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STATE OF MINNESOTA

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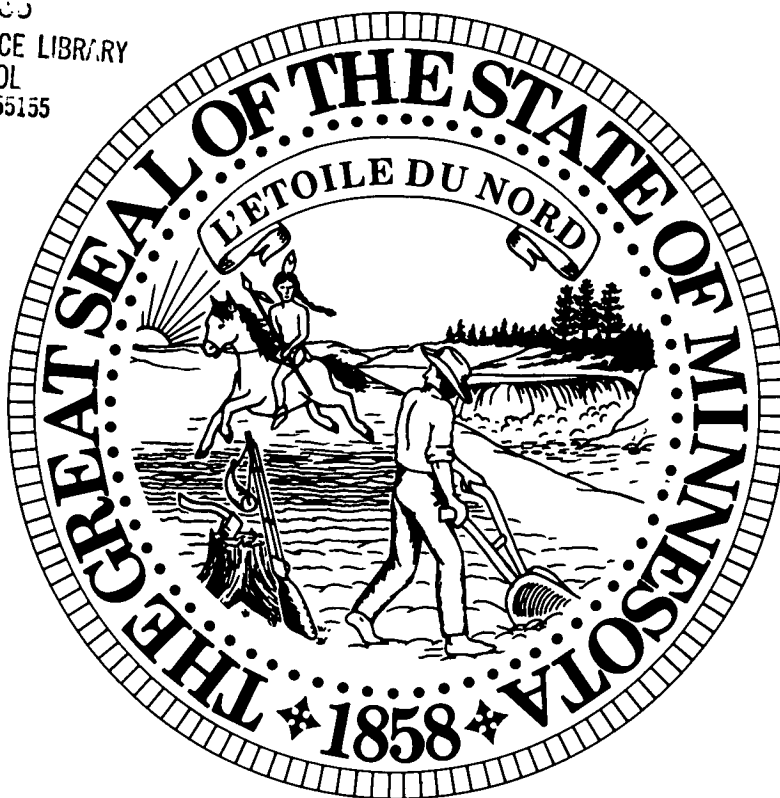
STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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VOLUME 11, NUMBER 14

Pages 645-680

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, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, and supreme court and tax court decisions.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
14	Monday 22 September	Monday 29 September	Monday 6 October
15	Monday 29 September	Monday 6 October	Monday 13 October
16	Monday 6 October	Monday 13 October	Monday 20 October
17	Monday 13 October	Monday 20 October	Monday 27 October

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 111 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

The PROPOSED RULES section contains:

- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless requested by an agency.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issues 27-38, inclusive	

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

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EXECUTIVE ORDERS

Executive Order No. 86-11

Providing for Establishment of the Governor's Council on the Martin Luther King, Jr. Holiday

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Martin Luther King, Jr. dedicated his life to achieving racial equality through nonviolent social change; and

WHEREAS, all Americans and Minnesotans have been touched by the work of Dr. King; and

WHEREAS, a Minnesota State Council will keep Dr. King's dream of nonviolence, freedom, justice and equality alive;

NOW, THEREFORE, I hereby order that:

1. The Governor's Council on the Martin Luther King, Jr. Holiday be created. The Council will consist of fifteen members, including a chair appointed by the Governor of the State of Minnesota.

PURSUANT to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this eighteenth day of September, 1986.



Rudy Perpich
Governor

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Human Services

Proposed Permanent Rules Relating to Adult Foster Care Services and Licensure of Adult Foster Homes

Notice of Intent to Adopt a Rule without a Public Hearing and Notice of Intent to Adopt a Rule with a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28.

Authority to adopt the proposed licensing rules, parts 9555.5105 and 9555.6105 to 9555.6265 is contained in Minnesota Statutes 245.782, subdivisions 2, 6 and 14; 245.783, subdivision 1 and 245.802, subdivision 1.

Authority to adopt parts 9555.5105 to 9555.5705 is contained in Minnesota Statutes 256.01, subdivision 4 (3); 256E.03, subdivision 2 (c) and (d); 256E.05, subdivision 1; Minnesota Laws 1986, Chapter 413, section 3 to be codified in Minnesota Statutes as 256E.08, subdivision 1 (1), (2), (3), (4) and (6); and 393.07, subdivision 2.

Persons interested in these rules shall have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules and comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on a rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20. PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, HEARINGS WILL BE HELD ON NOVEMBER 13 AND NOVEMBER 14, 1986, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between November 6, 1986 and November 12, 1986, at 612/296-0311.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Jane Nelson
Rulemaking Division
Department of Human Services
658 Cedar Street, Fourth Floor
St. Paul, MN 55155
Telephone 612/297-1217

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 5, 1986.

The proposed rules may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rules as noticed.

Minnesota Rules, parts 9555.5105 to 9555.6265 govern the delivery and administration of foster care services to persons who

are functionally impaired and the licensure of operators of adult foster homes. The purpose of the rule parts is to ensure that persons seeking foster home placement receive a proper assessment of the need for adult foster care, are referred to licensed foster homes, and that the foster homes which are licensed ensure the health, safety, and rights of the residents in care.

Part 9555.5105 defines terms that are used throughout parts 9555.5105 to 9555.6265.

Part 9555.5205 indicates that parts 9555.5105 to 9555.5705 govern the administration and provision of adult foster care services to prospective residents by the county board.

Part 9555.5305 indicates the purpose is to ensure proper assessment and notification of the availability of services.

Parts 9555.5405, 9555.5415, 9555.5505, 9555.5605, and 9555.5705 establish standards for foster home development, licensing assistance from the local agency, local agency orientation and training assistance, the assessment process and provision of adult foster care services to residents in adult foster homes.

Parts 9555.6105 to 9555.6265 specify the licensure standards for foster home operators and the licensing process for applicants. These parts set standards for the applicability and purpose of licensing, the application process, criteria and procedures for the study of the applicant and inspection of the residence, variances, negative licensing actions, resident's records, capacity limits, individual resident placement agreements, reporting, training, physical environment, health, water and food, program, resident records, resident rights, and cash resource assistance.

A copy of the proposed rules is available upon request for your review from:

Gwen Wildermuth
Social Services Division
Centennial Office Building, Fourth Floor
658 Cedar Street
St. Paul, MN 55155
Telephone 612/296-0311

A copy of the proposed rules may be viewed at the Department and any of the county welfare or human service agencies in the state of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Gwen Wildermuth upon request.

The Department estimates that the total cost to all local public bodies will total less than \$100,000 to implement the proposed rules in either of the first two years following the rules adoption. A copy of the fiscal note explaining the rules cost is available from Gwen Wildermuth.

If no hearing is required upon adoption of the proposed rules, the rules and the required supporting documents will be delivered to the Attorney General Administration for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Jane Nelson.

Dated: 9 September 1986

Leonard W. Levine, Commissioner
Department of Human Services

Notice of Hearing and Notice of Intent to Cancel Hearings if Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules without a Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 5 of the State Office Building, 435 Park Avenue, St. Paul, Minnesota 55155, on November 13; and on November 14, 1986, in the Auditorium of the Brainerd Regional Human Services Center, Oak Street, Brainerd, Minnesota 56401. The hearings will commence at 9 a.m. and continue until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SEAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between November 6, 1986 and November 12, 1986, at 612/296-0311.

Following the Department's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Richard Luis, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7610, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period, the Department and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the Department may indicate in writing whether there are amendments suggested by other persons which the Department is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, sections 14.15 and 14.50. The rule hearing is governed by Minnesota Statutes, section 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedures may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9555.5105 to 9555.6265 govern the delivery and administration of foster care services to persons who are functionally impaired and the licensure of operators of adult foster homes. The purpose of the rule parts is to ensure that persons seeking foster home placement receive a proper assessment of the need for adult foster care, are referred to licensed foster homes, and that the foster homes which are licensed ensure the health, safety, and rights of the residents in care.

Part 9555.5105 defines terms that are used throughout parts 9555.5105 to 9555.6265.

Part 9555.5205 indicates that parts 9555.5105 to 9555.5705 govern the administration and provision of adult foster care services to prospective residents by the county board.

Part 9555.5305 indicates the purpose is to ensure proper assessment and notification of the availability of services.

Parts 9555.5405, 9555.5415, 9555.5505, 9555.5605, and 9555.5705 establish standards for foster home development, licensing assistance from the local agency, local agency orientation and training assistance, the assessment process and provision of adult foster care services to residents in adult foster homes.

Parts 9555.6105 to 9555.6265 specify the licensure standards for foster home operators and the licensing process for applicants. These parts set standards for the applicability and purpose of licensing, the application process, criteria and procedures for the study of the applicant and inspection of the residence, variances, negative licensing actions, resident's records, capacity limits, individual resident placement agreements, reporting, training, physical environment, health, water and food, program, resident records, resident rights, and cash resource assistance.

Authority to adopt the proposed licensing rules, parts 9555.5105 and 9555.6105 to 9555.6265 is contained in Minnesota Statutes 245.782, subdivisions 2, 6 and 14; 245.783, subdivision 1 and 245.802, subdivision 1.

Authority to adopt parts 9555.5105 to 9555.5705 is contained in Minnesota Statutes 256.01, subdivision 4 (3); 256E.03, subdivision 2 (c) and (d); 256E.05, subdivision 1; Minnesota Laws 1986, Chapter 413, section 3 to be codified in Minnesota Statutes as 256E.08, subdivision 1 (1), (2), (3), (4) and (6); and 393.07, subdivision 2.

The fiscal note prepared by the Department estimates that the proposed rules will require less than \$100,000 in increased spending from state and local agencies over the next two years. A copy of the fiscal note explaining the rule costs is available from Gwen Wildermuth.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Gwen Wildermuth, Social Services Division, Fourth Floor, Centennial Office Building, 658 Cedar, St. Paul, Minnesota, 55155, 612/296-0311.

A copy of the proposed rule may be viewed at the Department and at any of the county welfare or human service agencies in the state of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Gwen Wildermuth.

NOTICE; Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the Department and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Minnesota Statutes, chapter 10a, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11, as any individual:

1. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

2. Who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone 612/296-5615.

Dated: 9 September 1986

Leonard W. Levine, Commissioner
Department of Human Services

Rules as Proposed (all new material)

9555.5105 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9555.5105 to 9555.6265 the following terms have the meanings given them.

Subp. 2. **Adult.** "Adult" means a person at least 18 years of age.

Subp. 3. **Adult foster care.** "Adult foster care" means the provision of food, lodging, protection, supervision, and household services to a functionally impaired adult in a residence and may also include the provision of personal care, household and living skills assistance or training, medication assistance under part 9555.6225, subpart 8, and assistance safeguarding cash resources under part 9555.6265.

Subp. 4. **Adult foster care services.** "Adult foster care services" means those community social services in parts 9550.0010 to 9550.0092 that are provided to residents or prospective residents of adult foster homes.

Subp. 5. **Adult foster home.** "Adult foster home" means a residence operated by an operator who, for financial gain or otherwise, provides up to four functionally impaired residents with 24-hour foster care.

Subp. 6. **Applicant.** "Applicant" means the operator seeking a license to operate an adult foster home.

Subp. 7. **Building official.** "Building official" means a person appointed in accordance with Minnesota Statutes, section 16B.65, to administer the state building code or the building official's authorized representative.

Subp. 8. **Caregiver.** "Caregiver" means an adult who meets the qualifications in part 9555.6125, subpart 4, and gives care to a resident in an adult foster home.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's authorized representative.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 10. **County board.** "County board" means the county board of commissioners in each county. When a human services board has been established under Minnesota Statutes, sections 402.02 to 402.10, it shall be considered to be the county board.

Subp. 11. **County of financial responsibility.** "County of financial responsibility" means the county responsible for paying for foster care services for a resident under Minnesota Statutes, section 256E.08, subdivision 7.

Subp. 12. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 13. **Fire marshal.** "Fire marshal" means the person designated by Minnesota Statutes, section 299F.011, to administer and enforce the Minnesota Uniform Fire Code or the fire marshal's authorized representative.

Subp. 14. **Functionally impaired.** "Functionally impaired" means a person who has:

A. substantial difficulty carrying out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working; or

B. a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

Subp. 15. **Health authority.** "Health authority" means the designated representative of the local board of health organized under Minnesota Statutes, chapter 145, to enforce public health codes.

Subp. 16. **Household member.** "Household member" means any person living in the adult foster home more than 30 consecutive calendar days in any 12-month period who is not a resident.

Subp. 17. **Household services.** "Household services" means activities taught to or performed by a caregiver for a resident such as cooking, cleaning, budgeting, and other household care or maintenance tasks.

Subp. 18. **Individual service plan.** "Individual service plan" means the written plan agreed upon and signed by the county of financial responsibility and the resident or resident's legal representative for the provision of social services under part 9550.0090. For persons with mental retardation or a related condition, it means the plan agreed upon and signed under part 9525.0075.

Subp. 19. **Individual resident placement agreement.** "Individual resident placement agreement" means the written document specifying the terms for provision of foster care to an adult that is developed under part 9555.5705 for persons receiving services under part 9525.0075 or 9550.0090 or under part 9555.6167 for persons not receiving community social services or services for persons with mental retardation or a related condition. The individual resident placement agreement must:

A. describe the reason for placement;

B. describe what the operator must provide in the areas of lodging, food, protection, household or living skills training or assistance, personal care assistance, assistance safeguarding cash resources, transportation, residence accessibility modifications, medication assistance, and supervision;

C. describe who is financially responsible for the payment of the foster care provided by the operator;

D. describe any other community health and social services that the operator will assist in providing;

E. coordinate with the contents of the individual habilitation plan developed under parts 9525.0015 to 9525.0165 for persons with mental retardation or a related condition; and

F. coordinate with the individual service plan developed under part 9525.0075 or 9550.0090.

Subp. 20. **Legal representative.** "Legal representative" means a person appointed by the court as a guardian or conservator of an adult under Minnesota Statutes, sections 525.539 to 525.6198 or chapter 252A.

Subp. 21. **License.** "License" means a certificate issued by the commissioner authorizing the operator to give specified services for a specified period in accordance with parts 9555.6105 to 9555.6265 and Minnesota Statutes, sections 245.781 to 245.812 and 252.28, subdivision 2. License includes a provisional license issued to an operator who is temporarily unable to comply with the requirements for a license.

Subp. 22. **Licensed capacity.** "Licensed capacity" means the maximum number of functionally impaired adults who may receive foster care in the adult foster home at any one time.

Subp. 23. **Living skills assistance.** "Living skills assistance" means activities taught or performed to assist the resident to use services, transportation, recreation, and social opportunities available in the community.

Subp. 24. **Local agency.** "Local agency" means the county or multi-county social service agency governed by the county board or multi-county human services board of the county in which the adult foster home is located.

Subp. 25. **Medication.** "Medication" means a prescription substance taken internally, applied externally, or injected to prevent or treat a condition or disease, heal, or relieve pain.

Subp. 26. **Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the fire marshal under Minnesota Statutes, section 299F.011 and parts 7510.0200 to 7510.3000.

Subp. 27. **Operator.** "Operator" means the individual, partnership, corporation, or governmental unit licensed by the department and legally responsible for the operation of an adult foster home.

Subp. 28. **Personal care.** "Personal care" means assistance by a caregiver with or teaching of skills related to activities of daily living such as eating, grooming, bathing, and laundering clothes.

Subp. 29. **Protection.** "Protection" means compliance with the Vulnerable Adults Act.

Subp. 30. **Related.** "Related" means any of the following relationships by marriage, blood, or adoption: spouse, parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, grandchild, child, niece, and nephew.

Subp. 31. **Residence.** "Residence" means the single dwelling unit in which foster care is provided with complete, independent living facilities for one or more persons. As defined in section 405 of the Minnesota State Building Code, the residence has permanent provisions for living, sleeping, cooking, eating, and sanitation.

Subp. 32. **Resident.** "Resident" means a functionally impaired adult residing in an adult foster home and receiving foster care.

Subp. 33. **Roomer.** "Roomer" means a household member who is not related to the provider and is not a resident or caregiver.

Subp. 34. **Service agency.** "Service agency" means the public or private agency designated by the county of financial responsibility with the responsibility to provide the foster care services in parts 9555.5105 to 9555.5705.

Subp. 35. **Social worker.** "Social worker" means a person designated by the local agency or service agency of the county of financial responsibility with credentials meeting the minimum requirements under the Minnesota Merit System classification for social worker or a county personnel system equivalent under Minnesota Statutes, section 375.56-71; Laws of Minnesota 1965, chapter 855; and Laws of Minnesota 1974, chapter 435, article 3, who is responsible for coordinating a prospective resident's initial assessment and placement in part 9555.5605 the development of the individual resident placement agreement for those persons with an individual service plan.

Subp. 36. **State Building Code.** "State Building Code" means those codes and regulations adopted by the commissioner of administration under chapter 1300 and Minnesota Statutes, section 16B.59.

Subp. 37. **Supervision.** "Supervision" means:

A. oversight by a caregiver as specified in the individual resident placement agreement and daily awareness of a resident's needs and activities; and

B. the presence of a caregiver in the residence during normal sleeping hours.

Subp. 38. **Variance.** "Variance" means written permission by the commissioner for an applicant or operator to depart from the provisions of parts 9555.6105 to 9555.6265 if equivalent alternative measures are provided to ensure the health, safety, and rights of a resident.

Subp. 39. **Vulnerable Adults Act.** "Vulnerable Adults Act" means Minnesota Statutes, section 626.557.

9555.5205 APPLICABILITY.

Parts 9555.5105 to 9555.5705 govern the administration and provision of adult foster care services to residents or prospective residents of adult foster homes by the county board.

9555.5305 PURPOSE.

The purpose of parts 9555.5105 to 9555.5705 is to ensure that a resident or prospective resident of an adult foster home receives an assessment of need for adult foster care, is notified about adult foster care services that are available, and consultation, assistance, and information are provided to applicants or operators of adult foster homes.

9555.5405 FOSTER HOME DEVELOPMENT.

The local agency shall implement an annual adult foster home recruitment plan specifying a method and timetable for recruiting operators to meet the county's adult foster care needs if adult foster care services to residents or prospective residents of adult foster homes are specified by the county board in the community social services plan developed under parts 9550.0010 to 9550.0092.

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9555.5415 LICENSING ASSISTANCE.

Subpart 1. **Assistance.** The local agency shall tell persons seeking information about adult foster home licensure of the standards in parts 9555.6105 to 9555.6265. The local agency shall offer consultation, assistance, and information in accordance with parts 9555.6105 to 9555.6265. The local agency shall:

- A. supply the applicant with the department application form, a copy of parts 9555.5105 and 9555.6105 to 9555.6265, and the department forms needed to determine compliance with parts 9555.5105 and 9555.6105 to 9555.6265;
- B. stamp and date a signed and completed department application form on the date of receipt;
- C. accept and process applications for licensure and recommend licensure or negative licensing actions to the department;
- D. conduct the inspection of the residence and study of the applicant in accordance with parts 9555.5105 and 9555.6105 to 9555.6265; and
- E. notify the local zoning administrator in the jurisdiction in which the residence is located at least 30 days prior to the initial issuance date of a license. The date the local zoning administrator was notified must be noted on the application form.

Subp. 2. **Unlicensed residences.** When the local agency has reasonable cause to believe a residence required to be licensed under parts 9555.6105 to 9555.6265 is operating without a license, the local agency must verify the home's license status following the procedures in items A and B.

A. The local agency shall verify the home's license status within five working days. If the operator is not licensed to operate an adult foster home, the local agency shall contact the person providing adult foster care in the residence and tell the person of the licensing requirements in Minnesota Statutes, sections 245.781 to 245.812 and parts 9555.5105 and 9555.6105 to 9555.6265.

B. If no application is made to obtain a license within 30 days after the operator is told of the licensure requirements, the county attorney with jurisdiction to bring misdemeanor charges shall be notified by the local agency. The operator of a residence required to be licensed under parts 9555.5105 and 9555.6105 to 9555.6265 that is operating without a license is subject to misdemeanor prosecution and injunction under Minnesota Statutes, section 245.803.

C. A complaint concerning violations of parts 9555.6105 to 9555.6265 shall be investigated by the local agency within 14 working days of receipt, except complaints concerning abuse or neglect, which shall be investigated in accordance with parts 9555.7100 to 9555.7700. Substantiated complaints about an operator licensed under parts 9555.5105 and 9555.6105 to 9555.6265 shall be recorded in the record on the residence in part 9555.6155.

9555.5505 LOCAL AGENCY ORIENTATION AND TRAINING ROLE.

Subpart 1. **Local agency role.** The local agency shall ensure that:

- A. the operator and caregivers comply with the orientation and training requirements in part 9555.6185; and
- B. the orientation and training in part 9555.6185 is available within the county or within 50 miles of the adult foster home at times convenient to foster home operators.

Subp. 2. **Orientation.** The local agency shall provide three hours of orientation to a foster home operator and caregivers prior to the placement of the first resident following initial licensure. The orientation training must include training on requirements of the Vulnerable Adults Act contained in Minnesota Statutes, section 626.557; parts 9555.8000 to 9555.8500; and the general provisions of parts 9555.5105, and 9555.6105 to 9555.6265.

Subp. 3. **Information.** The local agency shall identify sources of training that meet the standards in part 9555.6185 and notify the operator of a licensed residence in the county at least once a year of the training opportunities available.

9555.5605 ASSESSMENT.

Subpart 1. **Assessment.** A social worker from the local agency or service agency of the county of financial responsibility shall ensure that a person seeking adult foster home placement has an assessment to determine the person's need for adult foster care.

- A. An adult who has or may have a diagnosis of mental retardation or a related condition shall be assessed under part 9525.0065.
- B. An adult requesting adult foster care services under parts 9550.0010 to 9550.0092 shall be assessed under item D and part 9550.0090.
- C. An assessment performed under Minnesota Statutes, section 256B.091 shall satisfy the provisions of item D.
- D. An assessment coordinated by a social worker and review of any information gathered from professionals must be made of the adult's:
 - (1) ability to manage activities of daily living;

- (2) physical health, including impairments of mobility, sight, hearing, and speech;
- (3) intellectual functioning and mental health, including impairments of judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life;
- (4) need for supervision;
- (5) need for protection;
- (6) need for assistance in safeguarding cash resources;
- (7) need for medication assistance;
- (8) employability and vocational skills;
- (9) need for family and community involvement; and
- (10) need for community, social, or health services.

Subp. 2. **Mobility access assessment.** Before placement, or after placement if the local agency has reasonable cause to believe a mobility access, seizure, or disability problem has developed, the social worker shall determine, in consultation with the prospective resident and the resident's representative and any other person knowledgeable about the resident's needs, whether accessibility aides or modifications to the residence are needed. The need for accessibility aides or modifications to the residence shall be determined for persons with regular seizures or physical disabilities using an accessibility checklist approved by the commissioner in consultation with persons knowledgeable about the accessibility and mobility needs of the resident and persons knowledgeable about accessibility modifications to residential occupancies. A person confined to a wheelchair must be housed on a level with an exit directly to grade.

Subp. 3. **Placement standards.** A person shall be appropriate for adult foster home placement if the person:

- A. is an adult;
- B. is functionally impaired;
- C. has requested, or the adult's legal representative has requested, foster care placement;
- D. has demonstrated a need for foster care based on the assessment in subpart 1;
- E. does not require continuous medical care or treatment in a facility licensed for acute care under chapter 4640; and
- F. has been approved for placement under parts 9525.0015 to 9525.0145, if the adult has mental retardation or a related condition.

Subp. 4. **Placement and consumer choice.** A person who is appropriate for adult foster home placement, and the person's legal representative must be allowed to choose among between the homes that the social worker determines would meet the person's foster care needs.

Subp. 5. **Matching.** When referring the adult seeking foster care to a licensed adult foster home, the social worker shall match the licensing study information and the capacity of the adult foster home program developed by the operator under part 9555.6235 with the assessed needs of the functionally impaired adult determined under part 9555.5605, subparts 1 and 2.

Subp. 6. **Preplacement visit.** The social worker shall arrange for the functionally impaired adult to visit the prospective adult foster home before placement, except in cases of emergency placement or placement for less than 30 consecutive days. Before placement, the following shall be discussed with the operator:

- A. the needs of the functionally impaired adult as determined by the assessment in part 9555.5605, subparts 1 and 2;
- B. the foster care that must be provided by the operator to the adult seeking placement;
- C. the adult's need for additional community health and social services and the operator's responsibility in assisting with provision of or access to those services; and
- D. the financial arrangements to pay for the adult foster care.

9555.5705 PROVISION OF ADULT FOSTER CARE SERVICES TO RESIDENTS OF ADULT FOSTER HOMES.

Subpart 1. **Adult foster care service.** When the county board elects to provide adult foster care services under parts 9550.0010 to

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9550.0092, the county board shall offer adult foster care services to the residents or prospective residents of an adult foster home. Adult foster care services may be provided directly by the county of financial responsibility, or by the service agency under a written agreement with the county of financial responsibility, or by another agency under contract to the county of financial responsibility.

Subp. 2. **Development of individual resident placement agreement.** If the resident or prospective resident requests and receives adult foster care services, then the service agency shall develop, and the resident, resident's legal representative, and the operator shall agree on and sign an individual resident placement agreement as defined in part 9555.5105, subpart 19. The agreement must be signed within 30 days of placement and be coordinated with the adult's individual service plan as defined in part 9555.5105, subpart 18. The service agency shall give a copy of the individual service plan to the operator. If the resident is appropriate for adult foster home placement and does not require adult foster care services under parts 9550.0010 to 9550.0092, the individual resident placement agreement shall be developed by the operator, resident, and resident's legal representative under part 9555.6167.

Subp. 3. **Placement review for residents with an individual service plan.** The service agency assigned to a resident in an adult foster home with an individual service plan must:

- A. visit the resident and operator within 30 days of placement to confirm the appropriateness of the placement;
- B. provide consultation services to the operator in meeting the resident's assessed needs;
- C. provide a telephone number where caregivers and the resident or resident's legal representative may call for emergency social service assistance 24 hours a day; and
- D. assist in developing the individual abuse prevention plan for the resident under parts 9555.7100 to 9555.7700.

9555.6105 APPLICABILITY AND PURPOSE.

Parts 9555.5105 and 9555.6105 to 9555.6265, as authorized by Minnesota Statutes, sections 245.781 to 245.812, govern the licensure of the operator of an adult foster home. The purpose of parts 9555.5105 and 9555.6105 to 9555.6265 is to establish procedures and standards for licensure and operation of an adult foster home so minimum levels of care are provided and the health, safety, and rights of residents are assured.

9555.6115 LICENSE APPLICATION PROCESS.

A license to operate an adult foster home must be obtained from the department under items A to E.

- A. Application for a license must be made on the application form issued by the department and must be made in the county where the adult foster home is located.
- B. The applicant must be the individual or the authorized representative of the partnership, corporation, or government unit that will be the operator of the adult foster home.
- C. Separate licenses are required for residences located at separate addresses, even if the residences are to be operated by the same operator.
- D. An application for licensure is complete when the commissioner determines that the department forms and documentation needed for licensure, the inspection, zoning, evaluation, and investigative reports, documentation and information required to verify compliance with parts 9555.5105 and 9555.6105 to 9555.6265 have been submitted by the applicant. The commissioner shall stamp and date a signed and completed department application form on the date of receipt.

9555.6125 LICENSING STUDY.

Subpart 1. **Access to residence.** The applicant shall give the commissioner access to the residence to determine compliance with parts 9555.5105 and 9555.6105 to 9555.6265. Access shall include the residence to be occupied as an adult foster home; any adjoining land or buildings owned or operated by the applicant or operator in conjunction with the provision of adult foster care and designated for use by a resident; noninterference in interviewing caregivers, roomers, or household members; and the right to view and photocopy the records and documents specified in parts 9555.6235 and 9555.6245. The commissioner shall have access to the residence at any time during the period of licensure to determine whether the operator is in compliance with parts 9555.5105 and 9555.6105 to 9555.6265.

Subp. 2. **Inspections.** The residence must be inspected by a fire marshal within 12 months before initial licensure to verify that the residence is a dwelling unit within a residential occupancy as defined in section 9.117 of the Minnesota Uniform Fire Code and that the residence complies with the fire safety standards for that residential occupancy contained in the Minnesota Uniform Fire Code. A home safety checklist, approved by the commissioner, must be completed by the operator and the commissioner before licensure each year a fire marshal inspection is not made. The residence shall be inspected according to the licensed capacity specified on the initial application form. If the commissioner has reasonable cause to believe that a potentially hazardous condition may be present or the licensed capacity is increased to four residents, the commissioner shall request a subsequent inspection and written report by a fire marshal to verify the absence of hazard. Any condition cited by a fire marshal, building official, or health authority as hazardous

or creating an immediate danger of fire or threat to health and safety must be corrected before a license is issued or renewed by the department.

Subp. 3. **Study of applicant.** A study of the applicant shall be conducted by the commissioner under items A to D.

A. The applicant shall provide the commissioner with a completed, signed form as required by Minnesota Statutes, section 245.783, subdivision 3, for the disclosure of arrest, conviction, and criminal history records for each caregiver, household member over the age of 12, and each owner, partner, board member, and employee who will be involved in the operation of the adult foster home. The form must disclose the person's full name and all previous or additional names, date of birth, the specific nature of information to be disclosed, who will receive the information, and who will disclose it. The commissioner shall seek the assistance of the Minnesota Bureau of Criminal Apprehension, the county attorney, and sheriff or chief of police in the locality where the person resides in determining the person's arrest, conviction, or criminal history record. If the person has not resided in the state for five years, the form shall also be sent to a national criminal history repository.

B. The applicant shall provide social history information to the commissioner about each caregiver and household member. "Social history information" means information on education; employment; financial condition; military service; marital history; mental illness; chemical dependency; hospitalizations; involuntary terminations of parental rights; the use of mental retardation services; felony, gross misdemeanor or misdemeanor convictions, arrests or admissions; and substantiated reports of neglect or abuse.

C. If the applicant is an authorized representative of a partnership, corporation, or governmental unit, the applicant shall make available and maintain the following information:

- (1) the names and addresses of the owners and board members;
- (2) the name, address, and physical health report of the employees who are involved in the operation of the adult foster home;
- (3) an organization chart;
- (4) personnel policies;
- (5) the personnel records of persons in subitem (2) and verification that they comply with the qualifications in subpart 4;
- (6) job descriptions of persons in subitem (2); and
- (7) the staffing pattern to be used in the adult foster home.

D. The applicant shall provide the commissioner with the names of three persons not related to the applicant who can supply information about the applicant's ability to operate an adult foster home.

Subp. 4. **Qualifications.** Operators, caregivers, and household members must meet the qualifications in items A to H.

A. Operators and caregivers must be adults.

B. Household members and caregivers must be free of reportable communicable disease as named in parts 4605.7000 to 4605.7800. With the exception of caregivers providing less than 30 days of care per year, the household member and caregiver must provide the commissioner with a physician's statement showing the absence of reportable communicable disease and any physical condition that would prevent the caregiver from being able to provide foster care to a resident. The physician's report must be based on an examination of the individual within the 12 months before application for licensure. Caregivers shall provide the commissioner with a physician's report at least once every five years after initial licensure.

C. Operators, caregivers, and household members must agree to disclose the arrest, conviction, and criminal history information specified in subpart 3.

D. Operators, caregivers, and household members must not have a conviction of, have admitted to, or there be substantial evidence indicating abuse or neglect as those terms are defined in Minnesota Statutes, sections 626.556 and 626.557.

E. Operators, caregivers, and household members must not be awaiting trial for or have a conviction or admission of any crime listed in Minnesota Statutes, sections 152.09, 152.096, 152.097, 609.185 to 609.345, 609.365, 609.377, 609.378, 609.52, 609.521, 609.525, 609.53, 609.54, 609.551, 609.561 to 609.563, 609.582, 609.59, 609.625, 609.63, 609.687, 609.71, 609.713, 609.821, 617.23, 617.246, other than those listed in item D, or the same or similar crime listed in the laws of another state or of the United States or of another country.

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F. Caregivers must not have had parental rights terminated under Minnesota Statutes, section 260.221, paragraph (b), within the past five years.

G. Operators and caregivers must not have a diagnosis of mental retardation or a related condition and be receiving services under parts 9525.0015 to 9525.0145.

H. Caregivers and household members must not have a mental illness or condition as diagnosed by a psychiatrist or licensed psychologist that has documented behaviors that the commissioner determines would jeopardize the health, rights, or safety of residents. Past history of a mental illness or condition may be considered. "Mental illness" means the inability to interpret reality realistically and the impaired functioning in primary aspects of daily living, such as personal relations, living arrangements, work, and recreation.

I. Caregivers and household members must not abuse prescription drugs or use controlled substances as named in Minnesota Statutes, chapter 152, or alcohol, to the extent that the use or abuse has or may have a negative effect on the health, rights, or safety of residents.

Subp. 5. **Evaluation for cause.** The commissioner may require, before licensure or at any time during the licensed term of the adult foster home, a physical, mental health, chemical dependency, or criminal history evaluation of the operator, caregiver, or household member if the commissioner has reasonable cause to believe that any of the qualifications or requirements in items A to I have not been met or that the operator or any caregiver cannot care for a resident. Evaluations must be conducted by a professional qualified by license, certification, education, or training to perform the specific evaluation.

Subp. 6. **Zoning.** At least 30 days before the initial license issuance date, the commissioner shall notify the local zoning administrator in the jurisdiction where the residence is located of the license application.

Subp. 7. **Period of licensure; nontransfer.** A license shall be issued by the commissioner for up to one year when the applicant complies with parts 9555.6105 to 9555.6265. A license is not transferable to another operator or residence.

Subp. 8. **Provisional license.** An applicant for initial licensure may be granted a provisional license by the commissioner for up to one year if the laws and rules cannot be complied with immediately, and if the deviations from parts 9555.6105 to 9555.6265 do not threaten the health, rights, or safety of a resident. All deviations must be corrected within the time specified by the commissioner but not exceeding one year. Failure to correct deviations within the stated time shall be cause for revocation of a license or a fine or both.

Subp. 9. **Variance procedure.** An applicant or operator may request a variance from compliance with parts 9555.5105 and 9555.6105 to 9555.6265. A request for a variance must comply with and be handled according to the following procedures:

A. An applicant or operator must submit a written request for a variance to the commissioner. The request must include:

- (1) the sections or parts 9555.6105 to 9555.6275 with which the applicant or operator cannot comply;
- (2) the reasons why the applicant or operator needs to depart from the specified sections;
- (3) the period for which the applicant or operator requests a variance; and
- (4) the specific equivalent alternative measures that the applicant or operator will provide so the health, rights, and safety of residents are ensured if the variance is granted.

B. An applicant or operator must submit to the commissioner written approval from a fire marshal of the alternative measures identified to ensure the safety of residents when a variance of part 9555.6125, subpart 2, is requested.

C. An applicant or operator must submit to the commissioner written approval from a health authority of the alternative measures identified to ensure the health of residents when a variance of parts 9555.6225 and 9555.6215 is requested.

Subp. 10. **Variance standard.** A variance may be granted if:

- A. the variance is submitted in accordance with subpart 9;
- B. the commissioner does not have reasonable cause to believe the health, rights, or safety of the residents will be threatened;
- C. the variance would not be contrary to a standard required by Minnesota Statutes; and
- D. a request for variance to subpart 4, item E, has clear and convincing evidence presented by the operator, caregiver, or household member that no threat or harm whatsoever will result to the residents due to the granting of the variance. The commissioner shall consider the nature of the crime committed and amount of time which has elapsed without a repeat of the crime.

Subp. 11. **License terms.** A license, whether regular or provisional, must show:

- A. the licensed capacity of the adult foster home;
- B. the expiration date of the license and address of the residence;

- C. the name and address of the operator;
- D. that the operator is licensed under parts 9555.5105 and 9555.6105 to 9555.6265; and
- E. the provisional status of the license, if applicable.

Subp. 12. **Change in license terms.** The following shall apply to changes in the terms of licensure:

- A. The license issued must not be transferred to another operator, building, or address.
- B. The operator must notify the commissioner and the studies in part 9555.6125 must be completed:
 - (1) before the operator moves the residence to another building or address;
 - (2) when there is an addition of any adult or child who is or will be a roomer, resident, household member, or caregiver;
 - (3) when the operator makes structural changes to the residence that require a building permit from the local jurisdiction;

or

- (4) before the operator changes, sells, or transfers ownership or responsibility for the operation of the residence.

Subp. 13. **License renewal.** Before the expiration of a license, the commissioner must conduct a study of the operator and an inspection of the residence to determine compliance with parts 9555.5105 and 9555.6105 to 9555.6265 at least once every 12 months to determine whether a new license shall be issued.

9555.6145 NEGATIVE LICENSING ACTIONS.

Subpart 1. **Definition.** For the purposes of this part, "negative licensing action" means denial of application for licensure, revocation, probation, suspension, or immediate suspension of an existing license.

Subp. 2. **Procedures.** In accordance with Minnesota Statutes, section 245.801, failure to comply with parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure is grounds for a negative licensing action. If the local agency recommends a negative licensing action, the local agency shall notify the department and the department shall determine if the standards in parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure have been violated. If the grounds are sufficient, the commissioner shall follow the procedures in Minnesota Statutes, section 245.801, and notify the applicant or operator by certified mail, unless personal service is required by subpart 7. The notice of negative licensing action must be addressed to the name and location shown on the application or license and contain a statement of, and the reasons for, the proposed negative licensing action. The notice of negative licensing action must inform the applicant or operator of the right to appeal the decision. The applicant or operator shall have an opportunity for a hearing under Minnesota Statutes, sections 14.57 to 14.70.

Subp. 3. **Denial.** If the commissioner denies an application for licensure, the applicant must tell the commissioner of the applicant's appeal of the decision within 20 days after receipt of the notice of denial.

Subp. 4. **Revocation, probation, or suspension.** If the commissioner revokes a license, makes a license probationary, or suspends a license, the operator must tell the commissioner of the operator's appeal of the decision within ten days after receipt of the notice of revocation, probation, or suspension.

Subp. 5. **Immediate suspension.** If the commissioner finds that the health, safety, or rights of the residents in care are in imminent danger, the commissioner shall immediately suspend the license and notify the local agency to remove the residents. The operator shall be notified by personal service and must tell the commissioner of the operator's appeal of the decision within five days after receipt of the notice of immediate suspension. The appeal does not stay the decision of the commissioner to immediately suspend the license.

Subp. 6. **Correction orders and fines.** If the commissioner finds that the operator does not comply with parts 9555.5105 and 9555.6105 to 9555.6265, the commissioner shall issue a correction order under Minnesota Statutes, section 245.805, and the operator may be subject to a fine for each uncorrected deficiency.

Subp. 7. **Notice of negative licensing action.** At the time the commissioner notifies the operator of a proposed negative licensing action, the commissioner shall notify residents and residents' legal representatives of the proposed negative licensing action and of the operator's right to appeal. The notification procedures in Minnesota Statutes, section 626.557, subdivision 10, paragraph (a), shall be followed in situations alleging abuse or neglect of residents.

Subp. 8. **Reapplication after revocation.** An operator whose license has been revoked shall not be granted a new license for five

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years following revocation and must reapply for licensure to determine current compliance with parts 9555.5105 and 9555.6105 to 9555.6265.

9555.6155 RECORD ON THE RESIDENCE.

A record for the residence licensed as an adult foster home shall be maintained by the commissioner and contain:

- A. a copy of the completed licensing application form signed by the applicant and the representative of the commissioner, as specified in part 9555.6115, subpart 1;
- B. the physician's reports on caregivers and household members specified in part 9555.6125 if the operator is an individual;
- C. the initial and subsequent inspection report from the fire marshal specified in part 9555.6125 and the subsequent home safety checklists;
- D. any written inspection reports from a health authority or building official;
- E. the commissioner's initial and any renewal licensing studies and inspections;
- F. any comments of the operator or provider about the licensing studies and inspections;
- G. written references from at least three persons who know about the applicant's potential to operate an adult foster home. If the applicant has been licensed through another jurisdiction, the local agency shall also request and keep a reference from the licensing authority in that jurisdiction;
- H. a list of residents currently in the residence;
- I. a list of residents who have been in the residence in the past five years;
- J. documentation of any variances to parts 9555.6105 to 9555.6265;
- K. arrest, conviction, and criminal history records on the operator, caregivers, and household members, and caregivers;
- L. if the operator is a partnership, corporation, or governmental unit, the information required in part 9555.6125, subpart 3, item C, subitems (1), (2), (3), (6), and (7);
- M. a copy of the commissioner approved, written adult foster home program required in part 9555.6235;
- N. a record of any substantiated complaints of abuse and neglect as defined in Minnesota Statutes, section 626.557 and any corrective action taken under parts 9555.7100 to 9555.7700; and
- O. a copy of the facility abuse prevention plan required under the Vulnerable Adults Act.

9555.6165 CAPACITY.

Subpart 1. **Licensed capacity.** A maximum of four residents may live in the adult foster home at one time.

Subp. 2. **Capacity of roomers and residents.** The total number of roomers and residents in the adult foster home at one time shall not exceed four.

9555.6167 INDIVIDUAL RESIDENT PLACEMENT AGREEMENT.

The operator shall ensure that an individual resident placement agreement as defined in part 9555.5105, subpart 19, is developed, signed, and on file for the resident who is not receiving community social services under parts 9550.0010 to 9550.0092, and who does not have an individual service plan developed under part 9525.0075 or 9550.0090.

9555.6175 COOPERATE AND REPORT TO AGENCIES.

Subpart 1. **Cooperating with service agency.** The operator shall cooperate with the service agency in carrying out the provisions of the individual service plan for each resident who has one and in developing the individual resident placement agreement.

Subp. 2. **Abuse and neglect reporting.** Caregivers shall immediately report any suspected abuse or neglect of a resident to the commissioner, local agency, local police, or county sheriff as required by the Vulnerable Adults Act.

Subp. 3. **Reporting to local agency.** The operator shall ensure that the local agency is told:

- A. within five calendar days of any change in the regular membership of the household or caregiver's employment status;
- B. within 24 hours after the occurrence of a fire that causes damage to the residence or requires the services of a fire department or the onset of any changes or repairs to the residence that require a building permit;
- C. immediately after the occurrence of any serious injury or death of a resident. "Serious injury" means an injury that is treated by a physician;
- D. within 24 hours of a change in health status of a caregiver that could affect the ability of the caregiver to care for a resident;

E. immediately upon diagnosis by a physician or health authority of a reportable communicable disease, as specified in parts 4605.7000 to 4605.7800, of any resident, caregiver, or household member;

F. at least 30 days before the involuntary discharge of a resident who does not have an individual service plan; and

G. within seven days after the transfer or voluntary discharge of a resident who does not have an individual service plan.

Subp. 4. **Reporting to service agency.** The operator shall ensure that the service agency is told:

A. within five days if a resident shows a need for additional community health or social services; and

B. at least 30 days before the involuntary discharge of a resident. When a resident wants to voluntarily leave the adult foster home, the operator must notify the service agency within three days. In this instance, the resident's legal representative, if any, shall also be notified by the service agency.

9555.6185 FOSTER CARE TRAINING.

Subpart 1. **Orientation.** Operators and caregivers must complete the orientation provided by the local agency in part 9555.5505 prior to placement of the first resident following initial licensure.

Subp. 2. **Training requirements.** In addition to the orientation training, caregivers must complete the training designed to meet the needs of the residents in care in any of the subject areas and in the amount specified in subpart 4. The operator must ensure that a record of training completed is maintained.

A. Caregivers with zero to five years of licensure or experience as an adult foster home caregiver must complete 12 hours training a year.

B. Caregivers with six or more years of licensure or experience as an adult foster home caregiver must complete six hours training a year.

C. Caregivers who provide services according to a contract between the operator and the department or service must comply with any additional training requirements stated in the terms of the contract.

Subp. 3. **Exceptions.** The following persons are exempt from the training requirements in this part:

A. caregivers providing not more than 30 cumulative days of foster care in a 12-month period; and

B. caregivers providing foster care eight hours or less a week.

Subp. 4. **Training subjects.** Training subjects shall be selected from the following areas:

A. communication skills;

B. roles and relationships in foster care;

C. community services for adults;

D. constructive problem solving;

E. cultural differences;

F. basic first aid and cardiopulmonary resuscitation (CPR);

G. home safety;

H. self-esteem;

I. medication assistance;

J. human sexuality;

K. death, dying, separation, and grieving;

L. aging process;

M. recreation and leisure time;

N. nutrition;

O. mental health;

P. mental retardation;

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PROPOSED RULES

- Q. physical disabilities;
- R. chemical dependency;
- S. abuse and neglect;
- T. stress management;
- U. assertiveness;
- V. eating disorders;
- W. behavior problem solving;
- X. money management;
- Y. data privacy;
- Z. living skills training; and
- AA. other areas that the local agency documents as relevant to adult foster care.

9555.6195 PROHIBITIONS AGAINST ABUSE, NEGLECT, AND DISCRIMINATION.

Subpart 1. **Protection from neglect and abuse.** The operator shall ensure that residents are protected from abuse and neglect through compliance with the Vulnerable Adults Act and parts 9555.8000 to 9555.8500.

Subp. 2. **Nondiscrimination.** Under Minnesota Statutes, section 363.03, subdivision 3, the operator must comply with the nondiscrimination provisions applicable to public accommodations.

9555.6205 PHYSICAL ENVIRONMENT.

Subpart 1. **Residential occupancy.** The residence must meet the definition of a dwelling unit in a residential occupancy and be free of any plumbing, electrical, ventilation, mechanical or structural hazard that would threaten the health or safety of a resident.

Subp. 2. **Living room access.** Each resident must have use of and free access to the living room.

Subp. 3. **Dining area.** Each residence shall have a dining area furnished for group eating that is simultaneously accessible to residents and household members.

Subp. 4. **Resident bedrooms.** Residents must mutually consent to share a bedroom with another resident. No more than two residents may share one bedroom.

A. Resident bedrooms must meet the following criteria:

(1) A single-occupancy bedroom must have at least 80 square feet of floor space with a 7-1/2 foot ceiling. A double-occupancy room must have at least 120 square feet of floor space with a 7-1/2 foot ceiling.

(2) Bedrooms must be separated from halls, corridors, and other habitable rooms by floor-to-ceiling walls containing no openings except doorways and must not serve as a corridor to another room used in daily living.

(3) A resident's personal possessions and items for the resident's own use are the only items permitted to be stored in a resident's bedroom.

(4) When possible, a resident shall be allowed to have items of furniture that he or she personally owns in the bedroom, unless doing so would interfere with safety precautions, violate a building or fire code, or another resident's use of the bedroom.

B. Each resident shall be provided with the following furnishings:

(1) A separate, adult-size single bed or larger with a clean mattress in good repair.

(2) Clean bedding appropriate for the season for each resident.

(3) An individual dresser and closet for storage of personal possessions and clothing.

(4) A mirror for grooming.

9555.6215 WATER AND FOOD.

Subpart 1. **Water.** Water from privately-owned wells must be tested annually by a Minnesota Health Department-certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. Retesting and corrective measures may be required by the health authority if results exceed state water standards in chapter 4720.

Subp. 2. **Food.** Food served must meet any special dietary needs of a resident as prescribed by the resident's physician or dietitian. Three nutritionally balanced meals a day must be served or made available to residents, and nutritious snacks must be available between meals.

Subp. 3. **Food safety.** Food must be obtained, handled, and properly stored to prevent contamination, spoilage, or a threat to the health of a resident.

9555.6225 SANITATION AND HEALTH.

Subpart 1. **Sanitation and cleanliness.** The residence must be clean, as specified in part 4625.0100, subpart 2, and free from accumulations of dirt, rubbish, peeling paint, vermin, or insects.

Subp. 2. **Toxic substances.** Chemicals, detergents, and other toxic substances must not be stored with food products.

Subp. 3. **Physical examination of resident.** Each resident must be examined by a physician no more than 30 days before or within three days after placement in the adult foster home to ensure that the resident is free of the reportable communicable diseases named in parts 4605.7000 to 4605.7800. Transfer records from a health care facility licensed by the Department of Health may be substituted for this requirement.

Subp. 4. **First-aid supplies.** The operator shall ensure that the residence is equipped with accessible first-aid supplies including bandages, sterile compresses, scissors, an ice bag or cold pack, an oral or surface thermometer, mild liquid soap, adhesive tape, and first-aid manual.

Subp. 5. **Emergencies.** The operator shall be prepared for emergencies and ensure that:

- A. a noncoin-operated telephone and an operable flashlight is located within the residence;
- B. the phone numbers of each resident's representative, physician, and dentist are readily available;
- C. phone numbers of the local fire department, police department, and an emergency transportation service are posted by the telephone;
- D. prior arrangements are made for a substitute caregiver who meets the qualifications in part 9555.6125, subpart 4, to provide care during emergencies;
- E. each resident is informed of a designated area within the residence where the resident shall go for cover during severe storms or tornadoes;
- F. fire drills are conducted at least once every three months;
- G. a written fire escape plan and a log of quarterly fire drills is on file in the residence; and
- H. the fire escape plan is approved by the fire marshal and specifies emergency phone numbers, a place to meet outdoors for roll call, smoke detector and fire extinguisher locations, plans for quarterly fire and tornado drill sessions, and escape routes to the outside from the levels used by residents. In buildings with three or more dwelling units, enclosed exit stairs must be indicated. There must be an emergency escape plan for each resident.

Subp. 6. **Individual personal articles.** Individual clean bed linens, towels, and wash cloths must be available for each resident.

Subp. 7. **Pets.** Pets housed within the residence shall be maintained in good health. The operator shall ensure that the resident and the resident's representative is notified before admission of the presence of pets in the residence.

Subp. 8. **Resident's medication.** Caregivers may administer medication to a resident who is not capable of self-administering medication only if the operator ensures that the procedures in items A to G are followed.

- A. The operator shall get a written statement from the resident's physician stating the name of the medication prescribed and whether the resident is capable of taking the medication without assistance.
- B. The operator shall get written permission from the resident or the resident's legal representative to administer the medication.
- C. A resident who is not capable of self-administering the medication may be administered the medication by a caregiver in accordance with the written instructions from the resident's physician if the written permission has been obtained from the resident or the resident's legal representative. A prescription label is sufficient to constitute written instructions from a physician.
- D. Each resident receiving medication assistance must have a medication record containing:
 - (1) the information on the prescription label;
 - (2) the consequences if the medication is not taken as directed;

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- (3) the adverse reactions to the medication that must be reported to the resident's physician;
- (4) instruction from the resident's physician indicating when the resident's physician must be notified if the medication is not taken as prescribed;
- (5) notation of when a medication is started, changed, or discontinued; and
- (6) notation of any reports made to the resident's physician whenever the resident does not take medication as prescribed or there are any adverse medication reactions.

E. A caregiver must report to the resident's physician and legal representative:

- (1) any adverse medication reaction as specified in item D, subitem (3); and
- (2) the resident's refusal or failure to take medication as prescribed and in accordance with the physician's instructions in item D, subitem (4).

F. A caregiver must immediately report to the local agency whenever the resident's physician is notified because medication is not taken as prescribed and the physician determines that the refusal or failure to take medication as prescribed creates an immediate threat to the resident's health or safety or the health or safety of other residents or household members.

G. A caregiver shall not give injectable medication unless:

- (1) the caregiver is a registered nurse or licensed practical nurse with a current Minnesota license, is authorized to do so in writing by the resident's physician, and is covered by professional liability insurance; or
- (2) there is an agreement signed by the caregiver, the resident's physician, the resident, and the resident's legal representative specifying what injections may be given, when, how, and that the physician shall retain responsibility for the caregiver's giving the injections. A copy of the agreement must be placed in the resident's personal record.

Subp. 9. **Storage of medication.** Schedule II controlled substances in the residence that are named in Minnesota Statutes, section 152.02, subdivision 3, must be stored in a locked storage area permitting access only by residents and caregivers authorized to administer the medication as named in subpart 8.

Subp. 10. **Weapons.** Weapons and ammunition must be stored separately in locked areas that are inaccessible to residents and prevent contents from being visible to residents. "Weapons" means firearms and other instruments or devices designed for and capable of producing bodily harm.

9555.6235 ADULT FOSTER HOME PROGRAM.

The operator shall develop and implement a commissioner-approved written plan that allows residents to share in the privileges and responsibilities of the adult foster home and includes the information in items A to C.

- A. The type of functionally impaired adults to be served.
- B. The foster care that will be available to residents within the adult foster home including the provision of:
 - (1) lodging;
 - (2) food;
 - (3) protection;
 - (4) personal care;
 - (5) household and living skills assistance or training;
 - (6) opportunities to participate in community, recreation and religious activities, and events of the resident's choosing;
 - (7) opportunities for the resident to have contact with family and friends;
 - (8) assistance safeguarding cash resources, such as banking, reporting the resident's earnings to appropriate agencies, keeping records of financial information (checks issued and received), and accounting for the resident's funds controlled by the operator;
 - (9) supervision;
 - (10) transportation;
 - (11) assistance with the provision of other community, social, or health services as named in the resident's individual service plan, if any; and
 - (12) medication assistance.

C. A program abuse prevention plan with specific measures to be taken to minimize the risk of abuse to residents under part 9555.8200.

9555.6245 PERSONAL RECORD OF RESIDENT IN FOSTER CARE.

Subpart 1. **General provisions.** The operator shall ensure that an individual record is maintained in the adult foster home on each resident.

Subp. 2. **Demographic information.** The record must include the resident's name, birthdate, sex, race, marital status, next of kin, Social Security number, medical assistance number, name, address, and phone number of an emergency contact or the resident's legal representative, admission date, place or address from which the resident was admitted, date of leaving the residence, and place or address to which the resident has moved.

Subp. 3. **Medical information.** The record must contain the following medical information:

- A. the name, address, and phone number of the resident's physician, dentist, clinic, and other sources of medical care;
- B. a health history and information on any health risks, allergies, currently prescribed medication, and documentation of the physical examination or transfer record required in part 9555.6225, subpart 3;
- C. any emergency treatment needed or provided while the resident resides in the adult foster home; and
- D. the medication record required under part 9555.6225, subpart 8.

Subp. 4. **Cash resource information.** The record must include an accounting of any personal funds and charges against those funds if the operator or a caregiver gives cash resource assistance to a resident.

Subp. 5. **Incident reports.** The record must contain all incident reports. Incident reports must be written when a resident requires emergency care, when a police report of an incident involving a resident has been made, or when a complaint has been filed under the Vulnerable Adults Act. Incident reports must be entered into the resident's personal record by the provider within two hours after knowledge of the occurrence.

Subp. 6. **Individual abuse prevention plan.** The record must contain an individual abuse prevention plan for a resident developed in compliance with part 9555.8300.

Subp. 7. **Individual service plan.** The record must contain the service agency's initial and current individual service plan for a resident.

Subp. 8. **Individual resident placement agreement.** The record must contain the initial individual resident placement agreement for a resident and the annual update of the agreement.

Subp. 9. **Individual mobility check list.** The record must contain an individual mobility check list for a resident as specified in part 9555.5605, subpart 2.

Subp. 10. **Transfer or discharge.** When a resident is transferred or discharged for any reason a note must be made in the resident's record showing the date of discharge, forwarding address, and reason for discharge or transfer.

Subp. 11. **Record storage.** The personal record on a resident must be stored by the operator for four years after the resident has been discharged from the residence.

9555.6255 RESIDENT'S RIGHTS.

Subpart 1. **Information about rights.** The operator shall ensure that a resident and a resident's legal representative are given, at admission:

- A. an explanation and copy of the resident's rights specified in subparts 2 to 7;
- B. a written summary of the Vulnerable Adults Act prepared by the department; and
- C. the name, address, and telephone number of the local agency to which a resident or a resident's legal representative may submit an oral or written complaint.

Subp. 2. **Right to use telephone.** A resident has the right to daily, private access to and use of a noncoin-operated telephone for local calls and long-distance calls made collect or paid for by the resident.

Subp. 3. **Right to receive and send mail.** A resident has the right to receive and send uncensored, unopened mail.

Subp. 4. **Right to privacy.** A resident has the right to personal privacy and privacy for visits from others, and the respect of individuality and cultural identity. Privacy must be respected by operators, caregivers, household members, and volunteers by

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knocking on the door of a resident's bedroom and seeking consent before entering, except in an emergency, and during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance as noted in the resident's individual record.

Subp. 5. **Right to use personal property.** A resident has the right to keep and use personal clothing and possessions as space permits, unless to do so would infringe on the health, safety, or rights of other residents or household members.

Subp. 6. **Right to associate.** A resident has the right to meet with or refuse to meet with visitors and participate in activities of commercial, religious, political, and community groups without interference if the activities do not infringe on the rights of other residents or household members.

Subp. 7. **Married residents.** Married residents have the right to privacy for visits by their spouses, and, if both spouses are residents of the adult foster home, they have the right to share a bedroom and bed.

9555.6265 SAFEGUARDS FOR CASH RESOURCES ENTRUSTED TO OPERATOR.

Subpart 1. **Determination.** If the social worker determines that a resident needs and wants assistance safeguarding cash resources, any cash resources entrusted to the operator must be handled in accordance with this part.

Subp. 2. **Procedures for handling cash resources.** If a resident entrusts cash resources to the operator, the procedures in items A to F must be used.

A. The resident and the resident's legal representative shall be given a receipt by the operator. Receipts must be signed by the resident or the resident's legal representative.

B. The operator shall not be entrusted with cash resources in excess of \$300 plus resources sufficient to meet one month's cost of care.

C. The resident or resident's legal representative shall have access to the written records involving the resident's funds.

D. The operator shall provide the resident or resident's legal representative with a written quarterly accounting of financial transactions made on behalf of the resident.

E. Upon the death of a resident, any cash resources of the resident must be given to the executor or administrator of the estate or, if none has been appointed, to the resident's legal representative in exchange for an itemized receipt.

REPEALER. Minnesota Rules, parts 9555.5100, 9555.5200, 9555.5300, and 9555.5400 are repealed five days after the notice of adoption of parts 9555.5105 to 9555.5705 is published in the *State Register*. Minnesota Rules, parts 9555.6100, 9555.6200, 9555.6300, and 9555.6400 are repealed five days after the notice of adoption of parts 9555.6105 to 9555.6265 is published in the *State Register*, except as parts 9555.6100 to 9555.6400 apply to operators of adult foster homes providing care and approved by the county board under part 9555.6400 on the date of adoption of parts 9555.6105 to 9555.6265. As to the operators of those adult foster homes, parts 9555.6100, 9555.6200, 9555.6300, and 9555.6400 are repealed one year after the notice of adoption of parts 9555.6105 to 9555.6265 is published in the *State Register*.

EFFECTIVE DATE. Minnesota Rules, parts 9555.5105 to 9555.6265 take effect five days after the notice of adoption is published in the *State Register*, except for the operators of those adult foster homes providing care and approved by a county welfare board under part 9555.6400 on that date. As to the operators of those adult foster homes, parts 9555.6105 to 9555.6265 take effect six months after the notice of adoption is published in the *State Register* or on the day after an operator's current period of approval under part 9555.6400 expires, whichever is later.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *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.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Minnesota Energy and Economic Development Authority

Adopted Permanent Rules Relating to Technology Product Investment Program

The rules proposed and published at *State Register*, Volume 10, Number 50, pages 2466-2471, June 9, 1986 (10 S.R. 2466) are adopted with the following modifications:

Rules as Adopted

8300.4102 TECHNOLOGY PRODUCT LOAN PROGRAM.

Subp. 5. **Interest rate.** The interest rate of a loan is five ~~percentage~~ hundred basis points below a full faith and credit obligation of the United States government of comparable maturity, as of five working days before closing, or as determined by the authority at the time of approval based upon its assessment of current interest rate conditions, provided that in no event shall the interest rate be lower than three percent.

Bureau of Mediation Services

Adopted Permanent Rules Relating to Fair Share Fee Assessment

The rules proposed and published at *State Register*, Volume 10, Number 52, pages 2584-2586, June 23, 1986 (10 S.R. 2584) are adopted as proposed.

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OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Attorney General: Consumer Division

Opinion Sought on Statement Summarizing Legal Rights and Obligations of Owners and Tenants of Rental Dwelling Units

The Minnesota Attorney General's Office, Consumer Division, will hold a public meeting on Thursday, November 13, 1986, at 7:00 p.m., to receive comments on the content of the statement it has prepared in compliance with Minn. Stat. § 504.22. Section 504.22, subd. 2a, requires the Attorney General to "prepare and make available to the public a statement which summarizes the significant legal rights and obligations of owners and tenants of rental dwelling units."

The meeting will be held in Room 112 of the Minnesota State Capitol, St. Paul, Minnesota.

Department of Finance

Maximum Interest Rate for Municipal Obligations in the Month of October

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Jay Kiedrowski, announced today that the maximum interest rate for municipal obligations in the month of October would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: 22 September 1986

Peter Sausen, Assistant Commissioner
Cash and Debt Management
Department of Finance

Department of Health: Environmental Health Division

Notice of Intent to Solicit Outside Opinion Concerning Asbestos Abatement Activities in Minnesota in an Open Meeting

Notice is hereby given that the Department of Health, Division of Environmental Health, is seeking information on alternative methods to assure asbestos exposures to the general public are controlled. Need for asbestos abatement contractor and worker training, licensure, and an asbestos indoor air quality standard will be discussed at an open meeting at 2:00 p.m., October 10, 1986, in the Chesley Room of the Department of Health Building in Minneapolis. Any persons wishing to make a short formal presentation should contact:

Raymond W. Thron, Ph.D., P.E., Director
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street Southeast, P.O. Box 9441
Minneapolis, Minnesota 55440
612/623-5320

Dated: 25 September 1986

Raymond W. Thron, Ph.D., P.E., Director
Division of Environmental Health
Minnesota Department of Health

Department of Human Services

Outside Opinion Sought Concerning a Proposed Rule Governing Licensure of Private Child Placing Agencies

Notice is hereby given that the Department of Human Services is seeking information or opinions from sources outside the department in preparing a new administrative rule to replace Minnesota Rules, parts 9545.0750 to 9545.0830, governing licensing standards for private child caring or placing agencies. The promulgation of this rule is authorized by Minnesota Statutes, sections 245.782, subdivision 4 and 245.802, subd. 1.

All interested or affected persons or groups are invited to submit statements of information in writing or comment orally to:

Sandra Erickson, permanency planning coordinator
Social Services Division
Department of Human Services
4th Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: 612/296-3250

All statements of information and comment shall be accepted until further notice. All written material received by the Department shall become part of the rule record.

Department of Labor and Industry Workers' Compensation Division

Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Minnesota Department of Labor and Industry, Workers' Compensation Division, is seeking information or opinions from sources outside the agency in preparing to adopt rules governing medical monitoring of health care services to injured workers, as authorized by Minn. Stat. §§ 176.103 and 176.83 (1984).

The Minnesota Department of Labor and Industry, Workers' Compensation Division, requests information and comments concerning the subject matter of these amendments. Interested or affected persons or groups may submit written or oral information. Written statements should be addressed to:

Steve Keefe, Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

Any written material received by the Minnesota Department of Labor and Industry, Workers' Compensation Division, will become part of the record in the event that the amendments are promulgated.

Oral statements will be received during regular business hours over the telephone at (612) 296-2342 and in person at the above address.

Information will be accepted until November 7, 1986.

Dated: 1 October 1986

Steve Keefe
Commissioner of Labor and Industry

Minnesota Racing Commission

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Breeder's Fund

Notice is hereby given that the Minnesota Racing Commission is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the Breeder's Fund. The adoption of the rule is authorized

OFFICIAL NOTICES

by Minnesota Statutes, section 240.18 which requires the agency to adopt rules governing the distribution of the Breeder's Fund.

The Minnesota Racing Commission requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Ray Eliot
Minnesota Racing Commission
Suite 201
11000 West 78th Street
Eden Prairie, Minn. 55344

Oral statements will be received during regular business hours over the telephone at 341-7555 and in person at the above address.

All statements of information and opinion shall be accepted until Friday, October 24, 1986. Any written material received by the Minnesota Racing Commission shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rule is adopted.

Dated: 26 September 1986

Ray Eliot
Minnesota Racing Commission

Teachers Retirement Association

Notice of Meeting of Board of Trustees

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, October 24, 1986 at 9:00 a.m. in Room 302 Capitol Square Bldg. to select an Executive Director and to consider matters which may properly come before the Board.

Metropolitan Waste Control Commission

Public Notice for Prequalifications for the Preparation of a Planning Study for Incineration and Ventilation at the Seneca Wastewater Treatment Plant

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting prequalifications for the preparation of a planning study for incineration and ventilation at the Seneca Wastewater Treatment Plant.

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstratable experience of the firm.

The prequalification should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms. The prequalifications will be used by the Commission as a mechanism for selecting a firm to prepare a facility plan for the Seneca Plant Incineration and Ventilation Study.

The Seneca Plant incinerators have been identified as a potential odor source and are associated with other proposed odor improvements. Also, the incinerators are a high operating cost item and several potential cost saving modifications have been identified. Ventilation, primarily in the sludge handling building, has been identified as a problem and is tied to incinerator operations. A study is required to evaluate and coordinate required incinerator and ventilation improvements at the Seneca Plant.

Firms not currently on the Commission's prequalification list should submit a letter stating their interest in the projects or services and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating their interest in the project and the necessary information, if any, to update their prior prequalifications.

Please submit letters with prequalifications or updated information within one week of this notice to the Chief Administrator of the Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 55101. Inquiries regarding the solicitation should be directed to Mr. Ray Payne, Assistant Director of Engineering, 612-222-8423.

By Order of the
Metropolitan Waste Control Commission
Mr. Louis J. Breimhurst
Chief Administrator

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration—Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Mattress Innerspring Units	October 7, 1986	Correctional Facility	St. Cloud	78830-08376
Security Systems	October 7, 1986	Community College	Minneapolis	27-151-47435
Plotter	October 7, 1986	State University	Mankato	26-071-16912
Sperry Computers	October 7, 1986	State University	Mankato	26-071-17017
Wand Reader	October 7, 1986	State University	Mankato	26-071-17018
Pads	October 7, 1986	State University	Mankato	26-137-03845
Gasoline & Diesel Fuel	October 7, 1986	Various	Various	Sch. 92-TW
Non-Reflectorized Signs	October 7, 1986	Natural Resources	St. Paul	29-000-44322
Recording System Rebid	October 7, 1986	Jobs & Training	St. Paul	21-200-14005
Van Conversion	October 7, 1986	Human Services Nursing Home	Ah-Gwah-Ching	21-607-44036
Rubbish Removal	October 8, 1986	Community College	Normandale	27-156-10038
Hardboard & Masonite	October 8, 1986	Human Services Treatment Center	Anoka-Metro	55-100-03639
Bldg. Materials	October 8, 1986	Transportation	Twin Cities	79-000-71961
CD Publisher	October 8, 1986	Education	St. Paul	37-010-23337
Steel Sheet	October 8, 1986	Correctional Facility	Stillwater	78-620-00064
Traffic Counters	October 9, 1986	Transportation	Twin Cities	Price Contract
Trees	October 9, 1986	State University	St. Cloud	26-071-19107
Disks	October 9, 1986	Housing Finance Agency	St. Paul	34-000-05177
Wang Upgrade—Rebid	October 9, 1986	Administrative Hearings Office	Minneapolis	99-690-70113
Roller Towel Service	October 10, 1986	State University	St. Cloud	Price Contract
Riot Helmets & Accessories	October 10, 1986	Public Safety	St. Paul	07-500-39557
Labeler	October 13, 1986	Human Services	St. Paul	55-000-99983
Elec. Key Telephone Systems	October 13, 1986	Various	Various	Price Contract
Clothes Dryers	October 13, 1986	Correctional Facility	Red Wing	78-760-02175

Minnesota Department of Energy and Economic Development Energy Division

Request for Proposals for a New Buildings Design and Construction Program Writer

The Energy Division of DEED is seeking a qualified individual(s) and/or organization with experience in writing and editing written materials for home builders and the insulation industry. The required materials will be in the form of newsletters and magazine articles.

STATE CONTRACTS

The contractor would be expected to:

1. Prepare written material.
2. Edit written material.
3. Perform graphic design duties, including layout, illustrations, specifying type, proofing typeset, keylining and preparing printing orders.

The projects to be completed under this contract include, Home Builders' Update (3 editions), Minnesota Insulation Standards program news releases, articles for Minnesota builder publications and articles for national insulation contractor newsletters. Materials may be obtained from Bruce Nelson which identify the format and technical information used for previous editions of the Home Builders Energy Update.

Funding available for this project is \$2,000. The Energy Division reserves the option to not select any proposal or to limit the funding to support the project.

Proposals are to be postmarked no later than October 20, 1986. Questions and proposals should be directed to:

Bruce Nelson, Senior Engineer
DEED—Energy Division
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, Minnesota 55101
Telephone: (612) 297-2313

Department of Transportation Technical Services Division

Availability of Contract for Bridge Design

The Minnesota Department of Transportation intends to engage a consultant to prepare reconstruction plans for Bridge No. 9036 carrying T.H. 52 (Robert Street) over the Mississippi River in St. Paul, Minnesota.

Work is proposed to start after January 1, 1987. Approximately 7 months anticipated for completion.

Technical inquiries should be directed to:

Mr. D. J. Flemming
State Bridge Engineer
Transportation Building
St. Paul, MN 55155
(612) 296-3172

Firms desiring consideration should submit their expression of interest, along with three copies of their Federal Forms 254 and 255 to:

Mr. B. E. McCarthy, Director
Agreement Services Section
Room 612B
Transportation Building
St. Paul, MN 55155

Response deadline 4:00 P.M., October 17, 1986.

State Board of Vocational Technical Education Department of Jobs and Training, State Job Training Office Request for Pre-Proposals for JTPA-Education Coordination Services for Special Needs Groups

The State Board of Vocational Technical Education and the State Job Training Office are seeking pre-proposals to provide job training services to individuals having identified special needs. These individuals include youth and/or adults who are handicapped

(physically, mentally or emotionally including chemically dependent), minorities (including migrant workers), displaced homemakers, limited English speakers, single parents, offenders/ex-offenders, high school dropouts, public assistance recipients or farmers in crisis.

All pre and full proposals should be jointly developed by local Job Training Partnership Act (JTPA) service delivery area agencies and local education agencies. Proposals must also include input from special needs, community agencies. The training services, which will be provided under contract, are outlined in the Request For Proposals (RFP).

A two-stage process will be used to select programs for funding consideration. The first stage requires bidders to submit two-page pre-proposals for Committee consideration. The committee will then select pre-proposals, and the appropriate agencies will then be invited to submit full proposals for funding consideration.

Bidder's conferences will be conducted in October and November. The purpose of these meetings will be to discuss the RFP process and to answer any questions. For further information on these meetings or on the proposal application, contact Steve Frantz (612/296-8493).

The RFP application package should be requested from:

Art Vadnais
State Board of Vocational Technical Education
Suite 400, Gallery Professional Building
17 W. Exchange Street
St. Paul, Minnesota 55102
(612) 296-3753

Funds will be available statewide for these projects to operate from July 1, 1987 to June 30, 1988. Pre-proposals should be presented to the local JTPA service delivery area administrator no later than Friday, December 5, 1986 for review and approval by the local Private Industry Council. Pre-proposals must be *received* by Art Vadnais at the above address by *4:30 on Monday, January 5, 1987*.

Waste Management Board

Request for Proposals for Contract Services

The Minnesota Waste Management Board (WMB) wishes to retain a contractor to conduct a densified refuse derived fuel (dRDF) emissions testing program. This project will be funded by the WMB, the Minnesota Department of Energy and Economic Development, and the Minnesota Pollution Control Agency. The product of the program will be a report containing test data from dRDF incineration stack emissions tests, dRDF pellet composition analyses, and dRDF ash composition analyses. The state agencies involved will use the results of this project to develop state policy regarding the use of dRDF.

Scope of Project

The dRDF test program will involve conducting emissions tests at from three to six facilities in Northwestern Minnesota. Representative dRDF pellet and ash samples will be collected during the stack tests, and subjected to laboratory analyses. The contractor will prepare a final report containing the test data.

Project Start and Completion Dates

This project will begin no later than December 1, 1986. The final report will be due no later than April 30, 1987.

Project Costs

It is anticipated that the cost of this project will not exceed \$21,000 for professional services and expenses.

Copies of the Request for Proposals for Contract Services including the detailed project tasks are available from:

Ted Troolin
Minnesota Waste Management Board
7323 58th Avenue North
Crystal, Minnesota 55428
Telephone Number (612)536-0816

All proposals must be submitted to the WMB no later than 4:30 p.m., Monday, October 27, 1986.

SUPREME COURT DECISIONS

Decisions Filed Friday 26 September 1986

Compiled by Wayne O. Tschimperle, Clerk

C2-86-501 Norman Jaeger, Deceased v. 3M Company and Travelers Insurance Company, Relators, 3M Company and Northwestern National Insurance Company, 3M Company and Insurance Company of North America, 3M Company and Commercial Union Insurance Company, and Equitable Life Assurance Society of the United States, et al. Workers' Compensation Court of Appeals.

The bright line rule of *Flowers v. Consolidated Container Corp.*, 336 N.W.2d 255 (Minn. 1983), remains applicable to workers' compensation claims based on occupational disease resulting in disablement before October 1, 1983, when the statute was amended.

Affirmed in part, reversed in part, and remanded. Simonett, J.

ORDERS

C1-86-1509 In the Matter of the Application for the Discipline of Joseph Perry, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Amdahl, C.J.

Took no part, Coyne, J.

ERRATA

Department of Commerce

Clarification and Correction to Notice of Activation of the Minnesota Joint Underwriting Association Published Monday 8 September 1986

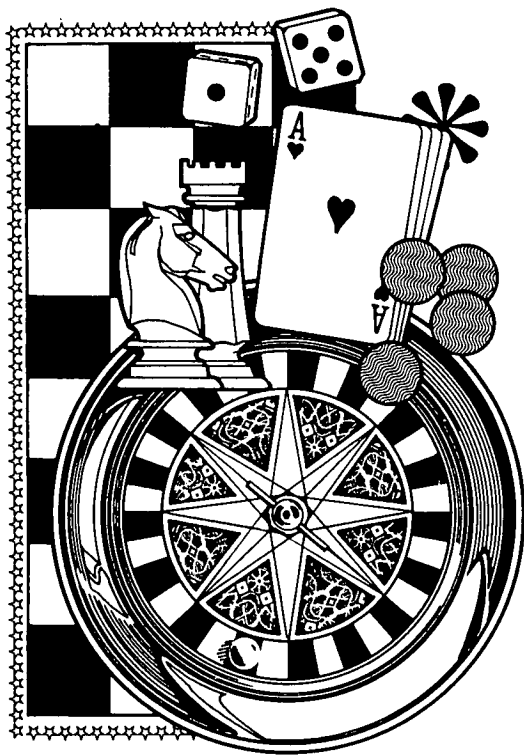
On September 8, 1986, at 11 S.R. 434, a Notice of Activation to Insure Specified Classes of Business, Public Hearing on Permanent Activation and Pre-Hearing Conference was published in the *State Register*. In the List of classes of business activated, the title "Counselors For:" was applied to "Group Homes for Delinquent Youth and/or Family Assessment Programs, and/or, Independent Living Skills Programs for Teenagers."

Because of the layout of the list in the Notice the class of business denoted as "Painting & metal prefabrication", and the classes of business subsequently listed might appear to be subject to inclusion under the title "Counselors for" as well. They are not. They are separate classes of business to which the term "Counselors For" does not apply.

Also the time of the pre-hearing conference on October 14, 1986 was omitted from the notice. The time is 1:30 p.m.

Pheasants in Minnesota

This new title by the Dept. of Natural Resources, Wildlife Section, is a delightful and fascinating booklet devoted exclusively to the ringneck pheasant. Included is a capsule history of the bird, its origin, development and introduction to this region. There is much practical information on the present distribution of this popular game bird, the maintenance of wildlife habitat and the wise management of the hunt. Many beautiful full-color photographs show off the pheasant in various Minnesota settings. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code # 9-13, \$5.95.



NOW AVAILABLE

Minnesota Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code # 1-11. \$20.00

SPECIAL NOTE: New Charitable Gambling Rules will be available this fall in booklet form. Governing those organizations that operate charitable gambling events, like bingo, this booklet soon to be available.

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LRL (Legislative Reference Library) Checklist	\$ 75.00	90-8

Subscription	Cost	Code Number
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OTHER PUBLICATIONS:

Legislative District Maps. A six-map set of Minnesota Legislative and U.S. Congressional Districts. Shows boundaries since redistricting. (3 maps 17" × 22", 1 map 25" × 29", 2 maps 28" × 40"). Sent to you in a sturdy mailing tube. Code #7-7. \$4.95.

MN Hazardous Waste Rules (as in effect 2-10-86). MN Rules Chapter 7045 and 7046. The rules governing the permits, storage, production and shipment of Hazardous Waste. Code #3-71. \$13.50.

Occupational Safety and Health Rules (as in effect 1-6-86). Chapters 5205-5206, 5210, 5215. State standards for safe working conditions including: personal protective equipment, walking and working surfaces, illumination and ventilation. 84 pp. Code #3-18. \$9.00.

The Medical Alley Directory. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations. Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. (Code #40-7. \$109.00)

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Education Laws 1985 Supplement. The 1986 Education Laws (with changes incorporated from the 1986 Legislative Session) will not be available until the Winter of 1986. Code #2-83s1. ~~\$12.50~~ reduced to \$7.00.

* *Minnesota Laws 1986.* All laws passed in the Regular and Special Sessions. Code #18-4. \$23.00, plus \$1.38 tax.

* *Minnesota Rules 1985.* 10-volume set. Code #18-200. Single volumes: \$13.00 plus 78¢ tax; Full set: \$125.00 plus \$7.50 tax.

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