Paul, MN 55155. If a written objection is received within 7 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 12 March 2012

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation
Minnesota Department of Transportation

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.

Grant Funds and Loans

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of all the current rules, a growing index, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

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- **LINKS, LINKS, LINKS**
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It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

Department of Commerce (DOC)

Division of Energy Resources

Notice of Request for Proposals for Applied Research and Development Projects that Serve New Energy Efficient Technologies and Strategies in Minnesota

The Minnesota Department of Commerce, Division of Energy Resources seeks proposals from organizations or individuals interested in applied research and development projects that serve to accelerate the development and adoption of new energy efficient technologies and strategies in Minnesota. The information obtained from this effort is intended to inform electric and natural gas utility Conservation Improvement Program (CIP) development and state energy policy. Up to \$3 million in total will be awarded through this Request for Proposal (RFP).

The RFP and required forms will be available for download on the Department's website (<http://mn.gov/commerce/energy>) through May 7, 2012. Responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Department no later than 12:00 p.m. (Noon) Central Daylight Time (CDT), on May 7, 2012.

The RFP and forms can be obtained from:

Preferred Method: <http://mn.gov/commerce/energy>

Hover over the "Financial Assistance" icon, then Click the "Request for Proposals" link

U.S. Postal Service: Ann Zechbauer
Minnesota Department of Commerce
Division of Energy Resources
85 Seventh Place East, Suite 500
Saint Paul, MN 55101

Proposals submitted in response to this RFP must be received by the Department no later than 4:00 p.m. CDT, May 7, 2012. **Late proposals will NOT be considered.** Instructions for submitting proposals are detailed in the RFP.

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

Minnesota Department of Human Services (DHS)

HIV/AIDS Unit

Notice of Request for Proposals to Provide Ryan White Eligible Persons Living with HIV/AIDS in Minnesota: Medical Case Management (MCM), Benefit Counseling (BC) and Clinical Supervision

(Funded by Ryan White HIV/AIDS Treatment Modernization Act of 2009)

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide Medical Case Management and Benefit Counseling to Ryan White eligible persons living with HIV/AIDS in Minnesota and Clinical Supervision to Medical Case Managers providing services to previously mentioned persons.

The DHS HIV/AIDS Unit's mission is to increase the access of low income Minnesotans living with HIV to primary medical care and other support services. The goal of Medical Case Management (MCM) is to support access to cost effective health care services; to reduce the risk of HIV transmission; to ensure that basic client needs are met (food, shelter, and medical care, etc.) and to increase client access to needed community supports or services.

The primary goal of benefits counseling is to help clients navigate complex public and private health care benefit systems to access the best possible benefits set available to them to ensure sustained access to primary care and support services. It includes the provision of advice and assistance in obtaining medical, social, community, legal, financial, and other needed support services. Non-medical case management does not involve coordination and follow-up of medical treatments, as medical case management does. Proposal may include transitional case management for incarcerated persons as they prepare to exit the correctional system as part of effective discharge planning, or who are in the correctional system for a brief period, which would not include any type of discharge planning.

Through this RFP, DHS intends to contract with one competent, qualified licensed mental health professional to provide clinical consultation, both in individual and group format in order to assist HIV case managers to better understand the psychosocial aspect of their clients. The consultation is expected to lead to more successful care planning and case management interventions and referrals. Also, it is expected that this service will provide education and support to case managers to better equip them to deal with the stressors that may occur in assisting clients.

Work is proposed to start July 1, 2012. For more information, or to obtain a copy of the Request for Proposal, contact:

April Beachem
Department of Human Services
HIV/AIDS Unit
P.O. Box 64972
444 Lafayette Road North
St. Paul, MN 551640972
Phone: (651) 431-2449
Fax: (651) 431-7414
E-mail: April.beachem@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, April 27, 2012. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

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

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) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site 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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Vendors and Consultants

The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 each 1/10 of a page, you cannot go wrong.

Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*; Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

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State Department of Administration (Admin)

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Construction of a Minnesota National Guard Readiness Center, Stillwater, Minnesota (State Designer Selection Board Project No. 12-02)

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota National Guard's website <http://www.MinnesotaNationalGuard.org/rfp>.

There will **NOT** be a mandatory informational meeting prior to project shortlist. Any questions should be directed to Mr. Dennis Arntson at fax: (320) 632-7473 or Dennis.Arntson1@us.army.mil Project questions will be taken by this individual only. Questions regarding this RFP must be received by March 25, 2012 no later than 4:30 pm Central Time.

Proposals must be delivered to Kathy Grochowski, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2550) not later than **12:00 noon on Monday, April 2, 2012**. Late responses will not be considered.

The Minnesota National Guard is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Minnesota State Colleges and Universities (MnSCU)
Metropolitan State University
Request for Proposals for Janitorial Services**

NOTICE IS HEREBY GIVEN that Proposals will be received by Metropolitan State University until 2:00 pm on March 30, 2012, for the purpose of evaluating, selecting and awarding a three year contract for cleaning and janitorial services as well as event set-up services on the Saint Paul campus of Metropolitan State University.

A full Request for Proposal for Janitorial Services is available online at:

http://www.metrostate.edu/msweb/resources/depts_services/bldg_services/RFP.html

There will be a **MANDATORY** Pre-Proposal meeting on Friday, March 16, 2012 at 10:00 am in lower level room 118 in Founders Hall on the St. Paul campus.

Proposals shall be delivered to:

Location: Metropolitan State University
Name: Dave Peasley, Purchasing Manager
Address: Founders Hall, Room 329 (Cashier's window)
Metropolitan State University
St. Paul, MN 55106-5000

Late responses will not be considered. No public reading of the proposals will be made. Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Minnesota State Colleges and Universities (MnSCU)
Normandale Community College
Notice of Availability of Request for Proposal (RFP) for Child Care Services**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Normandale Community College, is requesting proposals to assist in providing on campus Child Care Services

A full Request for Proposal is available at *<http://www.normandale.edu/rfp/childcare>*. A sample agreement is available for review at this same location.

An informational meeting is scheduled for Tuesday, April 3, 2012 at 2:00 p.m. CDT in the Kopp Student Center Room K0436, Normandale Community College, 9700 France Avenue South, Bloomington, MN. It is recommended all potential or interested responders attend the meeting. Please email Catherine Breuer at *Catherine.breuer@normandale.edu* to sign up to attend the meeting.

Proposals must be delivered to Catherine Breuer, Dean of Student Services, Room C1073, Normandale Community College, 9700 France Avenue South, Bloomington, MN 55431, NOT later than 2:00 P.M., Friday, April 13, 2012. **Late responses will NOT be considered. Fax and e-mail responses will not be considered.**

Minnesota State Colleges and Universities is not obligated to award a contract or complete the proposed project and reserves the right to cancel the request if it is considered to be in its best interest.

State Contracts

Department of Corrections (DOC)

Notice of Availability of Contract for Off-site Professional Dental and Oral Maxillofacial Surgery Services to All Offenders in the Minnesota Department of Corrections' Correctional Facilities

The Minnesota Department of Corrections (DOC) is requesting proposals from respondents interested in contracting for the occasional use of off-site licensed professional dentists and/or clinics to provide dental and specialty services that may not be available to offenders by DOC staff. It is anticipated this request for proposal will result in multiple contract awards based on responder's location and geographic proximity to State of Minnesota correctional facilities. Due to increased use in methamphetamine, the dental needs of the offender population are becoming more acute requiring specialized dental services.

Work is proposed to start after July 1, 2012. The term of this contract is anticipated to run from July 1, 2012, to June 30, 2014, with the option to extend an additional three years in increments determined by the State.

A Request for Proposals will be available by email from this office through April 3, 2012. **A written request (by direct email) is required to receive the Request for Proposal.** After April 3, 2012, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

David Barker, Contracts Analyst
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108
E-mail: *david.barker@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108, no later than 2:30 p.m. Central Daylight Time, April 10, 2012, as indicated by notation made by the receptionist, 2nd floor front desk. **Late proposals will NOT be considered.** Fax proposals will **NOT** be considered.

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

Department of Education (MDE)

Request for Information for Minnesota Student Survey 2013 Survey Administration

On behalf of the interagency partnership representing the Minnesota Departments of Education, Health, Human Services and Public Safety, the Minnesota Department of Education (MDE) is requesting information from prospective *vendors* for a statewide, electronic, web-based student survey. The Minnesota Student Survey (MSS) is a voluntary, confidential, anonymous, self-administered, paper-and-pencil/ink census survey that asks Minnesota's public school students and adolescents in alternative learning settings and juvenile correctional facilities questions regarding their activities, opinions and behaviors. All previous administrations have been conducted as a paper, scannable survey.

The purpose of the Request for Information (RFI) is to gather information concerning state-of-the-art survey products and their costs to inform future contractual efforts. This RFI requests that vendors provide brief descriptions and cost estimates for any existing vendor products or systems, or any customized products they have developed with other state(s) or school district(s), that meet the criteria of one or more of the components described in the RFI, including the development, testing and administration of a web-based online survey.

This RFI is being issued to obtain information only and is not intended to result in contracts or vendor agreements with any respondent. Respondents to this RFI will not be excluded from eligibility to participate in any future requests for proposals (RFPs) based on their

decision to respond to this RFI or the content of their responses to this RFI.

This RFI solicitation document will be available by email from this office through April 9, 2012. A written request by email is required to receive a copy of this solicitation.

The RFI can be obtained from:

Allison B. Anfinson
Minnesota Department of Education
Safe and Healthy Learners
1500 Highway 36 West
Roseville, MN 55113
E-mail: allison.anfinson@state.mn.us

The question and answer due dates are outlined in the RFP solicitation document.

Due date and time for receipt of proposals is **April 9**, 12:00 p.m. Central Time. Organizations responding after this date will not be excluded from participating in any future requests for either information or proposals; however, their responses to this RFI will be reviewed only as time permits.

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

Minnesota Historical Society (MHS) Request for Bids for Exterior Rehabilitation Project at the Forest History Center in Grand Rapids, Minnesota

The Minnesota Historical Society is seeking competitive bids from qualified firms to provide all labor, materials, equipment, and supplies for an exterior rehabilitation project at the Forest History Center (the Site), 2609 County Road 76, Grand Rapids, Minnesota 55744.

The Scope of Work includes, but is not limited to, roofing and exterior cladding rehabilitation of the Site's reconstructed Logging Camp buildings and Minnesota Forest Service garage.

There will be a MANDATORY Pre-Bid meeting for all interested parties in the lobby of the Site's Visitor Center on Thursday, March 29, 2012 at 1:00 p.m. Local Time to review project details.

The Request for Bids and other Front End Documents are available by contacting Mary Green-Toussaint, Purchasing Coordinator, via e-mail at: mary.green-toussaint@mnhs.org.

Plans and specifications for this project are available at a non-refundable cost of \$10.00 per bid set from QuestCDN.com. Contact QuestCDN by telephone: (952) 233-1632 or by e-mail at: info@questcdn.com for assistance in viewing or downloading this digital project information.

Bids are due by 2:00 p.m. Local Time on Tuesday, April 10, 2012. Late responses will not be considered.

Dated: 19 March 2012

State Contracts

Minnesota Historical Society (MHS) Request for Bids for Gallery “B” Demolition & “Our Minnesota” Refit

The Minnesota Historical Society is seeking competitive bids from qualified firms to perform the demolition of Gallery B for the refit of the new exhibit “OUR MINNESOTA” at the Minnesota History Center (the Site), 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

The Scope of Work includes, but is not limited to: demolishing walls, platforming, seating, and sprinklers Demolition Services; finishing services for new walls, platforming, and sprinklers; and removing, relocating, and reconfiguring the “Grainland” Climbing Interactive Element. Please note that the electrical, data, and flooring demolition and finishing services will be bid separately.

There will be a MANDATORY Pre-Bid meeting for all interested parties starting in the first floor lobby of the Site on a date and time still to be determined. Please see the Request for Bids for details.

The Request for Bids is available by contacting Mary Green-Toussaint, Purchasing Coordinator, via e-mail at:
mary.green-toussaint@mnhs.org.

Bids are due by 2:00 p.m. Local Time on Tuesday, April 10, 2012. Late responses will not be considered.

Dated: 19 March 2012

Minnesota Historical Society (MHS) Request for Proposals for Investigating Poorly Known Historic Contexts -The Plains Village Tradition in Western Minnesota

The Minnesota Historical Society (Society) and the Oversight Board of the Statewide Survey of Historical and Archaeological Sites (Board) are seeking a qualified consultant to investigate Plains Village historic contexts associated with the Late Prehistoric Period in western Minnesota.

In order to be qualified, the consultant’s Principal Investigator must:

- be a Qualified Prehistoric Archaeologist eligible to be licensed at the Phase 2 level by the State of Minnesota
- have demonstrated experience analyzing Late Prehistoric artifacts in the Upper Midwest, excavating Late Prehistoric sites in the Upper Midwest, and evaluating absolute dates
- participate in all fieldwork, all analytical tasks, and report writing, and
- have a demonstrated ability to complete projects in a thorough and timely manner.

The purpose of the project is to determine what contexts are present, how early they appear, how late they survive, their physical characteristics, and probable interaction with other historic contexts. Project cost may not exceed \$40,000.

The Request for Proposals is available by contacting Mary Green-Toussaint, Purchasing Coordinator, via email at:
mary.green-toussaint@mnhs.org

Bids are due by 2:00 p.m. Local Time on Wednesday, April 11, 2012. Late responses will not be considered.

Dated: 19 March 2012

Minnesota Department of Human Services (DHS) Health Care Eligibility and Access Division Notice of Request for Proposals to Provide Application Assistance for Minnesotans Interested in Applying for Minnesota Health Care Programs

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide application assistance for Minnesotans interested in applying for Minnesota Health Care Programs.

Work is proposed to start July 1, 2012. For more information, or to obtain a copy of the Request for Proposal, contact:

Jennifer Ditlevson
Department of Human Services
Health Care Eligibility and Access Division
P.O. Box 64989
St. Paul, MN 551640989
Phone: (651) 431-4448
Fax: (651) 431-7572
E-mail: *dhs.mncaa@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals will be considered on a rolling basis. Faxed or e-mailed proposals **will** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

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

Minnesota Racing Commission Notice of Contractual Position for Associate Judge

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission is accepting application for the contractual position of Associate Judge for the 2012 live meet at Running Aces Harness Park in Columbus, Minnesota. The Commission approved a 51-day harness race meet at Running Aces Harness Park in Columbus, Minnesota which will run from June 6 through September 3, 2012, racing four days per week (Tuesday, Wednesday, Saturday and Sunday). Candidates will be expected to work 5 to 6 days per week during the race meet. Compensation for the contracted service will be based on experience and qualifications.

Approximate dates for the contracted service would be from May 14, 2012 through September 7, 2012 with an option to extend the contract for up to four additional years.

Consideration will be given to qualified providers who have served in a regulatory official capacity in previous years. All candidates must have received accreditation as a Judge from the United States Trotting Association (USTA). In addition, candidates must provide documentation of an optical exam evidencing 20/20 vision.

For further information or to obtain a copy of the complete Notice of Contractual Position, free of charge, please contact:

Mary Manney, Deputy Executive Director
Minnesota Racing Commission
15201 Zurich Street NE, Suite 201
Columbus, MN 55025

State Contracts

Phone: (651) 925-3954

E-mail: mary.manney@state.mn.us

The deadline for submitting applications is 4:00 PM CDT, Friday, March 30, 2012.

State Court Administration Fourth Judicial District Request for Proposals for Mediation Services

State of Minnesota Fourth Judicial District Court (State) is soliciting proposals for the provisions of mediation services to the Fourth Judicial District. Minnesota Supreme Court Order CX-89-1863 issued March 23, 1999 established mediation in Hennepin County Conciliation Court. The issuance of this Request for ("RFP") constitutes only an invitation to submit proposals to the State. It is not to be construed as an official and customary request for bids, but as a means by which the State can facilitate the acquisition of information related to the purchase of services. Any proposal submitted as provided herein constitutes a suggestion to negotiate and **NOT A BID**.

Since 1987, contracts have been used by Hennepin County and State of Minnesota Fourth Judicial District for partial funding of established community based mediation programs which provide trained volunteer mediators who assist citizen disputants in arriving at mutually agreed upon solutions to problem situations in the community and at the neighborhood level. Mediation centers provide methods and resources for resolution of community level conflicts and disputes which at their onset would not require criminal and/or civil justice system intervention, but if left unresolved would escalate into situations which are eventually decided in the courtroom.

The RFP does not commit the State either to award a contract or to pay for any costs incurred in the preparation of a proposal. Submission of a proposal as provided herein shall neither obligate nor entitle a prospective Proposer to enter into an Agreement with the State.

Each proposer must submit an original and four (4) copies of the proposal. The State must receive the proposal no later than 4:30 pm, Central Standard Time (CST), Monday, March 26, 2012 at the following address:

State of Minnesota, Fourth Judicial District
Anna Lamb, Senior Administrative Manager
C-1200 Hennepin County Government Center
300 South Sixth Street
Minneapolis, MN 55487
RE: Mediation Services Proposal

The State will not accept proposals submitted by email or facsimile. The State is not responsible for delays or losses caused by the U.S. Postal Service or any other carrier or delivery service. The State reserves the right to accept proposals after the date specified above.

A complete copy of the Request for Proposal is available on the Court website at www.mncourts.gov under Public Notices.

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are accepted on a continual basis. All expenses are 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 applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Minnesota Department of Transportation (Mn/DOT) Transit Office Request for Proposals (RFP) for Safe Routes to School Education and Technical Assistance (SRTS)

The successful responder will develop a bicycle and pedestrian curriculum for grades K-8 that can be used in all Minnesota schools and youth programs. The successful responder will provide technical assistance to schools and their partners to increase safety and opportunities for youth in grades K-8 to walk and bicycle to school. The successful responder will create a set menu of technical assistance options based on existing assessments from MnDOT and Minnesota Department of Health. The successful responder will advertise their services to schools in coordination with local partners such as local public health agencies, Regional Development Commissions and Metropolitan Planning Organizations and local community organizations. The successful responder will offer services to schools statewide. The

State Contracts

successful responder will plan and host regional trainings and a statewide SRTS summit to build train practitioners working on SRTS. This project will meet two goals: 1) to establish a bicycle and pedestrian curriculum for grades K-8 that can be used in all Minnesota schools and youth programs; and 2) to provide technical assistance to increase the number of schools actively working to increase safety and opportunities for youth to walk and bicycle to school. The ultimate goal of this project is to increase the number of youth walking and bicycling to school in Minnesota.

The full RFP can be viewed on the Consultant Services Web Page at: <http://www.dot.state.mn.us/consult/files/notices/notices.html>.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Ashley Duran, Contract Administrator
E-mail: ashley.duran@state.mn.us
Telephone: (651) 366-4627

Note: RESPONSES WILL BE DUE ON **TUESDAY, APRIL 17, 2012 AT 2:00 PM** CENTRAL DAYLIGHT TIME

Non-State Bids, 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the 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.

Contracts with other Units of Government

Check up on all the “active” state grants in the “Contracts & Grants” section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of all the current rules, a growing index, and previous years’ indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings).

The *State Register* is one of the best ways to advertise your grants - it’s a required read for public works projects. And it’s cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Here’s what you receive via e-mail:

- **Word Search Capability**
- **Updates to Index to Vol. 31**
- **E-mailed to you on Friday**
- **LINKS, LINKS, LINKS**
- **“Contracts & Grants” Open for Bid**
- **Easy Access to *State Register* Archives**

It’s all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber’s issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-St. Paul International Airport

Notice of Call for Bids for 2012 Pavement Reconstruction

MAC Contract No.:

106-1-249

Bids Close At:

2:00 PM on April 17, 2012

Notice to Contractors: Sealed Bid Proposals for the project listed above be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for the removal and replacement of approximately 7,000 square yards of concrete apron adjacent to Concourse C at Terminal 1-Lindbergh located at the Minneapolis-St. Paul International Airport.

Qualifications of Concrete Paving Contractor: Refer to Special Provisions in the Specifications for requirements.

Disadvantaged Business Enterprises (DBEs): The goal of the MAC for the utilization of DBEs on this project is 8%.

Bid Security: Each bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minneapolis and Saint Paul Builders Exchanges, McGraw Hill Construction/Dodge, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to TKDA. Deposit per set (refundable): \$100.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on March 19, 2012, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

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- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

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