

State



STATE OF
MINNESOTA

Register

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Rules

MINNESOTA HOUSING FINANCE AGENCY

EMERGENCY RULES GOVERNING AMERICAN INDIAN HOUSING

Chapter Eight: American Indian Housing

MHFA 71 Scope. Rules 71 to 89 hereof, together with the Loan Agreement (hereinafter the "Agreement"), govern the housing programs for American Indians of low and moderate income as authorized by Laws of 1976, ch. 254 (hereinafter the "Act"), and the disposition of the appropriation made pursuant to Section 16 of said Act, which housing programs are to be developed and administered separately or in combination by the Minnesota Chippewa Tribe (hereinafter the "Tribe"), the Red Lake Band of Chippewa Indians (hereinafter the "Band") and the Sioux Communities (hereinafter the "Communities").

MHFA 72 Development of plan. In developing each such housing program, the Tribe, Band, and Communities shall take into account the housing needs of all American Indians residing both on and off reservations within the state. A plan (hereinafter the "Plan") for each such program, which is in accordance with these rules and which specifically describes the program (a) content, (b) utilization of funds, (c) administration, and (d) operation and implementation, shall be submitted to the Minnesota Housing Finance Agency (hereinafter MHFA) for its review and approval prior to the making of eligible loans.

MHFA 73 Qualifications for housing. Except as otherwise provided herein and by MHFA 4, each recipient of a loan pursuant to the Act, Plan and these Rules and each person or family occupying a dwelling unit financed pursuant thereto shall be an American Indian as defined by Minn. Stat. § 254A.02, subd. 11, and of low and moderate income as defined by MHFA 2(o), provided that developers of multi-family housing developments need not be American Indians or of low and moderate income.

MHFA 74 Adjusted income. Adjusted income shall be calculated in accordance with MHFA 2(n). To calculate adjusted income for purposes of this Rule, the applicant's gross annual income for the two years immediately prior to the date of application for the loan, adjusted in accordance with MHFA 2(n), shall be added to the applicant's projected gross annual income for the year next following the date of application, also adjusted in accordance with MHFA

2(n), and the total thus obtained shall be divided by three.

MHFA 75 Refinancing existing loans. No loan shall be approved or disbursed for the purpose of refinancing an existing loan. The Plan may set funding priorities for the types of housing loans to be made based upon housing need considerations.

MHFA 76 Limit on sale price or appraisal value. Each plan submitted to MHFA for approval shall provide for a maximum limitation on the sale price or appraisal value, whichever is greater, of a structure or structures designed primarily for residential use by not more than four families, or a dwelling in a planned unit development or a condominium. No loan for rehabilitation of any property shall be made in an amount which, when added to all other existing indebtedness secured by the property, would exceed its market value as determined by a qualified appraiser.

MHFA 77 Duration of loan. No loan shall be made for a term in excess of thirty (30) years on a structure or structures designed for occupancy by not more than four families, or a dwelling unit in a planned unit development or a condominium. For all other residential structures, the maximum term of any loan granted pursuant to the Act, Plan and these Rules shall not exceed forty (40) years. The term for rehabilitation loans for existing housing shall not exceed twelve (12) years.

MHFA 78 Security for loans. Each plan submitted to MHFA for approval shall specify the means by which loans made pursuant to the Plan and these Rules are to be secured.

MHFA 79 Rate of interest The rate of interest charged by the Tribe, Band or Communities on housing loans made pursuant to the Act, the Plan and these Rules, shall be not less than 2% and not more than the highest rate of interest authorized by applicable usury and lending laws. The prime consideration in establishing rates of interest for eligible loans shall be to make the Plan self-supporting by generating sufficient interest income to offset the expenses incurred in the development and operation of the Plan, with the exception of the first year's expenses which shall be funded from the

appropriation provided in the Act upon MHFA's approval of a detailed budget for that first year.

MHFA 80 Remunerating MHFA. The Agreement shall provide the circumstances under which MHFA shall provide assistance to the Tribe, Band or Communities and the amount of remuneration to be received by MHFA from the Tribe, Band and Communities for its assistance and monitoring.

MHFA 81 Revolving housing fund. The Tribe, Band and Communities shall repay to MHFA, without interest, all funds advanced to it pursuant to the Agreement to the extent and in the manner provided in the Agreement.

MHFA 82 Credit rating. Each Plan submitted to MHFA for approval shall contain adequate means for determining that the eligible borrower is an acceptable credit risk.

MHFA 83 Audit by legislative auditor. All of the official books and records of the Tribe, Band, and Communities relating to the housing program shall be subject to audit by the Legislative Auditor in the manner prescribed for agencies of state government as required by the Act.

MHFA 84 Final decision on loans. Each final decision on applications for loans to eligible borrowers made by the Tribe, Band or Communities from the moneys appropriate by Section 16 of the Act, or from the income to the respective loan funds under the jurisdiction of the Tribe, Band, or Communities, shall be made by a representative body of the Tribe, Band, or Communities.

MHFA 85 Duties of originator. The Tribe, Band and Communities shall provide information on its Plan to eligible borrowers, receive and process loan applications, provide MHFA with a summary of the applications to be funded on a form provided by MHFA and establish lending procedures which comply, to the extent applicable, to the Real Estate Settlement Procedures Act, Truth-in-Lending legislation, and applicable usury and other lending laws. The Tribe, Band and Communities shall service or cause to be serviced all loans made by them to eligible borrowers. The provi-

sions regarding servicing shall be detailed in the respective Plans and shall outline all servicing responsibilities including, but not limited to, composition and retention of loan files, escrow accounts, reporting systems, handling of delinquencies, and default and foreclosure policies and procedures.

MHFA 86 Building code. All authorized construction funded by an eligible loan and accomplished pursuant to an approved Plan shall conform to the uniform building code of the State of Minnesota and all applicable federal regulations, rules or codes. Each plan submitted to MHFA for approval shall contain a means of inspection to insure that any such authorized construction conforms to the applicable building code.

MHFA 87 On and off reservation. Each Plan shall provide for a reasonable balance in the distribution of funds between American Indians residing on and off reservations within the state, as shown by evidence contained in the Plan concerning on and off reservation population, percentage of low and moderate income American Indians, delivery capabilities and similar circumstances. The Plan may provide that at the option of the Tribe, Band or Communities, the origination and servicing of loans to eligible recipients residing off the reservation may, by separate agreement, be performed by a party or parties selected by the Tribe, Band or Communities.

MHFA 88 Fees and charges. The fees and charges to be paid by an eligible borrower in connection with the making of an eligible loan shall be determined by the Tribe, Band and Communities and specified in the Plan; provided, that if MHFA or its agent originate and service eligible loans for qualified borrowers residing off reservations pursuant to Rule 87, above, MHFA shall determine as to those loans the reasonable fees and charges to be paid to MHFA and/or its agent, in an amount not to exceed the amount authorized by law.

MHFA 89 Rights of MHFA. MHFA shall have the right to inspect, copy or abstract, at reasonable times and upon reasonable notice, all books, records, papers, or any other documents relating to the Plan, or loans made pursuant thereto, or any funds held in a revolving loan fund under the jurisdiction of the Tribe, Band or Communities for the purpose of making eligible loans.

KEY: New rules and both proposed and adopted additions to existing rules are printed in boldface. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

THESE RULES SUPPLANT THE RULES AT 1 S.R. 183 RULES RELATING TO MOTORCYCLE OPERATOR EYE PROTECTIVE DEVICES

Chapter Twenty: Requirements for Approval of Motorcycle Operator Eye Protective Devices

SafAd 181 Purpose and scope.

A. The purpose of these rules is to prescribe the procedure for approval by the Commissioner of Public Safety of motorcycle operator eye protective devices.

B. The scope of these rules is intended to be consistent with the powers relative to eye protective devices conferred on the Commissioner of Public Safety by Minn. Stat. § 169.974, subd. 4 (1974) as amended by Laws of 1975, ch. 29, § 4.

SafAd 182 Definitions. For purposes of these rules:

A. "AAMVA" means the American Association of Motor Vehicle Administrators.

B. "Commissioner" means the Commissioner of Public Safety for the State of Minnesota.

C. "VESC" means the Vehicle Equipment Safety Commission (which was created and exists under the Interstate Vehicle Equipment Safety Compact).

SafAd 183 Standards and approval of devices.

A. The standard for motorcycle operator eye protective devices as incorporated in Vehicle Equipment Safety Commission Regulation VESC-8, adopted by the VESC August 5, 1971, is hereby incorporated by reference and made a part of these rules.

B. Motorcycle operator eye protective devices which are approved for use in Minnesota shall be of a type certified by the AAMVA as complying with the specifications of Regulation VESC-8 incorporated herein.

C. On and after the effective date of these rules, the Commissioner shall maintain a current list of specific eye protective devices which have been certified by the AAMVA as complying with Regulation VESC-8. Such list shall at all times be made available to any person upon request.

SafAd 184-187 Reserved for future use.

VESC-8 Minimum requirements governing eyewear for motorcyclists

1. Purpose and scope.

1.1 The purpose of this standard is to provide minimal requirements for motorcyclists' eye protectors, to provide a reasonable degree of protection against foreign objects striking or lodging in the eye, causing eye irritation or damage, distracting or handicapping the operator, and thereby causing accidents.

1.2 The scope of this standard shall include requirements for material, lens size, optical properties, strength, field of vision, flammability, cleansing capabilities, labelling, identification, and testing procedures for eye protective devices for drivers and passengers of motorcycles.

1.2.1 Windshields are the subject of other nationally recognized standards and shall not be included within the scope of this standard.

1.2.2 Contact lenses are not acceptable as eye protective devices and shall not be included within the scope of this standard.

2. Definitions.

2.1 Eye glasses — shall include spectacles, sunglasses, or goggles having two separately mounted lenses, but shall exclude contact lenses.

2.2 Face shield — an eye protector attached to a helmet or headband(s) and which covers the wearer's eyes and face at least to a point approximately the tip of the nose and whose predominant function is protection of the eyes.

2.3 Frame — those parts of eye glasses or goggles containing the lens housings. The frame may be associated with padding.

2.4 Goggles — an optical device worn before the eyes, the predominant function of which is to protect the eyes without obstructing peripheral vision. They

provide protection from the front and sides and may or may not form a complete seal with the face.

2.5 Headband — that part of the device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto.

2.6 Mid-Sagittal plane — the anteroposterior plane through the longitudinal axis of the body.

3. Eye protective devices.

3.1 To be considered an eye protective device, or EPD, under this regulation, a device must be one of the following:

3.1.1 Goggles

3.1.2 Face shield

3.1.3 Eye glasses

(a) Each lens shall have a convex frontal surface.

(b) Each lens shall have a minimum area of 3 square inches. The horizontal diameter (or side-to-side measurement) shall be no less than 2 inches. The vertical diameter (or top-to-bottom measurement) shall be no less than 1 - 1½ inches. A diameter shall pass through a point on the lens that is intended to be directly in front of the pupil of the eye when the wearer is looking straight ahead.

3.2 Optical correction of a person's vision, where required or desired, may be provided either:

3.2.1 By an EPD that provides the proper optical correction, or

3.2.2 By personal corrective lenses worn under an EPD that does not disturb the adjustment of those lenses.

(NOTE: It is assumed that EPD's will not in any jurisdiction, be required of operators of three-wheeled motorcycles or other three-wheeled vehicles which are equipped with cabs that include windshields, nor of operators of other motorcycles equipped with approved windshields in those jurisdictions where windshields are accepted in lieu of EPD's.)

4. Materials.

4.1 All parts of an EPD shall be free from sharp edges or projections that could cause harm or discomfort to the wearer.

4.2 A headband shall be capable of holding the EPD securely under normal operating conditions. It shall be capable of easy adjustment and replacement.

4.3 Material(s) utilized in any portion of an EPD shall be of durable quality, i.e., material characteristics shall not undergo appreciable alterations under the influence of aging or of the circumstances of use to which the device is normally subjected (exposure to sun, rain, cold, dust, vibrations, contact of the skin, effects of sweat, or of products applied to skin or hair.)

4.4 Material(s) commonly known to cause skin irritation or disease shall not be used for those parts of the device which come into contact with the skin.

5. Optical properties of eye protective devices.

5.1 Lenses of EPD's shall comply with the following requirements:

5.1.1 Lenses shall be made of material suitable for ophthalmic use, and shall be free from striae, waves, bubbles, or any other defects which may impair their optical quality.

5.1.2 The prismatic effect of a noncorrective lens shall not exceed ⅛ diopter at any point within the specified minimum field of vision. In the case of eye glasses, each noncorrective lens shall comply with the limitation of prismatic effect.

5.1.3 In any meridian, the refractive power of a noncorrective lens shall not exceed plus or minus ⅛ diopter and the difference between the refractive powers in any two meridians shall not exceed ⅛ diopter.

5.1.4. The definition afforded by a noncorrective lens shall be such that a line pattern with lines separated not more than 24 seconds of angle shall be clearly distinguishable when viewed through the lens.

5.1.5 The compliance of a lens with the prismatic effects, refractive power, and definition requirements of 5.1.2, 5.1.3, and 5.1.4 hereinabove, shall be determined in accordance with those test methods described in Sec-

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tions 6.3.4.1.1, 6.3.4.1.2, and 6.3.4.1.3 of the American National Standards Institute Standard Z87.1-1968, September 18, 1968, "Eye and Face Protection" and explained in Section 10.1 of the National Bureau of Standards Circular 533, May 20, 1953, "Method for Determining the Resolving Power of Photographic Lenses". In order to maintain consistency in the results of tests conducted by various organizations, the following test requirements must be met:

(a) An 8-power telescope with focusing arrangement to accommodate the refractive effects of both positive (converging) and negative (diverging) lenses placed between the telescope and test chart shall be used. The illuminated target and test chart shall be a central dot and a concentric circle one inch in diameter plus one of the high contrast ("black and white") NBS Resolution Test Charts dated 1952 and printed on "Lens Resolution Chart to Accompany NBS Circular 533." The chart shall be perpendicularly aligned 35 feet from the objective lens of the telescope when the telescope is properly focused with no test, sample, or other lens between the objective lens and the chart. The center dot and the periphery of the concentric circle one inch in diameter shall be used when testing for prismatic effect. The test pattern marked "20" shall be used when testing for refractive power and when testing for definition. Standard lenses of plus or minus $\frac{1}{8}$ diopter shall be used when testing for refractive power.

(b) Other standard methods of test or examination that are equivalent or superior, as regards accuracy, quality, and consistency of results, to the above specified National Bureau of Standards methods, may be used to determine compliance only when such methods are approved by the State official to whom such approving authority has been assigned, or delegated, through due process of applicable state law.

5.2 Minimum horizontal field of vision. Except as provided in 5.2.1 below, each EPD shall not obstruct a horizontal field of vision to at least 105 degrees to the right side of the plane that passes through the pupil of the right eye, and at least 105 degrees to the left side of the plane that passes through the pupil of the left eye and are parallel to the mid-sagittal plane.

5.2.1 The specified minimum horizontal field of vision shall be unobstructed except that the horizontal field provided by spectacles or sunglasses may be obstructed by the frame in a sector no greater than $7\frac{1}{2}$ degrees in horizontal angular width and located between 50 degrees and 80 degrees of the pertinent sagittal plane passing through the eye pupil.

5.2.2 When ascertaining the horizontal field of vision afforded by eyeglasses, the pupil of the eye shall be assumed to be located 17 millimeters behind the

point on the rear surface of the lens where the horizontal and vertical diameters intersect. When ascertaining the horizontal field of vision of EPD's other than eyeglasses, the assumed location of the pupil of the eye relative to the structures of the EPD shall be that location which is most likely to occur when the EPD is attached and worn in accordance with its manufacturer's instructions.

5.2.3 No portion of the minimum horizontal field of vision shall be obstructed by a temple piece, headband, helmet, helmet attaching device, or any other supporting or attaching device.

6. Light transmitting ability of eye protective devices.

6.1 A "clear" EPD shall transmit not less than 85% of the incident visible radiation. An EPD transmitting less than 85% of incident visible radiation shall be considered "tinted".

6.1.1 A "tinted" EPD shall not impair the wearer's ability to discern color.

6.1.2 A "tinted" EPD shall not be used at night.

6.2 All EPD's shall be identified as provided in Section 10 hereinbelow.

6.3 Luminous transmittance test. The standard source of radiant energy used in the measurement of luminous transmittance shall be a Projection Type Lamp No. T-8 (or other high powered gas filled tungsten filament incandescent lamp) operated at the color temperature (2854K) corresponding to CIE Source A. The luminous transmittance shall be determined by one of the following means:

6.3.1 Photometrically by an observer having normal color vision, as determined by recognized color vision chart tests such as those employing pseudo-isochromatic plates.

6.3.2 With a physical photometer consisting of a thermopile (or other radiometer) and a luminosity solution having a special transmittance curve which coincides closely with the luminous efficiency curve of the average eye.

6.3.3 By measuring the spectral transmittance and calculating the luminous transmittance through the use of published data on the spectral radiant energy of CIE Source A and the relative luminous efficiency of the average eye.

7. Lens strength — testing procedure for eye protective devices.

7.1 Helmet mounted face shields shall be tested while attached to an appropriate medium size helmet supplied by manufacturer of face shield, which shall be mounted on a standard human head form. An EPD not designed to be attached to a helmet shall be tested on a standard human head form. Each EPD shall be located in a position simulating its position in actual use.

7.2 A steel projectile $\frac{3}{8}$ " in diameter, weighing 1.56 ounces, approximately $2\frac{1}{2}$ " long with a conical point of 90° included angle, the point having a spherical radius no greater than .020" and a hardness of 60 (± 10) on the Rockwell "C" scale, shall be freely dropped from a height of 14 feet above the EPD. The projectile may be guided, but not restricted, in its vertical fall by dropping it through a tube extending to within approximately 4" of the impact area. The impact area must be on the forward optical surface and within a 1" diameter circle centered over the eye opening. The impact point shall be perpendicular to a plane tangent to the impact area.

7.3 The EPD shall not allow penetration of the projectile through the EPD. Cracking or piercing of the EPD is permissible provided that the projectile does not pass through or remain lodged in the EPD lens, but is repulsed by the EPD, and that no particles of the EPD shall break loose from any eyeward surface of the EPD.

7.4 Tests shall be performed at room temperature (65°F to 85°F) under normal humidity conditions.

8. Flammability test — plastics only.

8.1 Where plastic materials are used in an EPD, such materials shall be non-combustible or slow-burning. Such plastic items shall be exposed to a test to determine the flame-propagation rate. The specimen shall be ignited by holding one end of specimen horizontally at the top of a luminous $\frac{3}{4}$ inch Bunsen burner flame in a draft-free room. The rate of propagation of burning, after removing the flame from the specimen, determined by a stop watch, shall be one inch or less

per 24 seconds. A faster rate of propagation shall be cause for rejection.

8.2 Cellulose nitrate, or materials having flammability characteristics approximating those of cellulose nitrate, shall not be used.

9. Cleansing. All EPD materials shall be such as to withstand, without visible deterioration, washing in ordinary household detergents and warm water, and rinsing to remove visible traces of detergents.

10. Identification and labeling.

10.1 Eye Protective Devices, manufactured to comply with the requirements of this standard, shall be identified and labeled as follows:

10.1.1 The following information shall be permanently marked on the EPD, in a manner not to interfere with the vision of the wearer:

(a) That the device meets this Standard, i.e., VESC-8. Where space is limited, V-8 may be used in lieu of VESC-8.

(b) The manufacturer's or distributor's trade name and model name or number, which shall correspond with the name and number under which the device has been approved or certified.

10.1.2 The information required under 10.1.1 plus the corporate or business name and address of either the actual manufacturer or the marketer assuming the responsibilities of the manufacturer shall be imprinted on the container in which the EPD is packed and on any instruction sheet(s) pertaining to the EPD.

10.2 The following statement shall appear in a prominent location on the container or label accompanying each tinted eye protective device: **THIS TINTED EYE PROTECTIVE DEVICE IS FOR DAY-TIME USE ONLY.**

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Proposed Rulemaking

STATE BOARD OF HEALTH

PROPOSED RULES FOR REGULATION OF HEALTH MAINTENANCE ORGANIZATIONS

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on Monday, September 20, 1976, commencing at 9:00 A.M., and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Steve Mihalchick, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota, (612) 296-8112, either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would set forth conditions for the implementation of the dual option* requirements of Laws of 1976, ch. 296, the "Catastrophic Health Insurance Act of 1976", including:

1. The conditions under which an employer will be subject to the dual option provisions of this law;
2. The method for presenting the dual option offer to employees;
3. The extent of, and method of determining, the employer contribution for dual option alternatives;
4. The standards under which an employer may qualify as offering a dual option on a self-insured basis.

*"Dual Option" is defined as an employee health benefit procedure in which employees are offered the choice of obtaining health benefits through either an accident and health insurance policy as defined by Laws of 1976, ch. 296, or health maintenance organization contract, if one is available.

These rules will also amend the service area requirements in the existing Health Maintenance Organization rules.*

Copies of the proposed rules are now available and one free copy may be obtained by writing to Kent Peterson, H.M.O. Unit, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, 55440. Additional copies will be available at the door on the date of the hearing. The authority to promulgate rules is contained in Laws of 1976, ch. 296 § 17 and Minn. Stat. § 62D.20 (1974). A Statement of Need explaining the necessity for the adoption of these rules and a Statement of Evidence, outlining the testimony the Board of Health will introduce at the hearing, will be filed with the Office of Hearing Examiners at least 25 days prior to the hearing and will be available there for public inspection.

Under Minn. Stat. § 10A.01 subd. 11 (1974), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

It is suggested that to save time and avoid duplication, those organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

*A Health Maintenance Organization is defined in Minn. Stat. § 62D.02, subd. 4 (1973).

Rules as Proposed

MHD 369 D. The applicant's geographic location and hours of operation will facilitate the reasonable delivery of health care services to potential enrollees. In assessing this standard of reasonable delivery of services, the Board may consider the utilization patterns of the existing health care delivery system in the proposed geographic area.

Chapter Twenty-Eight: Regulation of Health Maintenance Organizations

MHD 377 General provisions.

A. Definitions. In addition to the definitions in Minn. Stat. §§62D.02, 62E.02 and Minnesota Rule 367, the terms and phrases defined in this section have the meaning given them.

1. "Applicable employer" applies to any person, partnership, association, trust, estate, corporation or political subdivision which:

a. During the calendar quarter preceding the date of request pursuant to MHD 377 C. or MHD 377 F., employed in Minnesota an average number of not less than 100 employees, other than employees engaged in seasonal employment as defined in Minn. Stat. §268.07, subd. 5;

b. Offers, or on whose behalf there is offered, in the calendar quarter preceding the date of request pursuant to MHD 377 C. or MHD 377 F., a health benefits plan to its eligible employees, whether purchased from an insurer or a health maintenance organization or provided directly by the applicable employer on a self-insured basis;

c. Has received a written request for inclusion in the health benefits plan from a health maintenance organization or insurer in the manner prescribed by MHD 377 C. or MHD 377 F.

One ceases being an applicable employer for a particular calendar quarter in which either: one fails to employ 100 persons as in paragraph a. above; or, one ceases to offer a health benefits plan to employees during a calendar quarter as in paragraph b. above.

2. "Collective bargaining agreement" means an agreement entered into between an employer who is

subject to the National Labor Relations Act (29 U.S.C. 151 et. seq.) and the bargaining representative of its employees.

3. "Designee" means any person or entity authorized to act on behalf of an applicable employer or group of applicable employers to offer an accident and health insurance policy, health maintenance contract, or self-insured health benefits plan, to the applicable employer's eligible employees.

4. "Eligible employee" means an employee who meets the terms and conditions established by an applicable employer, or its designee to participate in an existing health benefits plan.

5. "Existing health benefits plan" means either:

a. Any contract or agreement between an applicable employer, or its designee, and a health maintenance organization or an insurer which provides for payment for, or provision of, medical, surgical or hospital care; or

b. Any self-insured program made available by the applicable employer which provides for payment for, or provision of, medical, surgical or hospital care.

A plan shall be deemed an "existing health benefits plan" when it is subject to the terms of a collective bargaining agreement which specifically mandates health benefits or identifies the health maintenance organization or insurer which is to be contracted with for health benefits.

6. "To offer a health benefits plan," as the phrase is used in Minn. Stat. §62E.17, subd. 1, means to make participation in an existing health benefits plan available to eligible employees, or to such employees and their eligible dependents, where a financial contribution is made by the employer on behalf of such employees.

B. Applicability to employers.

1. An employer, who, prior to the effective date of these rules, offered a dual option of either an accident and health insurance policy or health maintenance organization contract and continues to make a dual option available, shall not be considered to be an "applicable employer" for purposes of these rules.

2. If an employer has executed a written agree-

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ment with an insurer and health maintenance organization to offer a dual option at the next renewal of the health benefits contract, the employer shall not be considered to be an "applicable employer" for the purposes of these rules.

3. An employer who is not requested in writing by a health maintenance organization or insurer shall not be deemed to be an "applicable employer" subject to dual option and shall not be deemed in violation of this law.

4. Nothing in these rules shall prevent an employer from seeking out a health maintenance organization or insurer in order to offer the dual option without being subject to these rules.

C. Request to employer for dual option inclusion by a health maintenance organization. A request for dual option inclusion in an employer's health benefits plan by a health maintenance organization shall be received by the employer or the employer's designee not less than 120 days in advance of the renewal date of the existing health benefits plan, unless the employer or its designee waives this time requirement. The request shall:

1. Be in writing, dated and directed to the specific employer, or the employer's designee.

2. Provide evidence that the health maintenance organization has a certificate to operate a health maintenance organization in Minnesota.

3. Describe the service area of that health maintenance organization filed with the state board of health according to Minn. Stat. §62D.03, subd. 4(i).

4. Describe the location of facilities where health services are provided or will be provided.

5. Include proposed contracts to be entered into between the health maintenance organization and the employer, or its designee.

6. State the proposed schedule of charges to be required for various categories of enrollment.

D. Substitution of another health maintenance organization. If the applicable employer or its designee, subject to MHD 377 C., selects one or more other health maintenance organization which may not have made a request under MHD 377 C., but is willing to be included in the health benefits plan, the applicable employer is not required to include the option of enrollment in the specific health maintenance organization which initiated the request for inclusion.

E. Multiple health maintenance organization options.

An applicable employer, or its designee, may include in the health benefits plan offered to its employees, the option of enrollment in other health maintenance organizations which the applicable employer or its designee may decide to offer.

F. Request to employer for dual option inclusion by an insurer. A request for dual option inclusion in an employer's health benefits plan by an insurer shall be received by the applicable employer or its designee not less than 120 days in advance of the renewal date of the existing health benefits contract, unless the applicable employer or its designee waives this time requirement. The request shall:

1. Be in writing, dated and directed to the specific employer, or the employer's designee.

2. Provide evidence that the insurer has been licensed by the commissioner of insurance.

3. Include proposed accident and health insurance policies approved by the commissioner of insurance, to be entered into between the insurer and the employer, or employer's designee.

4. State the proposed premium rate calculation applicable to the accident and health insurance policy which would be issued to the employer for various categories of coverage.

G. Substitution of another insurer. If the applicable employer or its designee, subject to MHD 377 F., selects another insurer that may not have made a request under MHD 377 F., but is willing to be included in the health benefits plan, the applicable employer is not required to include the option of enrollment with the specific insurer who initiated the request for inclusion.

MHD 378 Offer of the dual option to employees.

A. Collective bargaining. If the applicable employer offers the existing health benefits plan through a collective bargaining agreement, the dual option shall be offered, for those employees subject to collective bargaining, when a new contract is negotiated or if such agreement is automatically renewable, on its anniversary date. The applicable employer, which has received a request pursuant to MHD 377 C. or F., shall be required to make dual option available to employees not subject to collective bargaining.

3. Renewal date. The employer's obligation to offer a dual option to employees shall be applicable on the first renewal of the existing health benefits plan after the submission of a request for inclusion pursuant to MHD 377 C. or F. In the case of an existing health benefits plan that has no fixed term, the contract shall

be treated as renewable on the anniversary date of the contract. If the applicable employer is self-insured, the fiscal year shall be considered the term of the existing health benefits plan.

C. Group enrollment period. An applicable employer who offers the option of enrollment with an insurer or health maintenance organization pursuant to MHD 377 C. or F., shall provide for a group open enrollment period in which dual option is offered. During the first time dual option is made available, the health benefits plan alternatives shall be presented to each eligible employee with the requirement that an affirmative written selection be made by each employee among the alternatives included in the health benefits plan.

D. Selection by new employees or transferees. The opportunity to select among the options within a health benefits plan shall be made available to new employees and employees who have been transferred to a new geographic location at the time the employees are eligible to participate in the health benefits plan, regardless of whether this coincides with the open enrollment period. At the time such employees are eligible to participate in the health benefits plan, such opportunity shall be presented to such employees with the requirement that they make an affirmative written selection among the alternatives included in the health benefits plan.

E. Access to employees. The applicable employer shall provide each health maintenance organization or insurer which is included in its health benefits plan under MHD 377 C. or F. with fair and reasonable access, at least thirty days prior to and during the group enrollment period, for the purpose of presenting and explaining its program. This accessibility shall include, at a minimum, the opportunity for distribution of educational literature, brochures, announcements of meetings and other relevant printed materials to each eligible employee. This information shall be free of untrue or misleading statements, as prohibited by Minn. Stat. §62D.12, subd. 1 and §72A.17 to §72A.321. In no event shall the access to eligible employees provided to a new option under MHD 377 C. or F. be more restrictive than that provided offerers of alternatives in the health benefits plan, whether or not the representatives of the other alternatives elect to avail themselves of such accessibility.

F. If, following completion of the first annual enrollment period and before the actual effective date, less

than twenty-five employees select an option offered in accordance with MHD 377 C. or F., then the applicable employer, health maintenance organization under MHD 377 C. or insurer under MHD 377 F., may choose not to provide such new option. If the new option is cancelled due to this clause, the applicable employer shall re-open the enrollment process and shall permit each eligible employee to select among the remaining options in the health benefits plan, without penalty to the employees.

MHD 379. Employer contribution for dual option alternative.

A. The monetary contribution by an applicable employer for dual option added pursuant to MHD 377 C. or F. shall be based on terms no less favorable than the terms on which contributions to the existing health benefits plan are based. The applicable employer shall use payroll deduction to collect the eligible employee's contribution toward health benefit coverage if such a payroll deduction system is used under the existing health benefits plan.

B. The amount of the applicable employer's contribution shall be determined in a manner consistent with the following factors:

1. The amount of the applicable employer's contribution shall not be reduced on the basis of administrative expenses of the applicable employer or its designee associated with offering the dual option.

2. The amount of the applicable employer's contribution may exclude such portions of the contribution allocated to benefits other than medical, surgical and hospital care (e.g., life or disability insurance) for which eligible employees and their eligible dependents will continue to be covered, regardless of selection of the dual option alternative.

C. If the amount of the applicable employer's contribution for health benefits is fixed by a collective bargaining agreement or by a contract with eligible employees, the amount so determined shall constitute the applicable employer's obligation for contribution toward the health maintenance organization prepayment charge or accident and health insurance premium on behalf of an eligible employee and his or her eligible dependents.

D. Where the applicable employer's contribution for health benefits is determined by a collective bargaining agreement, but the amount so fixed includes contribu-

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tion for benefits in addition to health benefits, the applicable employer or its designee shall determine the portion of such employer's contribution applicable to health benefits in accordance with this section.

E. In the absence of a collective bargaining agreement or employer-employee contract specifying contribution for health benefits, the applicable employer's contribution on the behalf of eligible employees and their eligible dependents, unless otherwise agreed to by the health maintenance organization or insurer and the applicable employer or its designee, shall be based upon the total costs of such health services offered to Minnesota employees for the most recent period for which experience is available, reduced by such amounts identified in accordance with paragraph B. 2. of this rule. Such cost determination shall be consistent with paragraph A.

MHD 380 Dual option on a self-insured basis.

A. The requirement for offering an accident and health insurance policy in these rules shall be satisfied if the employer directly pays claims under a health benefits plan which includes all the mandated benefits required by Minn. Stat. chapters 62A or 62C. For the purposes of these rules, the self-insured plan need not be otherwise approved by the commissioner of insurance.

B. The requirements for offering a health maintenance organization contract in these rules shall be satisfied if the employer directly provides health services which include all the comprehensive health maintenance services required by Minn. Stat. ch. 62D. For the purposes of these rules, the employer-operated health maintenance organization need not be otherwise authorized by the state board of health to perform health maintenance organization functions.

DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

PROPOSED RULES RELATING TO STANDARDS OF TRAINING FOR PERSONS INTERPRETING CHEMICAL TESTS FOR INTOXICATION

Notice of Hearing

Notice is hereby given that a public hearing pursuant to Minn. Stat. § 15.0412, subd. 4 (Supp. 1975) in the above-entitled manner will be held in the State Highway Building, Room B9, John Ireland Blvd., St. Paul, Minnesota, on September 15, 1976, commencing at 9:00 A.M., and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above.

All interested or affected persons or representatives of such groups or organizations will have an opportunity to be heard, by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted by mail to the Commissioner of Public Safety, 211 Highway Building, St. Paul, MN 55155, either before the hearing or within 20 days after the close of the hearing.

The Commissioner proposes to adopt rules relating to the following matters:

Rules of the Department of Public Safety, SafAd 96-105, presently entitled **Standards of Training for Persons Administering Chemical Tests for Intoxication** are being amended to include standards of training and occupational qualifications for persons interpreting blood and urine tests for intoxication. The rules propose educational requirements of a bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, toxicology or medical technology. The rules also propose full time or self-employment as a criminalist, crime laboratory

analyst, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant. Finally, the proposed rules specify that testing procedures be approved and certified by the Department of Public Safety to be a valid and reliable testing procedure based on one of the following quantitative methods: gas chromatography, alcohol dehydrogenase reaction, micro-diffusion, or oxidation of distillate with potassium or other approved oxidizing agents.

The department's authority to promulgate the proposed rules is contained in Laws of 1976, ch. 341. The above resume contains all specific new provisions being proposed, however copies of the proposed rules are available and may be obtained by writing to Diane Hamilton, 210 State Highway Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Pursuant to Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity.

Edward G. Novak
Commissioner of Public Safety

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Rules as Proposed

Chapter Ten: Standards of Training for Persons Administering and Interpreting Chemical Tests for Intoxication.

SafAd 96 Purpose and scope.

[(a)] The purpose of these rules is to establish minimum standards of training for persons administering and interpreting a chemical test for intoxication at the direction of a peace officer, pursuant to the provisions of Minn. Stat. § 169.123 [1971] 1974 and [acts amendatory thereto] and Laws of 1976 ch. 341, §2.

[(b) Scope. The scope of these rules is intended to be consistent with the mandate of the legislature as expressed in Laws of 1973, ch. 555.]

SafAd 97 Definitions. For the purposes of these rules, the following terms shall have the meanings ascribed to them:

A. Administer. The collection of a specimen of blood, breath, or urine, from a person for the purpose of analyzing such specimen to determine the alcoholic content of the person's blood.

B. Commissioner. The Commissioner of Public Safety of the State of Minnesota.

C. Peace Officer. A person described by the provisions of Minn. Stat. § 169.123, subd. 1 [1971] (1974) [and acts amendatory thereto.]

D. Interpret. To derive a blood-alcohol content reading from analysis of a sample of blood, breath, or urine.

SafAd 98 Persons who administer blood tests. Only a person who has been trained and is employed in the capacity of a physician, registered nurse, medical technologist, medical technician, or laboratory assistant may administer a blood test.

SafAd 99 Persons who administer breath tests. Only a peace officer, who has satisfactorily completed a course of formal classroom instruction in the use of an instrument specially manufactured to analyze a specimen of breath to determine the alcoholic content of the blood, may administer a breath test. The course of instruction must be approved by the Commissioner. After

completion of the described course such peace officer may be required to periodically demonstrate, to the Commissioner or his duly authorized and acting agents, his competence to satisfactorily operate such instrument.

SafAd 100 Persons who administer urine tests. Any person may administer a urine test.

SafAd 101 Prior regulation repealed. The provisions of Highway Regulation 2 previously adopted are hereby repealed.

[SafAd 102-105 Reserved for future use.]

SafAd 102 Persons who interpret blood or urine tests. Any person who meets the educational and occupational standards set forth below may interpret blood or urine tests:

A. Educational qualifications. A bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, toxicology or medical technology.

B. Occupational qualifications. Full-time employment or self-employment as a criminalist, crime laboratory analyst, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

SafAd 103 Methods of analyzing blood or urine samples. Blood and urine samples shall be tested for alcohol using only procedures approved and certified to be a valid and reliable testing procedure by the Laboratory Director, Forensic Toxicology Services, Bureau of Criminal Apprehension, Department of Public Safety, State of Minnesota, based upon one of the following quantitative methods:

A. Gas Chromatography

B. Alcohol Dehydrogenase Reaction

C. Micro-diffusion

D. Oxidation of distillate with potassium dichromate or other approved oxidizing agents.

SafAd 104-105 Reserved for future use.

Official Notices

MINNESOTA STATE PLANNING AGENCY

Applies as the State Health Planning and Development Agency

Notice is hereby given that the Minnesota State Planning Agency is submitting an application to the Federal government for conditional designation as the State Health Planning and Development Agency pursuant to P.L. 93-641, the National Health Planning and Resources Development Act of 1974. The State Planning Agency has available for public examination and comment, its application which will be submitted under Title 42, Code of Federal Regulations, Part 123, published for the designation and funding of state agencies.

In accordance with the provisions of this Act, the agency proposes to administer the state health planning and development functions and the required State Administrative Program. Special attention in the work program is given to the orderly assumption of required functions, potential delegation to other state agencies and participation in Title XVI of the Act.

All interested persons may express their comments on the application. Statements should be submitted to the Minnesota State Planning Agency, Comprehensive Health Planning, Room 101 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, and should be received by August 26, 1976. For additional information, call the State Planning Agency at (612) 296-2407.

POLLUTION CONTROL AGENCY

SOLID WASTE DIVISION

Notice of Intent to Solicit Outside Opinion

Hazardous and Industrial Waste Study

The Solid Waste Division of the Minnesota Pollution Control Agency is negotiating a contract with Battelle-Northwest Laboratories to conduct the following three part study:

Part One is the development of the toxicological portion of a hazardous waste classification system.

Part Two is the preparation of administrative criteria

which could be used by the Agency staff in determining what industrial wastes could be disposed of at a sanitary landfill, and if they were accepted, what design, construction, operational and monitoring controls should be imposed upon such disposal operations.

Part Three is an assessment of the constraints presently encountered in various regions of the state by industry which could potentially affect the timely implementation of the proposed hazardous waste regulations.

The study is to assist the Division efforts to promulgate hazardous waste regulations and to control land disposal of industrial and hazardous wastes. Individuals wishing to contribute information for consideration should contact Mr. Cary Perket, Chief, Hazardous Waste Management Section.

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