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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
43	Monday 10 April	Monday 17 April	Monday 24 April
44	Monday 17 April	Monday 24 April	Monday 1 May
45	Monday 24 April	Monday 1 May	Monday 8 May
46	Monday 1 May	Monday 8 May	Monday 15 May

*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.

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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.

Rudy Perpich, Governor

**Sandra J. Hale, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Minnesota Documents Division**

Robin PanLener, Editor

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Bonita Karels, Staff Assistant

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 231 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 in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as **Proposed Rules**. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

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Proposed Rules

Pursuant to Minn. Stat. §§ 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 Health

Proposed Permanent Rules Relating to WIC Program

Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Health proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, sections 144.05 (f), and 145.893 to 145.897, the Maternal and Child Nutrition Act of 1975, as amended through January, 1989.

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

Any person may make a written request for a public hearing on the 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 unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON May 25, 1989 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 HEALTH. To verify whether a hearing will be held, please call the Department of Health between May 17 and May 24 at (612) 623-5266.

People who want to submit comments or a written request for a public hearing must submit such comments or requests to:

Pati Maier, Director
WIC Program
Minnesota State Department of Health
717 Delaware St. SE
Minneapolis, MN 55440
(612) 623-5266

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on May 17, 1989.

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

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

A free copy of this rule is available on request for your review from Pati Maier.

The proposed rules will govern how local agencies participate in the WIC program, make minor changes to the minimum in-stock requirements of vendors and add a section governing which foods are approved for distribution under the WIC program.

Individuals and associations affected by the proposed permanent rules include Minnesota food retailers, pharmacies, WIC local agencies, and women, infants, and children who are participating in the WIC program.

Proposed rule provisions include:

- definition of terms used in the rules;
- notice of availability of WIC program funds;
- application for WIC program funds;
- agency eligibility criteria;
- agency application review and approval;
- disqualification of local agencies;
- local agency contracts and agreements;
- local agency staff qualifications;
- authorized participation levels
- administrative funding;
- reporting requirements;
- evaluations and monitoring of local agencies;
- nutrition education plans and implementation;
- changes in minimum in-stock requirements for vendors; and approved foods.

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

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

If no hearing is required on adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General 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 the written request to Pati Maier.

Dated: 20 March 1989

Sister Mary Madonna Ashton
Commissioner of Health

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in the Chesley room, Minnesota Department of Health building, 717 Delaware Street NE, Minneapolis, on May 25th, 1989 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result 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 TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HEALTH. To verify whether a hearing will be held, please call the Department of Health between May 17 and May 24, 1989 at (612) 623-5266.

Following the agency'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 Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, 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 agency 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 agency may indicate in writing whether there are amendments suggested by other persons which the agency 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*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The proposed rules will govern how local agencies participate in the WIC program, make minor changes to the minimum in-stock requirements of vendors and add a section governing which foods are approved for distribution under the WIC program.

Individuals and associations affected by the proposed permanent rules include Minnesota food retailers, pharmacies, WIC local agencies, and women, infants and children who are participating in the WIC program.

Proposed rule provisions include:

- definitions of terms used in the rules;
- notice of availability of WIC program funds;
- application for WIC program funds;
- agency eligibility criteria;
- agency application review and approval;
- disqualification of local agencies;
- local agency contracts and agreements;
- local agency staff qualifications;
- authorized participation levels;
- administrative funding;
- reporting requirements;
- evaluations and monitoring of local agencies;
- nutrition education plans and implementation;
- changes in minimum in-stock requirements for vendors; and approved foods.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 145.891 to 145.897, the Maternal and Child Nutrition Act of 1975, as amended through March, 1989.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

These proposed rules may impact small business as defined in *Minnesota Statutes*, section 14.115, subdivision 1. Pursuant to *Minnesota Statutes*, section 14.115, subdivision 2 methods were considered to reduce the impact of the proposed rules on small business. These methods are discussed in the Statement of Need and Reasonableness pertaining to the proposed rules.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Pati Maier, Department of Health, 717 Delaware Street SE, Mpls. MN 55440.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Pati Maier, (612) 623-5266.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency 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 agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency 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 agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

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*, Chapter 10A.01, subdivision 11, as any individual:

(a) 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

(b) who spends more than \$250, not including his own 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, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 20 March 1989

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

VENDORS

4617.0002 DEFINITIONS.

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

Subp. 2. **Agency.** "Agency" refers to a public or private, nonprofit health or human service agency.

Subp. 3. **Child Breastfeeding woman.** "Child" means a person who has had a first birthday but who has not had a fifth birthday. "Breastfeeding woman" means a woman who is breastfeeding her infant, up to one year postpartum.

Subp. 4. **Categorical status.** "Categorical status" means the status of a person as a pregnant woman, breastfeeding woman, postpartum woman, infant, or child.

Subp. 5. **Certification.** "Certification" means the process a local agency uses to determine and document an individual's eligibility for the WIC program.

Subp. 6. **Certifier.** "Certifier" means a person who meets the requirements of part 4617.0035, subpart 3.

Subp. 7. **Child.** "Child" means a person whose birthday is on the day of certification or who has had a first birthday but who has not had a fifth birthday.

Subp. 4 8. **Clinic area.** "Clinic area" means a town or city in which a person is certified.

Subp. 5- ~~Code of Federal Regulations.~~ "Code of Federal Regulations" refers to those regulations as amended to January 1989, unless otherwise noted.

Subp. 6 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Health or the commissioner's designated representative.

Subp. 10. **Community health board.** "Community health board" means a board established, operating, and eligible for a subsidy under *Minnesota Statutes*, sections 145A.09 to 145A.13.

Subp. 11. **Community health service agency.** "Community health service agency" means an agency established by and operating under the direction of a community health board as defined in *Minnesota Statutes*, section 145A.02, subdivision 5.

Subp. 12. **Competent professional authority.** "Competent professional authority" means a person who meets the requirements of part 4617.0035, subpart 1, and who is qualified to determine nutritional risk, assign applicant priorities, prescribe supplemental foods, and provide a nutrition education contact.

Subp. 13. **Dietetic technician.** "Dietetic technician" means a person who is registered or is eligible to be registered as a dietetic technician by the American Dietetic Association and who meets the requirements of part 4617.0035, subpart 4.

Subp. 14. **Dietitian.** "Dietitian" means a person who is registered as a dietitian by the American Dietetic Association.

Subp. 15. **Health service agency.** "Health service agency" means a public or private nonprofit agency whose primary purpose is to provide services designed to improve and protect an individual's health.

Subp. 16. **Home economist.** "Home economist" means a person who has a bachelor's or master's degree in home economics from a college or university accredited by the Association of Colleges and Schools and who meets the requirements of part 4617.0035, subpart 5.

Subp. 17. Human service agency. “Human service agency” means a public or private nonprofit agency whose primary purpose is to provide services that include correctional, educational, employment, mental health, or social services.

Subp. 18. Individual care plan. “Individual care plan” means a plan established under part 4617.0062, subpart 3.

Subp. 7 19. Infant. “Infant” means a person who is under one year of age.

Subp. 20. Licensed practical nurse. “Licensed practical nurse” means a person who is licensed to provide health services in Minnesota under *Minnesota Statutes*, sections 148.29 to 148.297, and who meets the requirements of part 4617.0035, subpart 6.

Subp. 8 21. Local agency. “Local agency” has the meaning given it in *Code of Federal Regulations*, title 7, section 246.2.

Subp. 22. Medical consultant. “Medical consultant” means a physician employed by or contracting with the commissioner to provide medical guidance to the WIC program.

Subp. 23. Migrant farmworker. “Migrant farmworker” has the meaning given it in *Code of Federal Regulations*, title 7, section 246.2.

Subp. 24. Migrant service agency. “Migrant service agency” means a local agency approved by the commissioner to serve only migrant farmworkers and to administer the WIC program for part of a year.

Subp. 25. Nutrition education coordinator. “Nutrition education coordinator” means a competent professional authority who is a dietitian, home economist, nutritionist, or registered nurse who performs the duties under part 4617.0055, subpart 9.

Subp. 26. Nutritionist. “Nutritionist” means a person who has a bachelor’s or master’s degree in nutritional sciences, community nutrition, clinical nutrition, dietetics, or public health nutrition from a college or university accredited by the Association of Colleges and Schools.

Subp. 27. Ongoing, routine obstetric care. “Ongoing, routine obstetric care” means a comprehensive continuation of care from antepartum care through a postpartum review and examination, as provided in the *Standards for Obstetric-Gynecologic Services, American College of Obstetricians and Gynecologists, sixth edition, 1985, chapter 2*. This document is incorporated by reference, is not subject to frequent change, can be found in the Minnesota Department of Health library, and is available through the Minitex interlibrary loan system.

Subp. 28. Ongoing, routine pediatric care. “Ongoing, routine pediatric care” means a comprehensive continuum of care from birth through five years of age that includes physical examinations at intervals, immunizations, counseling, health education, and a periodic review of health history according to the standards of care in the *Guidelines for Health Supervision, American Academy of Pediatrics, first edition (1985)*. This document is incorporated by reference, is not subject to frequent change, can be found in the Minnesota Department of Health library, and is available through the Minitex interlibrary loan system.

Subp. 29. Participation level. “Participation level” means the number of participants who are issued a voucher or are given food by a local agency during a period specified by the commissioner.

Subp. 9 30. Person. “Person” includes an individual, partnership, joint venturer, association, corporation or otherwise organized business entity, or combination of them.

Subp. 40 31. Pharmacy vendor. “Pharmacy vendor” means a vendor that is also a business registered by the Minnesota Board of Pharmacy in which prescriptions, drugs, medicines, chemicals, and poisons are compounded, dispensed, vended, or retailed.

Subp. 32. Physician. “Physician” means a person who is licensed to provide health services within the scope of that person’s profession under *Minnesota Statutes*, chapter 147.

Subp. 33. Physician’s assistant. “Physician’s assistant” means a person who is registered as a physician’s assistant by the Minnesota Board of Medical Examiners and who meets the requirements of part 4617.0035, subpart 7.

Subp. 34. Postpartum woman. “Postpartum woman” means a woman up to six months after termination of her pregnancy.

Subp. 35. Pregnant woman. “Pregnant woman” means a woman carrying one or more embryos or fetuses in the uterus.

Subp. 36. Private physician. “Private physician” means a physician or group of physicians who have contracted with a local agency to provide ongoing, routine pediatric or obstetric care to participants.

Subp. 37. Proxy. “Proxy” means a person other than a participant who obtains vouchers from a local agency or buys authorized foods for the participant and who is designated as a proxy by a participant.

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Subp. 38. Registered nurse. “Registered nurse” means a person who is licensed to provide health services within the scope of that person’s profession under *Minnesota Statutes*, sections 148.171 to 148.285.

Subp. 39. Restricted pharmacy vendor. “Restricted pharmacy vendor” means a vendor that meets the requirements of part 4617.0065, subpart 2, item B, subitem (2), and who does not meet the requirements of part 4617.0065, subpart 2, item B, subitem (1).

Subp. 40. Retail food vendor. “Retail food vendor” means a vendor that is a grocer located in Minnesota whose primary purpose is to sell food at retail directly to the consumer according to *Minnesota Statutes*, section 28A.04.

Subp. 41. Transfer agency. “Transfer agency” means a local agency that is approved according to part 4617.0020, subpart 3, to serve a geographic area or special population that was previously served by another local agency.

Subp. 42. Vendor. “Vendor” means a person that owns a pharmacy or food business for which a vendor stamp has been issued by the commissioner and that is in compliance with this chapter.

Subp. 43. Vendor stamp. “Vendor stamp” means a stamp with a number on the imprint face of the stamp that is issued by the commissioner to a vendor to authorize that vendor to accept WIC vouchers.

Subp. 44. Voucher. “Voucher” means a written authorization from the commissioner for a vendor to issue food to a participant that is specified on the voucher by the commissioner and that may be exchanged by a vendor for cash under the WIC program.

Subp. 45. WIC program. “WIC program” means the Special Supplemental Food Program for Women, Infants, and Children administered by the United States Department of Agriculture under *United States Code*, title 42, section 1786, as amended to January 1988.

Rules as Proposed (all new material)

LOCAL AGENCIES

4617.0005 NOTICE OF AVAILABILITY OF WIC PROGRAM FUNDS.

At least once every two federal fiscal years beginning October 1, 1987, the commissioner shall send a notice of availability of WIC program funds to each agency that has asked the commissioner for the notice and to other interested agencies. The notice must also be published in the *State Register* at least 30 days before the application deadline given in the notice. The notice must include:

- A. a description of the WIC program;
- B. the format of the notice required under part 4617.0010, item A, and the date by which that notice must be submitted to the department;
- C. the date by which the application required under part 4617.0020, subpart 2, must be submitted to the department;
- D. the timetable for the commissioner’s review of applications; and
- E. a description of the process used to authorize an agency to become a local agency under part 4617.0020.

4617.0010 APPLICATION FOR WIC PROGRAM FUNDS.

An agency shall apply for WIC program funds according to items A to E.

A. An agency shall notify the commissioner in writing that it intends to apply for WIC program funds. The agency must submit the notice of intent on a format and by a date consistent with a notice of availability published under part 4617.0005.

B. Upon receiving an agency’s notice of intent to apply for WIC program funds, the commissioner shall send to that agency an application form and instructions on how to complete the form.

C. An agency shall apply to administer the WIC program for a geographic area or a special population. A local agency shall not serve a participant who does not live in the geographic area or who is not a member of the special population designated on the application.

D. An agency shall submit an application form for WIC program funds no later than the date specified under part 4617.0005, item C. An application form must include the name and address of the applicant and must document that the applicant can meet the eligibility criteria under part 4617.0015.

E. If the commissioner determines that an application is incomplete, the commissioner shall request in writing that the agency submit the information needed to complete the application within 15 days after receiving that application. The commissioner shall not authorize an agency to administer the WIC program if it fails to submit the requested additional information.

4617.0015 AGENCY ELIGIBILITY CRITERIA.

To be eligible for WIC program funds an agency must be able to:

- A. provide ongoing, routine pediatric care and ongoing, routine obstetric care directly to recipients, through written agreements with other agencies or private physicians, or through referral to a health provider;
 - B. provide staff sufficient in number and training to perform the duties that must be performed by a competent professional authority; a nutrition education coordinator; a coordinator of the WIC program; a person authorized to legally obligate the local agency; and a fiscal manager for the local agency; and to perform certification, voucher issuance, and nutrition education services for which a competent professional authority is not required;
 - C. provide fiscal and operational systems that are consistent with *Code of Federal Regulations*, title 7, part 3015;
 - D. provide clinic sites that are located near major concentrations of participants and that are accessible to the handicapped;
- and
- E. meet the definition of local agency under *Code of Federal Regulations*, title 7, section 246.2.

4617.0020 AGENCY APPLICATION REVIEW AND APPROVAL.

Subpart 1. **General procedure.** The commissioner shall authorize an agency to administer the WIC program as a local agency by following in order the steps in subparts 2 to 7.

Subp. 2. **Agency application; review.** The commissioner shall, according to the timetable in the notice of availability required by part 4617.0005, review an application to determine whether the agency applicant meets the eligibility criteria in part 4617.0015 and whether the application was submitted according to part 4617.0010.

Subp. 3. **Agency application; approval and disapproval.** The commissioner shall approve or disapprove an application according to items A to C and subpart 4.

A. The commissioner shall approve only one application for each geographic area or special population.

B. If an application does not document that the agency meets the eligibility criteria in part 4617.0015 or is not submitted according to part 4617.0010, the commissioner shall disapprove the application by not authorizing the applicant to become a local agency.

C. Except as provided in subpart 4, the commissioner shall approve an application and authorize the applicant to become a local agency if the application was submitted according to part 4617.0010 and if the application documents that the applicant meets the eligibility criteria under part 4617.0015.

Subp. 4. **Performance record determination.**

A. If two or more applications to serve the same geographic area or special population could be approved under subpart 3, item C, the commissioner shall, according to subparts 8 and 9, determine whether one or more of the agencies has a poor performance record.

B. If all of the competing agencies have a poor performance record, the commissioner shall approve the application from the agency with the highest number of points assigned under subparts 8 and 9.

C. If only one of the competing agencies does not have a poor performance record according to subparts 8 and 9, the commissioner shall approve the application from that agency only.

D. If two or more competing agencies do not have a poor performance record according to subparts 8 and 9, the commissioner shall approve the application from the agency that is assigned the highest priority under subpart 6, or, if indicated by subpart 6, item D, the highest subpriority under subpart 7.

Subp. 5. **Affirmative action plan.** The commissioner shall establish an affirmative action plan according to *Code of Federal Regulations*, title 7, section 246.4, paragraph (a)(5). The plan must include a list of unserved areas and unserved populations in order of relative need for WIC program services. The order of relative need must be based on:

A. low birth weight, measured as the percent of births of infants weighing less than or equal to 2,500 grams;

B. teenage pregnancies, measured as the percent of mothers less than 18 years of age during the year of their infant's birth;

C. poor prenatal care, measured as the percent of pregnant women receiving no prenatal care or prenatal care only during the third trimester of pregnancy; and

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D. poverty, measured as the percent of the total population with income below the poverty level as poverty is defined by the United States Office of Management and Budget and revised annually in accordance with *United States Code*, title 42, section 9902.

Subp. 6. **Priority system.** The priority system under this subpart must be used by the commissioner when required by subpart 4.

A. The commissioner shall give:

- (1) first priority to a community health service agency;
- (2) second priority to a public or private nonprofit health service agency;
- (3) third priority to a public human service agency; and
- (4) fourth priority to a private nonprofit human service agency.

B. For the purpose of the priority system, an agency must be classified as a health service agency or as a human service agency, based on the type of services it primarily provides during its current fiscal year. An agency must not be simultaneously classified as a health service agency and a human service agency. The commissioner shall consider an agency to be a health service agency if more than 50 percent of expenses in an agency's budget are allocated to non-WIC program health services and if more than 50 percent of the agency's employee work hours are non-WIC program health service activities.

C. The priority system under this subpart and the subpriority system under subpart 7 apply to:

- (1) an agency that is applying for the first time;
- (2) an agency that has applied before; and
- (3) an agency that has previously administered the WIC program.

D. If two or more agency applicants have the same priority under this subpart, the commissioner shall assign subpriorities to those agencies according to subpart 7.

Subp. 7. **Subpriority system.** When required by subpart 6, the commissioner shall assign:

A. first subpriority to an agency whose employees can provide ongoing, routine pediatric and obstetric care, and administrative services;

B. second subpriority to an agency that must enter into a written agreement with another agency for either ongoing, routine pediatric and obstetric care, or administrative services;

C. third subpriority to an agency that must enter into a written agreement with private physicians to provide ongoing, routine pediatric and obstetric care for women, infants, or children or for participants not eligible for health services at the local agency;

D. fourth subpriority to an agency that must enter into a written agreement with private physicians to provide ongoing, routine pediatric and obstetric care for all participants; and

E. fifth subpriority to an agency that must provide ongoing, routine pediatric and obstetric care through referral to a health care provider.

Subp. 8. **Performance record.** A poor performance record under subpart 4 must be determined according to this subpart and subpart 9. To determine whether an agency has a poor performance record the commissioner shall assign points to the agency that indicate whether the agency has performed poorly in the categories of: participation level; level of participation by pregnant women; submission of local agency response to written findings of a management evaluation or financial review, if applicable; corrective action taken by local agency in response to a management evaluation or financial review, if applicable; and submission of a nutrition education plan, or revisions of the plan. Poor performance is any total of points below 35 points. Points for each category of performance must be given according to the table of performance points under subpart 9. For a category of performance for which there has been more than one occurrence since the start date of a current local agency contract, points must be assigned for each occurrence and averaged to obtain the point value to be assigned to the category.

Subp. 9. **Table of Performance points.**

A. Participation Level

- 15 - Average participation level that is at least 98 percent but not more than 102 percent of the authorized level
- 10 - Average participation level that is 96 to 97.9 percent or 102.1 to 104 percent of the authorized level

- 5 - Average participation level that is 90 to 95.9 percent or 104.1 to 110 percent of the authorized level
 - 0 - Average participation level that is less than 90 percent or more than 110 percent of the authorized level
- B. Participation by Pregnant Women
- 15 - Participation by pregnant women increased by at least ten percent
 - 10 - Participation by pregnant women increased by at least five percent but less than ten percent
 - 5 - Participation by pregnant women maintained or increased by less than five percent
 - 0 - Participation by pregnant women decreased
- C. Response to Written Findings of Management Evaluation
- 15 - Response submitted within 30 days, or no response required
 - 10 - Response submitted within 90 days but after 30 days
 - 5 - Response submitted within 180 days but after 90 days
 - 0 - Response submitted after 180 days, or not submitted
- D. Response to Written Findings of Financial Review
- 15 - Response submitted within 30 days, or no response required
 - 10 - Response submitted within 90 days but after 30 days
 - 5 - Response submitted within 180 days but after 90 days
 - 0 - Response submitted after 180 days, or not submitted
- E. Corrective Action Taken in Response to Management Evaluation
- 15 - No correction needed
 - 10 - Corrective action taken within six months from date of approval of corrective action plan
 - 5 - Corrective action taken within one year but after six months from date of approval of corrective action plan
 - 0 - Corrective action taken after one year from date of approval of corrective action plan, or not taken
- F. Corrective Action Taken in Response to Financial Review
- 15 - No corrective action needed
 - 10 - Corrective action taken within six months from date of approval of corrective action plan
 - 5 - Corrective action taken within one year but after six months from date of approval of corrective action plan
 - 0 - Corrective action taken after one year from date of approval of corrective action plan, or not taken

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G. Nutrition Education Plan

- 15 - Nutrition education plan and required revisions submitted by the established deadline
- 10 - Nutrition education plan and required revisions submitted within 30 days after established deadline
- 5 - Nutrition education plan and required revisions submitted within 90 days but after 30 days after established deadline
- 0 - Nutrition education plan and required revisions submitted more than 90 days after established deadline, or not submitted

Subp. 10. **Notice of approval or disapproval.** Within 30 days after receiving a complete application, the commissioner shall give written notice to an agency that the commissioner has approved or disapproved its application. A notice of approval or disapproval must state:

A. that an application is:

- (1) approved as originally submitted;
- (2) approved with changes;
- (3) disapproved because of inadequate WIC program funds for WIC program expansion or initiation;
- (4) disapproved because the agency does not meet the application requirements; or
- (5) disapproved because the commissioner has approved another agency under subpart 6 or 7;

B. that an agency applicant may appeal a disapproval according to part 4617.0100; and

C. that an agency that is disapproved because of inadequate program funds must be approved if funds become available during the period for which the agency is applying.

Subp. 11. **Cessation of local agency operations.** If a local agency ceases to operate before the expiration date of its contract, the commissioner shall publish a notice of availability to solicit agency applications to serve the geographic area or special population that was served by that local agency. The notice of availability must be published according to part 4617.0005.

4617.0025 DISQUALIFICATION.

The commissioner shall stop providing WIC program funds to a local agency if the local agency does not comply with parts 4617.0002 to 4617.0180. A local agency shall reimburse the commissioner for WIC program funds that are not distributed according to this chapter.

4617.0030 LOCAL AGENCY CONTRACTS AND AGREEMENTS.

Subpart 1. **State contracts.** To administer the WIC program, a local agency must have a written contract with the commissioner. The contract must:

- A. contain the signatures of the state officials required by *Minnesota Statutes*, section 16.098, and the legal representatives of the local agency;
- B. contain the provisions required by *Code of Federal Regulations*, title 7, section 246.6, paragraph (b);
- C. be consistent with this chapter;
- D. contain a nondiscrimination clause regarding employment practices and the delivery of program benefits to eligible or potentially eligible participants that is consistent with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, section 504 of the Rehabilitation Act of 1973, and *Code of Federal Regulations*, title 7, part 15;
- E. require the local agency to obtain written consent from the commissioner to implement a change to the application submitted under part 4617.0010;
- F. provide assurances that no conflict of interest exists between the local agency and a vendor or the local agency and the commissioner; and
- G. specify beginning and ending dates of the contract.

Subp. 2. **Health care provider agreements.** Except as provided in subpart 3, a local agency whose employees cannot provide ongoing, routine pediatric and obstetric care must have a written agreement with another agency or with a private physician to provide ongoing, routine pediatric and obstetric care. A local agency that provides services under this part must have a written

agreement with at least one health care provider per clinic area. A written agreement to provide ongoing, routine pediatric or obstetric care must:

- A. have the same beginning and ending dates as the contract completed under subpart 1;
- B. contain a nondiscrimination clause that is consistent with subpart 1, item D;
- C. be submitted to the commissioner for approval with the application form required under part 4617.0010, item D; and
- D. be consistent with *Code of Federal Regulations*, title 7, section 246.6, paragraph (d) or (e).

Subp. 3. **Health service referral agreements and plans.** An agency whose employees cannot provide or that does not provide ongoing, routine pediatric or obstetric care through a written agreement with another agency or with a private physician under subpart 2, shall submit with its application:

- A. at least one letter of understanding with a health care provider per clinic area that describes the referral process for health care and that designates responsibilities of the agency and health care provider; and
- B. a plan to make routine pediatric and obstetric care available to participants directly or through written agreements within 90 days after the start of a WIC program contract for that agency.

4617.0035 STAFF QUALIFICATIONS.

Subpart 1. **Competent professional authority.** A person designated by a local agency to serve as a competent professional authority must be employed by or under contract with the local agency and must be a certifier, dietetic technician, dietitian, home economist, licensed practical nurse, nutritionist, physician, physician's assistant, or registered nurse.

Subp. 2. **Commissioner's review.** The commissioner shall review the qualifications of a certifier, dietetic technician, home economist, licensed practical nurse, or physician's assistant and review the agency's plans for the supervision of a certifier, dietetic technician, or licensed practical nurse to ensure compliance with this part.

Subp. 3. **Certifier.** A certifier must meet the requirements of items A to C.

A. A certifier must have been approved by the commissioner to be a competent professional authority before October 1, 1987, and must be supervised on-site continuously by a nutrition education coordinator.

B. A nutrition education coordinator shall review at least 25 percent of a certifier's charts biweekly, shall audit and document at least ten of the certifier's charts at least quarterly, and shall observe and document at least three certifications at least quarterly.

C. A certifier approved under this subpart who voluntarily terminates employment or takes a leave of absence may be rehired as a certifier by a local agency within two years after the date employment is terminated or the leave of absence begins if supervision is provided according to items A and B.

Subp. 4. **Dietetic technician.** A dietetic technician must meet the requirements of item A and of item B or C.

A. A nutrition education coordinator shall supervise a dietetic technician on-site at least four hours a month, audit and document at least ten of the dietetic technician's charts at least quarterly, and observe and document at least three certifications at least quarterly.

B. A dietetic technician hired after September 30, 1987, must meet the requirements of subitems (1) to (3).

(1) Within 30 days after the first day of employment, the dietetic technician must enroll in a self-study course designed by the commissioner.

(2) Within six months after enrolling in a self-study course under subitem (1), the dietetic technician must take an examination on the self-study course in subitem (1).

(3) Within one year after enrolling in the self-study course under subitem (1), the dietetic technician must pass the examination in subitem (2), in no more than three attempts.

C. A dietetic technician approved under this subpart who voluntarily terminates employment or takes a leave of absence may be rehired as a dietetic technician by a local agency within two years of the date employment is terminated or the leave of absence begins without repeating the self-study course if supervision is provided according to item A. A dietetic technician who is rehired after an involuntary termination or is rehired more than two years after the date employment was terminated or the leave of absence began must be considered a new hire under item B.

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Subp. 5. **Home economist.** A home economist must meet the requirements of item A or B.

A. A home economist who was approved by the commissioner to be a competent professional authority before October 1, 1987, who does not meet the requirements of item B, and who terminates employment or takes a leave of absence may be rehired as a home economist by a local agency within two years after the date employment is terminated or the leave of absence begins.

B. A home economist hired after September 30, 1987, must have successfully completed college or university coursework including 18 quarter or 12 semester credits in food and nutrition, one-half of which must be in upper division courses. Food and nutrition credits must include courses on the principles of nutrition; the application of nutrition principles to the nutritional needs of infants, children, adults, pregnant women, and breastfeeding women; food budgeting and purchasing; and sociocultural determinants of food choices. Up to two quarter credits or one semester credit of food and nutrition coursework may include coursework in evaluating scientific literature or nutrition claims. The coursework must also include six quarter or four semester credits in the principles of education and counseling and nine quarter or six semester credits in physical and biological sciences. Physical and biological sciences credits may include coursework in chemistry, biology, microbiology, physiology, biochemistry, anatomy, or pathology.

Subp. 6. **Licensed practical nurse.** A licensed practical nurse must meet the requirements of item A, B or C, and D.

A. A nutrition education coordinator shall review at least 25 percent of a licensed practical nurse's charts monthly, audit and document at least ten of the licensed practical nurse's charts at least quarterly, and observe and document at least three certifications at least quarterly.

B. A licensed practical nurse approved by the commissioner to be a competent professional authority before October 1, 1987, must be supervised on-site at least four hours a month by a nutrition education coordinator.

C. A licensed practical nurse hired after September 30, 1987, must be supervised on-site continuously by a nutrition education coordinator. In addition, a licensed practical nurse hired after September 30, 1987, must:

- (1) within 30 days after the first day of employment, enroll in a self-study course designed by the commissioner;
- (2) within six months after enrolling in the self-study course under subitem (1), take an examination on the course; and
- (3) within one year after enrolling in the self-study course under subitem (1), pass the examination in subitem (2) in no more than three attempts.

D. A licensed practical nurse approved under this subpart who voluntarily terminates employment or takes a leave of absence may be hired as a licensed practical nurse by a local agency within two years after the date employment is terminated or the leave of absence begins, without repeating the self-study course if supervision is provided according to items A and C. A licensed practical nurse who is rehired after an involuntary termination or is rehired more than two years beyond the date employment was terminated or leave of absence began must be considered a new hire under item C.

Subp. 7. **Physician's assistant.** A physician's assistant hired after September 30, 1987, shall enroll in a self-study course designed by the commissioner within 30 days of the first day of employment, take an examination on the course that is designed by the commissioner within six months of the enrollment date, and pass the examination in no more than three attempts within one year after the enrollment date. A physician's assistant approved under this subpart who voluntarily terminates employment or takes a leave of absence may be rehired as a physician's assistant in a local agency within two years after the date employment is voluntarily terminated or the leave of absence begins without repeating the self-study course. A physician's assistant who is rehired after an involuntary termination or is rehired more than two years after the date employment was terminated or the leave of absence began must repeat the self-study course.

4617.0037 AUTHORIZED PARTICIPATION LEVELS.

Subpart 1. **Migrant service agencies.** The authorized participation level of a migrant service agency must be based on an annual participation plan. The migrant service agency shall submit an annual participation plan with its application to become a local agency.

Subp. 2. **All other local agencies.** Before the start of a federal fiscal quarter, the commissioner shall determine the total number of participants that can be served statewide. The determination must be based on an estimate of funding available for the WIC program for the federal fiscal quarter.

To determine the authorized participation level for a local agency for a federal fiscal quarter, the commissioner shall consider the local agency's use of its current authorized participation level, the number of participants currently served by each local agency, and the number of applicants for participation on each local agency's waiting list in each priority or subpriority risk group.

Subp. 3. **Applicants who cannot be served.** Based on the estimate of funding available to the WIC program, the commissioner shall determine which priority or subpriority risk groups can be served in Minnesota. A local agency shall not certify an applicant for participation if the applicant is a member of a priority or subpriority risk group that the commissioner has determined cannot be served in Minnesota.

4617.0040 ADMINISTRATIVE FUNDING.

Subpart 1. **Administrative funding for transfer and migrant service agencies.** The commissioner shall provide administrative funds to transfer agencies for start-up costs and to migrant service agencies for start-up, operating, and close-out costs. The costs must be justified by the transfer and migrant service agencies in writing and must be approved by the commissioner.

Subp. 2. **Administrative funding for operating costs.** Before the beginning of a federal fiscal quarter, the commissioner shall determine the amount of administrative funds available to a local agency for operating costs, based on an estimate of funding available to the WIC program for the quarter. Each local agency shall receive a proportion of the available administrative funds that bears the same relation to total administrative funds as the local agency's authorized participation level bears to the statewide authorized participation level.

Subp. 3. **Allocation of remaining administrative funds.** Any administrative funds remaining after the allocation of funds under subparts 1 and 2 must be made available to local agencies by the commissioner. Local agency costs that the commissioner must consider when allocating these administrative funds include:

A. the staff, mileage, and per diem costs incurred by a local agency with a quarterly authorized participation level of less than 900 to attend WIC program meetings sponsored by the commissioner;

B. staff and mileage costs incurred by a local agency with a geographic area larger than the average for all local agencies to travel to and from clinic sites, to the extent that the miles traveled exceed the average of miles traveled to and from clinic sites; and

C. costs incurred by local agencies in response to special program initiatives designated by the commissioner.

4617.0042 REPORTING REQUIREMENTS.

A local agency must submit to the commissioner the reports in items A to C. If the date a report must be received by the commissioner is on a Saturday, Sunday, or legal holiday, the report must be received by the commissioner on the next business day. The commissioner shall provide forms for the reports upon a local agency's request.

A. The local agency must submit a monthly report of participation to the commissioner by the seventh calendar day of the month following the month for which the report is being submitted.

B. The local agency must submit a claim for reimbursement and report of expenditures to the commissioner by the 20th calendar day of the month following the month for which the report is being submitted.

C. The local agency must submit a final claim for reimbursement and report of expenditures to the commissioner by January 20 of the calendar year following the fiscal year. Payments for the previous fiscal year must not be made for claims filed after this date.

4617.0043 EVALUATIONS AND MONITORING.

Subpart 1. **Evaluations and federal rules.** Through financial reviews and management evaluations the commissioner shall evaluate whether a local agency has accomplished its WIC program objectives and determine whether the local agency is in compliance with parts 4617.0002 to 4617.0180. The commissioner shall monitor a local agency according to *Code of Federal Regulations*, title 7, section 246.19, paragraph (b)(2).

Subp. 2. **Reports of findings.** The commissioner shall give a local agency a written report of findings regarding management evaluations and financial reviews conducted under this part. The commissioner shall mail the report of findings to a local agency within 60 days after completing a financial review or management evaluation under this part.

Subp. 3. **Correcting deficiencies.** Within 30 days after receiving the commissioner's report of findings, a local agency shall submit to the commissioner a written plan for correcting the deficiencies identified in the commissioner's report.

The written plan for correcting deficiencies must be approved by the commissioner in writing. If the commissioner approves a plan, then, six months after approval, the commissioner shall conduct an on-site verification of the plan's implementation. If the commissioner disapproves a plan, the commissioner shall notify the local agency in writing of the reasons for disapproval. Within 30 days after receiving the disapproval notice, a local agency shall submit another plan that addresses the reasons for disapproval.

4617.0044 NUTRITION EDUCATION PLAN; REQUIREMENT.

A local agency must prepare a nutrition education plan for the two years following the submission deadline under part 4617.0055. A nutrition education plan must be consistent with the requirements of this chapter.

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4617.0045 NUTRITION EDUCATION PLAN SUBMISSION DEADLINES.

Subpart 1. **General deadline.** Except as provided in subparts 2 and 3, a local agency shall submit a nutrition education plan to the commissioner before October 1 of the federal fiscal year in which the plan must begin.

Subp. 2. **Transfer agency.** A transfer agency shall submit a nutrition education plan to the commissioner not later than 180 days after the transfer agency begins operations. A transfer agency that wants to submit a nutrition education plan after the 180 days must submit a written request to do so to the commissioner.

Subp. 3. **Migrant service agency.** A migrant service agency shall submit a nutrition education plan to the commissioner at least two months before beginning operations each year.

4617.0046 CONTENTS OF A NUTRITION EDUCATION PLAN.

A nutrition education plan must include:

- A. a statement of nutrition education goals and objectives for the participants served by the local agency;
- B. an assessment of the needs for nutrition education, including resources of the local agency and geographic area served by the local agency, and the concerns of program participants and local agency staff;
- C. a description of how the local agency will comply with parts 4617.0054 to 4617.0058;
- D. a description of how community resources will be used to provide nutrition education;
- E. a description of how nutrition education will be documented in a participant's certification file;
- F. a description of the criteria used to select participants for high-risk nutrition education;
- G. a description of how participants with different cultural and language needs will be served;
- H. the written report required by part 4617.0047, subpart 3;
- I. the names of the individuals from the local agency who will provide nutrition education, the type of nutrition education that they will provide, and whether the education will be provided to groups or individuals; and
- J. the signature of the nutrition education coordinator who prepared and approved the nutrition education plan.

4617.0047 EVALUATION AND REVISION OF NUTRITION EDUCATION PLAN.

Subpart 1. **Evaluation.** A local agency shall evaluate its nutrition education plan at the end of each year of the plan.

In evaluating the plan, the local agency must assess progress toward program objectives for nutrition education and individual learning objectives, participants' views on the effectiveness of the nutrition education they received, local agency staff views regarding the nutrition education provided, and any information from the commissioner regarding progress on the plan.

Subp. 2. **Revision.** A local agency must revise its nutrition education plan to document changes and to correct deficiencies indicated by the evaluation under subpart 1. Examples of items that could be revised include program goals and objectives; procedures for providing nutrition education, topics, and instructors for group classes; and specific educational components requested by the commissioner.

Subp. 3. **Written report.** A local agency must submit a written report of the evaluation and revisions to the commissioner by the October 1 following submission of the nutrition education plan. A nutrition education plan submitted according to the deadline under part 4617.0045 must include the evaluation and revisions of the second year of the previous nutrition education plan and must include a separate written report of the evaluation and revisions.

4617.0049 APPROVAL OF NUTRITION EDUCATION PLAN AND WRITTEN REPORT.

The commissioner shall approve or disapprove a nutrition education plan and a written report required under part 4617.0047, subpart 3. Within 120 days after receiving a nutrition education plan or a written report, the commissioner shall notify the local agency in writing of the commissioner's approval or disapproval of that local agency's nutrition education plan or written report. If a plan or report is disapproved, the commissioner shall advise the local agency of the items that must be revised or completed for the plan or report to be consistent with this chapter. A local agency shall complete revisions of the plan or report within 30 days after the date it receives the commissioner's written disapproval.

4617.0050 ROLE OF NUTRITION EDUCATION COORDINATOR.

A nutrition education coordinator must approve and prepare a nutrition education plan. A nutrition education coordinator must approve an individual care plan. At least one nutrition education coordinator from a local agency shall attend the annual nutrition education conference sponsored by the commissioner. A nutrition education coordinator must also review and approve the local agency nutrition education materials and activities.

4617.0052 QUALIFICATIONS OF NUTRITION EDUCATION INSTRUCTORS.

Nutrition education provided to individual participants must be provided by a competent professional authority.

Nutrition education provided to groups of participants may be provided by a person who is not a competent professional authority if the person is approved to provide that education in the local agency's nutrition education plan, and if a competent professional authority is available for consultation at the site at which the nutrition education is provided.

4617.0054 SCHEDULE OF NUTRITION EDUCATION SESSIONS.

Subpart 1. **Schedule of nutrition education sessions for infants whose certification period ends after their first birthday, women, and children.** An adult participant, the parent or caretaker of an infant or child participant, and, where possible, a child participant must be offered a nutrition education session at the participant's certification appointment and on at least one other separate occasion during the participant's certification period. The nutrition education session offered at the participant's certification appointment must be a one-to-one session for that participant. Depending on the needs of the participant, a nutrition education session offered after the certification appointment may be provided to the participant one-to-one, provided to the participant in a group with other participants, or provided to the participant in a high-risk session as required under part 4617.0056, subpart 3.

Subp. 2. **Schedule of nutrition education sessions for infants whose certification will end on the infant's first birthday.** The parent or caretaker of an infant whose certification ends on the infant's first birthday must be offered a nutrition education session at the infant's certification appointment and, after the certification appointment, on a number of separate occasions that equals or exceeds the number of quarters for which the infant is certified. The nutrition education session offered at the infant's certification appointment must be a one-to-one session for that infant's parent or caretaker. Depending on the needs of the infant, a nutrition education session offered after the certification appointment may be provided to the participant one-to-one, provided to the participant in a group with other participants, or provided to the participant in a high-risk session as required under part 4617.0056, subpart 3.

4617.0056 CONTENTS OF NUTRITION EDUCATION SESSIONS.

Subpart 1. **Contents of nutrition education session for women, children, and infants.** A nutrition education session for women, children, and infants must include the following:

- A. encouragement of pregnant participants to breastfeed unless the participant's health does not allow breastfeeding; and
- B. an explanation of at least one of the following:

- (1) the participant's nutritional risk condition, why the risk condition is a problem, and how the problem can be addressed through a change in nutrition or health behaviors;
- (2) why it is important that the supplemental food provided to a participant be consumed by that participant rather than other family members or persons outside the family;
- (3) that the WIC program is a supplemental food program rather than a total food program, making it necessary that participants purchase the majority of the participant's food needs;
- (4) the importance of health care;
- (5) the nutritional value of supplemental foods;
- (6) how parents and caretakers can meet dietary needs in ways appropriate to the infant's or child's development and how to avoid common nutrition and feeding problems;
- (7) the nutritional needs related to the participant's categorical status;
- (8) the relationship between diet and health;
- (9) the benefits of eating a variety of foods, including foods not provided by the WIC program;
- (10) the nutritional concerns of participants; and
- (11) the nutrition problems common to individuals in the geographic area or special population served by the local agency.

Subp. 2. **Contents of nutrition education for the parent or caretaker of an infant participant.** A nutrition education session for a parent or caretaker of a participant who is an infant must include information and training regarding:

- A. appropriate feeding practices for an infant;

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- B. the introduction of solid food for the infant;
- C. weaning the infant from a bottle or breastfeeding to a cup;
- D. progressing to table foods; and
- E. the value of using infant formula until the infant is one year of age.

Subp. 3. **Contents of high-risk nutrition education.** If a participant meets the high-risk criteria under part 4617.0046, item F, the contents of nutrition education for that participant must be developed according to the needs indicated by the individual care plan required under part 4617.0058.

4617.0058 INDIVIDUAL CARE PLAN.

A competent professional authority from the local agency serving the participant must prepare a written plan to meet the nutrition needs of a participant who meets the criteria required by part 4617.0046, item F, of a participant who requests a plan, or of a participant for whom a competent professional authority has determined that an individual care plan is needed. An individual care plan must include:

- A. an identification of the health and nutritional needs of the participant;
- B. a plan and schedule for meeting the needs identified in item A;
- C. methods for documenting progress of the plan's implementation;
- D. the name of the person who will monitor implementation of the individual care plan;
- E. the signature and title of the person who developed the individual care plan; and
- F. the signature and title of the nutrition education coordinator who approved the plan, if a nutrition education coordinator did not develop the plan.

Rules as Proposed

VENDORS

4617.0060 GENERAL APPLICATION REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Submission deadlines for applications.** ~~Except as provided in subpart 5,~~ An applicant shall submit an application so it is received by the commissioner no later than the first day of one of the review periods in subpart 5 for the commissioner to review the application during that period. An application that is submitted later than the first day of a review period in subpart 5 must not be reviewed by the commissioner until the following review period. The commissioner may at any time review an application from an applicant from a clinic area where no authorized vendor currently operates.

Subp. 4. **Application approval requirements.** Within 135 days of receiving an application, the commissioner shall inform an applicant in writing of approval or disapproval of an application to become a vendor. A notice of disapproval must state the reasons for the commissioner's disapproval. The commissioner shall include a vendor ~~contract~~ guarantee with a notice of approval to become a vendor. The applicant shall sign the vendor ~~contract~~ guarantee and return it to the commissioner. Within 14 days after receipt of a properly completed and signed vendor ~~contract~~ guarantee, the commissioner shall issue the applicant a vendor stamp.

If after two attempts the commissioner is unable to conduct an on-site visit of an applicant on an established business route because the applicant is not operating at a location indicated on the business route list at the indicated time, the application must be disapproved.

Subp. 5. [Unchanged.]

4617.0061 INITIAL APPLICATIONS.

In this part, "initial application" means an application to participate in the WIC program received from an applicant who is not now participating in the WIC program and who is not a previously authorized vendor or a new owner of a pharmacy or food business for which a vendor stamp has been issued.

The commissioner shall review an initial application according to items A to E.

A. to D. [Unchanged.]

E. The commissioner shall notify an applicant, in writing, of application approval or disapproval. A notice of disapproval must be given or mailed to an applicant within 21 days of the commissioner's review of an application. A notice of approval or disapproval must be given or mailed to an applicant within 21 days of an on-site inspection conducted under item B. A notice of disapproval must state that the application was disapproved because the applicant did not comply with part 4617.0065. An approval

notice must state that the application was approved because the applicant complies with part 4617.0065 and that the applicant will be given a vendor stamp according to part 4617.0070 after the commissioner has received a vendor ~~contract~~ guarantee from the applicant, completed according to part 4617.0075.

4617.0062 NEW OWNER APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Commissioner's review.** The commissioner shall approve an application from a new owner according to items A to E.

A. to C. [Unchanged.]

D. If the new owner is eligible under part 4617.0065 and the previous owner did not have a history of noncompliance or a low sales record according to item B, the commissioner shall send the new owner a temporary vendor ~~contract~~ guarantee. The time from the beginning date to the ending date of a temporary vendor ~~contract~~ guarantee must not exceed six months. The new owner shall sign the temporary vendor ~~contract~~ guarantee and return it to the commissioner.

E. Before the ending date of the temporary vendor ~~contract~~ guarantee, the commissioner shall do an on-site inspection of the place of business named on the application to verify that the new owner is in compliance with part 4617.0065. If the on-site inspection verifies that the applicant is in compliance, the applicant's temporary vendor ~~contract~~ guarantee must be amended to extend the ending date of the temporary vendor ~~contract~~ guarantee to the date that is two years beyond the beginning date. If the on-site inspection verifies that the new owner is not in compliance, the applicant shall return the vendor stamp to the commissioner within 30 days of the inspection.

4617.0063 REAPPLICATIONS.

Subpart 1. **Submitting the application.** Before the ending date of a ~~contract~~ guarantee completed by a vendor under part 4617.0061 or 4617.0062, subpart 2, item E, a vendor may submit to the commissioner a new application and food stock and price information. The food stock and price information must be submitted on forms supplied by the commissioner. The commissioner shall approve a reapplication submitted under this part according to subparts 2 to 5.

Subp. 2. **Commissioner's review.** The commissioner shall review the vendor's application, materials required to be submitted by this part, and data maintained by the commissioner to verify that the applicant:

A. is eligible under part 4617.0065;

B. has complied with *Code of Federal Regulations*, title 7, sections 246.1 to 246.25, ~~as amended through January 1, 1988~~;

C. has complied with this chapter; and

D. has maintained an average sales record of at least \$100 a month for the months sampled by the commissioner, unless the applicant is the only authorized vendor in the clinic area.

Subp. 3. **On-site inspection.** An applicant whose application complies with subpart 2 may keep the vendor stamp and continue to operate as a vendor without an on-site inspection to verify compliance with part 4617.0065 if the commissioner has conducted an on-site inspection or monitoring visit of the applicant no more than 36 months before the ending date of the vendor's current vendor ~~contract~~ guarantee. If the commissioner has not conducted an on-site inspection or monitoring visit, the commissioner shall conduct an on-site inspection of the vendor to verify compliance with part 4617.0065. The commissioner shall disapprove the application of an applicant whose on-site inspection shows the applicant does not comply with part 4617.0065 and shall approve the application of an applicant who does comply. The commissioner shall notify the applicant of the approval or disapproval before the ending date of the vendor's current ~~contract~~ guarantee.

Subp. 4. [Unchanged.]

Subp. 5. **Notice of disapproval; who may reapply.** An applicant whose application is disapproved according to this part shall return to the commissioner that applicant's vendor stamp within 30 days of the date of the commissioner's written notice of disapproval. An applicant whose application is disapproved according to this part may, no sooner than six months after the ending date of the applicant's current vendor ~~contract~~ guarantee, apply to be a vendor according to part 4617.0061.

4617.0064 PRIOR VENDOR APPLICATIONS.

Subpart 1. to 5. [Unchanged.]

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Subp. 6. **Notice of review findings.** The commissioner shall notify the vendor in writing of the commissioner's approval or disapproval. A notice of approval or disapproval must be given or mailed to the vendor before the last day of the review period in which the commissioner determines from an application or on-site inspection that the vendor is or is not eligible under part 4617.0065. A notice of disapproval must state that the application was disapproved because the vendor did not comply with part 4617.0065. A vendor whose application is disapproved shall return that vendor's vendor stamp within 30 days of the date of the disapproval notice. An approval notice must state that the application was approved because the vendor complies with part 4617.0065, that the vendor will be given a different vendor stamp according to part 4617.0070, and that a different vendor stamp will not be given to the vendor until the commissioner receives the vendor stamp currently possessed by the vendor and a vendor ~~contract~~ guarantee completed according to part 4617.0075.

The vendor shall return the vendor stamp and the vendor ~~contract~~ guarantee to the commissioner within 30 days of the date of notice of approval.

4617.0065 VENDOR ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Minimum in-stock requirements.** A vendor shall at all times keep in stock at least the authorized foods in item A or B.

A. [Unchanged.]

B. A pharmacy vendor shall keep in stock at least:

(1) the foods under item A, subitems (1) to (3); and

(2) within three business days of a request from a participant or a local agency, any of the following products: Alimentum; Enfamil low-iron; Ensure; Isocal; Isomil SF; Nursoy; Nutramigen; Osmolite; PediaSure; Portagen; Pregestimil; Prosobee; Similac low-iron; Similac PM 60/40; Similac Special Care with Iron 24; SMA low-iron; Sustacal; and Sustacal HC.

Subp. 3. to 6. [Unchanged.]

4617.0075 VENDOR CONTRACTS GUARANTEES.

A person whose application to be a vendor has been approved shall sign a retail food vendor ~~contract~~ guarantee, pharmacy vendor ~~contract~~ guarantee, or restricted pharmacy vendor ~~contract with the commissioner~~ guarantee. A separate vendor ~~contract~~ guarantee must be signed for each vendor. A vendor ~~contract~~ guarantee must contain:

A. ~~names of the contracting parties~~ the name and address of the vendor;

B. the method by which the ~~contract~~ guarantee must be terminated;

C. terms that are consistent with *Code of Federal Regulations*, title 7, sections 246.12, paragraphs (f)(2) and (k)(1)(iii), and 278.1, paragraph (o)(1), as ~~amended through January 1, 1988~~;

D. [Unchanged.]

E. assurances that:

(1) no conflict of interest exists with the Department of Health or any local agency;

(2) to (5) [Unchanged.]

(6) the vendor will return the vendor stamp to the commissioner when the vendor permanently closes business, ownership of the business or vendor outlet changes, the vendor is disqualified, the vendor's application is disapproved, or the vendor ~~contract~~ guarantee ends;

(7) the vendor will comply with this chapter and *Code of Federal Regulations*, title 7, part 246, as ~~amended through January 1, 1988~~; and

(8) [Unchanged.]

F [Unchanged.]

G. the ~~signatures~~ signature of the ~~commissioner~~ and the vendor and the ~~dates~~ date of the ~~signatures~~ signature.

4617.0080 IDENTIFYING AND MONITORING HIGH RISK VENDORS.

The commissioner shall identify a vendor as a high-risk vendor according to the criteria in *Code of Federal Regulations*, title 7, section 246.12, paragraph (i)(1), as ~~amended through January 1, 1988~~, or because of vendor activities observed by or reported to the commissioner or local agency staff that are suspected by the commissioner or local agency staff to not comply with this chapter.

Vendor activities that staff suspect do not comply with this chapter must be reported to or by the commissioner on a form supplied by the commissioner. The form must require a description of the suspected abuse, the name and address of the vendor, and the signature of the staff member.

A high-risk vendor must be monitored according to *Code of Federal Regulations*, title 7, section 246.12, paragraph (i), as amended through January 1, 1988.

4617.0085 SANCTIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Length of disqualification.** Disqualifications for multiple abuses are successive, except that the total length of a disqualification or successive disqualifications must not exceed three years. The length of disqualification for an abuse must be according to items A to F

A. Disqualification is three months for the first offense and six months for each subsequent offense ~~in a contract period~~ for:

(1) to (5) [Unchanged.]

(6) a previously authorized vendor, or a new owner of a business for which a vendor stamp has been issued, who does not return a completed and signed ~~contract~~ guarantee within 45 days.

B. Disqualification is six months for the first offense and 12 months for each subsequent offense ~~in a contract period~~ for a vendor who:

(1) to (14) [Unchanged.]

C. Disqualification is 12 months for the first offense and 24 months for each subsequent offense ~~in a contract period~~ for a vendor who:

(1) violates the nondiscrimination requirements of *Code of Federal Regulations*, title 7, section 246.8, as amended through January 1, 1988;

(2) to (8) [Unchanged.]

D. [Unchanged.]

E. A vendor subjected to a civil penalty instead of disqualification from another food and nutrition service program within the last six months is disqualified for six months for the offense that prompted the penalty and 12 months for each subsequent offense that occurs ~~in a contract period~~.

F. A vendor in subitems (1) to (5) who does not return to the commissioner the vendor stamp issued to that vendor within 30 days of the date of a notice from the commissioner to return the vendor stamp shall not reapply as a new vendor for two years from the date of the notice:

(1) [Unchanged.]

(2) a previously authorized vendor who is not eligible to renew its ~~contract~~ guarantee;

(3) to (5) [Unchanged.]

Subp. 3. and 4. [Unchanged.]

Rules as Proposed (all new material)

APPROVED FOODS

4617.0170 PREAPPROVED FOODS.

Beginning with the federal fiscal year following the year in which parts 4617.0002 to 4617.0180 become effective, the commissioner shall approve, for use by the WIC program, foods in the categories of items A to H if the foods meet the approval criteria in part 4617.0180. An approval under this part remains in effect until the approved food product no longer meets the approval criteria or until parts 4617.0170 to 4617.0180 are amended to reflect different approval criteria. The approved food categories are:

A. infant formula;

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- B. infant cereal;
- C. infant fruit juice;
- D. milk;
- E. cheese;
- F. citrus juice;
- G. eggs; and
- H. legumes.

4617.0175 BIENNIALY APPROVED FOODS.

Subpart 1. **Food products.** For the purpose of this part, biennially approved food products are cereal, fruit juice food products other than citrus juices, and vegetable juice food products.

Subp. 2. **Previously approved food products.** Biennially approved food products approved before the effective date of this chapter must be reapproved according to subpart 5 within one year after the effective date of this part.

Subp. 3. **New food products.** Biennially approved food products not approved before the effective date of this chapter must be approved according to subpart 5.

Subp. 4. **Duration of approval.** The approval of a food product approved under subpart 5 must be for two years, beginning on the first day of the federal fiscal year following the date of the notification of approval. However, if the food stops meeting the approval criteria under part 4617.0180, the approval of the food product ends when the food stops meeting the approval criteria.

Subp. 5. **Approval process.** Food required to be approved under this part must be approved according to the following items:

A. The commissioner shall annually send a written request for food product applications to food manufacturers who have asked in writing to receive the request, to food manufacturers of products that were previously approved, and to food manufacturers identified by the commissioner. The request must include the following information:

- (1) a description of the WIC program and of the procedure the commissioner shall use to approve a food;
- (2) the approval criteria under part 4617.0180;
- (3) the list of information that must be submitted as a part of an application for food approval;
- (4) the final date for submission of an application for food approval to the commissioner; and
- (5) the expected timetable for the commissioner's review of an application for food approval.

B. The commissioner shall not consider an application that does not provide the information required by item A, subitem (3), or is not submitted according to item A, subitem (4).

4617.0180 APPROVAL CRITERIA FOR FOODS.

Subpart 1. **Requirement.** A food product must meet the criteria in subparts 2 to 6 to be approved by the commissioner for use by the WIC program.

Subp. 2. **Nutritional acceptability.** A food product must be nutritionally acceptable according to Code of Federal Regulations, title 7, section 246.10, paragraph (c). A product must not contain a nonnutritive or artificial sweetener. Infant cereal must not contain added fruit or formula. Infant fruit juice must be pure and unsweetened and be marked as infant fruit juice. Milk must be unsweetened, unflavored cow's milk that is not buttermilk. Colby longhorn and co-jack may be included as domestic cheeses. Juice other than infant fruit juice must be pure and unsweetened with no additives other than vitamin C (ascorbic acid). Frozen concentrate juice must contain a minimum of 30 milligrams of vitamin C per 100 milliliters when reconstituted at a ratio of one ounce of juice to three ounces of water. Eggs must be fresh and either medium or large size.

Subp. 3. **Packaging.** A food product must be packaged according to items A to H.

- A. Infant cereal must be in containers of at least eight ounces and not more than 24 ounces.
- B. Infant fruit juice must be in 4.0 or 4.2-ounce jars.
- C. Fluid milk must be in gallon or half-gallon containers.
- D. Evaporated milk must be in 12- or 13-ounce cans.
- E. Dry milk must be in containers that do not exceed 28 quarts when reconstituted.
- F. Cheese must be in blocks that do not exceed one pound.
- G. Eggs must be in cartons that contain a dozen eggs.
- H. Legumes must be in one-pound containers.

- I. Frozen juice must be in six-ounce or 12-ounce containers.
- J. Canned fruit or vegetable juice must be in 46-ounce containers.
- K. Hot cereals must not be in individual serving packets.
- L. Ready-to-eat cereal must be in 14 ounce or larger containers.

Subp. 4. **Cost.** The cost of food products must be competitive with the prices of like products acceptable for use. Food product prices must be less than or equal to the average price of the food product plus one standard deviation of the other food products in the same food category.

Subp. 5. **Availability.** A food product must be stocked by at least three authorized vendors in the state. The commissioner shall do on-site inspections to verify availability. If an on-site inspection shows that a food product is not stocked by at least three food vendors in Minnesota, the commissioner shall disapprove that food product.

Subp. 6. **Distinction.** The container, container label, or appearance of an approved food must make that food readily distinguishable from similar food products that do not meet the other approval criteria under this part.

Board of Teaching

Proposed Permanent Rules Relating to Teacher Education

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Teaching intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, section 125.05, subd. 1, and 125.185, subd 4.

All persons 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. 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 the rules 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 unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square
550 Cedar Street
St. Paul, MN 55101
612/296-2415

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

A copy of the proposed rules is attached to this notice.

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 rules has been prepared and is available from Kenneth L. Peatross, Executive Secretary, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 55101, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the

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Proposed Rules

Attorney General 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 rules, must submit the written request to Kenneth L. Peatross, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 55101.

Dated: 24 April 1989

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

Rules as Proposed (all new material)

8700.2810 TEACHER EDUCATION CURRICULUM.

Subpart 1. **In general.** This part is designed primarily to assist Minnesota institutions approved to prepare persons for teacher licensure and their teacher education units with redesigning teacher education programs consistent with the goal of developing effective teachers.

By complying with this part each institution approved to prepare persons for teacher licensure may shape its own autonomous reconfiguration by using approaches consistent with its stated mission and purpose.

Subp. 2. **Program development and implementation.**

A. Teacher education programs must be based on a statement of philosophy that includes a concept of effective teachers. The statement must be developed with involvement of various groups, which may include teacher education faculty, liberal arts faculty, classroom teachers, students, community members, and representatives of professional organizations. The concept of effective teachers must form the basis for the curriculum which includes a liberal arts component; knowledge of the discipline; and dispositions, skills, and knowledge for teaching.

B. Teacher education programs must be based on the study of a variety of educational theories including knowledge and understanding of the foundations of history, philosophy, sociology, and politics of education, and the application of this knowledge and understanding in clinical settings.

C. Teacher education programs must be results oriented, based on essential knowledge, current research, and sound professional practice. Programs must focus on the dispositions, skills, and knowledge beginning teachers need to be effective. Expected dispositions of beginning teachers must stem from the concept of effective teachers. The identified dispositions provide the basis for the range of skills needed by beginning teachers. The knowledge necessary for building the skills is then defined.

D. Teacher education programs must include regular and systematic experiential activities that relate to the acquisition of dispositions, skills, and knowledge. Throughout the teacher education program, future teachers shall:

- (1) engage in regular and systematic observation, reflection, and feedback using a variety of methods in clinical and field settings, in small and large groups of learners, in a wide range of real or simulated settings;
- (2) have regular and systematic practice and use of technology and data-based information systems;
- (3) routinely integrate methods of analysis and problem solving in all field experiences and practices; and
- (4) engage in field experiences that are clustered within a limited number of cooperating schools.

Subp. 3. **Program outcomes.**

A. **Dispositions.** Faculty at each institution shall establish a set of experiences involving personal, programmatic, and clinical components that foster dispositions for beginning teachers toward: self and others, learners, learning, teaching, knowledge, the education profession, and institutions.

In all instances, teacher education programs shall foster knowledge and understanding to assure that beginning teachers are aware of and sensitive to handicapping conditions and issues of multicultural education and gender fairness.

B. **Skills.** Teacher education programs shall assure that beginning teachers possess and can demonstrate individually and in groups the skills listed in this item with all students including the gifted and talented and those with special needs.

- (1) **Intellectual skills:**
 - (a) demonstrate competence in the use of speaking, listening, reading, writing, and mathematics skills; and
 - (b) demonstrate competence in the use of a range of thinking skills.
- (2) **Assessment skills:**
 - (a) systematically observe and interpret the dynamics of learner behavior;
 - (b) identify levels of readiness relative to student learning and development and levels and sources of learner motivation;

and

(c) identify student learning styles, strengths, and needs and relevant aspects of learner background and experience.

(3) Planning skills:

(a) define the purpose, goals, and objectives of learning based on learner assessment, curriculum content, and knowledge of learning effectiveness research;

(b) translate goals into integrated curricular objectives, and select learning materials, activities, and strategies to achieve learning objectives for each learner; and

(c) plan and design evaluation tools and strategies for assessing learner outcomes.

(4) Instructional skills:

(a) use multiple teaching and learning strategies consistent with research findings;

(b) communicate clear, individually appropriate learning expectations to students;

(c) establish and maintain active learner participation;

(d) use questioning skills to develop learner participation and thinking;

(e) provide feedback to support, critique, and expand learner expression in speaking, writing, and thinking;

(f) foster critical and divergent thinking and problem solving among learners;

(g) involve parents and guardians in student learning development; and

(h) use state of the art communication technology and information systems.

(5) Classroom management skills:

(a) provide clear and appropriate behavioral expectations and establish corresponding rules and routines;

(b) identify and diagnose causes of socially acceptable and unacceptable behaviors in the learning environment;

(c) recognize and respond to opportunities for fostering learner self-discipline;

(d) employ strategies to alter the physical and social-emotional climate of the learning environment to promote desired social development; and

(e) demonstrate courtesy and respect for others, enthusiasm for learning, self-discipline and control, and consistency between intention and action.

(6) Evaluation skills:

(a) monitor and evaluate student learning through a variety of methods;

(b) monitor and evaluate one's own dispositions, behavior, and instructional strategies in relation to student achievement and behavior; and

(c) modify curriculum, learning objectives, plans, and instructional behavior based on evaluation results.

(7) Change agent skills:

(a) identify means by which teachers can act as agents of change for self and institution;

(b) demonstrate the ability to work effectively in groups seeking change; and

(c) provide illustrations of how change can be initiated within an organization.

C. Knowledge. Teacher education programs shall assure that beginning teachers possess and can demonstrate knowledge in areas listed in this item.

(1) Knowledge about people:

(a) demonstrate knowledge of philosophical beliefs and ethical values that shape societies and the impact educational systems have on the evolution of these beliefs and values;

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Proposed Rules

- (b) understand how social organizations function and influence people and how people influence organizations;
 - (c) comprehend the challenges and the opportunities facing people in culturally diverse societies;
 - (d) comprehend the challenges and the opportunities facing academically diverse populations;
 - (e) understand how to work with people in complex social settings; and
 - (f) make informed judgments regarding issues of professional ethics.
- (2) Knowledge about cultures:
- (a) understand the origins, beliefs, and the development of western and nonwestern civilizations and cultures;
 - (b) understand past and present ideas and debates in the sciences and humanities; and
 - (c) understand issues, trends, and forecasts that may affect future thinking, behavior, and institutions.
- (3) Knowledge about epistemology:
- (a) appreciate differing viewpoints and theories within disciplines and of associated methods of inquiry;
 - (b) evaluate explanations advanced to account for phenomena;
 - (c) understand the changing nature of various fields of knowledge; and
 - (d) understand theories of knowledge.
- (4) Knowledge in a specific discipline:
- (a) understand the scope, structure, and relationship of a specific body of knowledge to the world; and
 - (b) develop a sense of personal scholarship through concentrated study of one or more disciplines outside of professional education.
- (5) Knowledge about human growth and development:
- (a) understand how the acquisition of knowledge relates to one's own level of development, learning style, and motivational habits as a basis for responding to individual learner's needs;
 - (b) understand how the acquisition of knowledge relates to the learner's level of development, learning style, and motivational habits;
 - (c) translate theory into practical learning application; and
 - (d) acquire information about human learning derived from theories within and across cultures, in the following areas:
 - (i) affective/social, cognitive, moral, and physical development;
 - (ii) motivation; and
 - (iii) individual learning styles and modes.
- (6) Knowledge about communication and language:
- (a) appreciate and understand the complexities of human communication;
 - (b) determine how various communication strategies and styles affect learning in a variety of contexts; and
 - (c) acquire theoretical and developmental knowledge about nonverbal communication, oral language and communication, written language and communication, and technological language and communication.
- (7) Knowledge of scientific inquiry:
- (a) understanding methods of scientific inquiry to provide teachers with a variety of problem solving strategies for addressing the difficulties and complexities of student learning;
 - (b) understand and value critical thinking and self-directed learning as intellectual habits of mind; and
 - (c) learn scientific methodology and use it systematically to identify problems and create effective learning environments.
- (8) Knowledge of literature on learning and teaching:
- (a) articulate and explain one's own learning behavior and student learning behavior;
 - (b) interpret and apply research findings; and
 - (c) acquire knowledge of the professional literature regarding learning, curriculum and resources, pedagogy, technology, and organizational theory and development.
- (9) Knowledge of the change process:

- (a) acquire knowledge of the teacher's role as change agent, both for self and institution;
- (b) acquire knowledge of group dynamics and institutional change; and
- (c) acquire knowledge related to the initiation of change in an organization.

Subp. 4. Transition.

A. By June 30, 1990, and each June 30 thereafter, each approved teacher education institution shall file an annual report with the Board of Teaching that shows progress in implementing this part.

B. Any interested party may submit suggested revisions of this part to the Board of Teaching for review and comment at any time before January 1, 1994.

C. This subpart is repealed July 1, 1994.

8700.7710 TEACHER EDUCATION PROGRAM EVALUATION.

Subpart 1. **In general.** The following criteria are to be applied by the Board of Teaching to measure teacher education program effectiveness.

- A. The program has a stated set of outcomes consistent with the dispositions, skills, and knowledge developed by the institution.
- B. The stated outcomes of the program are based on research, theory, and accepted practice.
- C. A liberal arts curriculum is an integral component of the teacher education program and is consistent with other programs offered by the institution.
- D. The teacher education curriculum draws upon and is coordinated with current knowledge in the liberal arts.
- E. The institution documents evidence of efforts to integrate liberal arts and teacher education.
- F. The program incorporates a broad range of clinical and field experiences.
- G. The program is developed and implemented through formal partnerships.
- H. Students are evaluated at entrance, throughout, and at completion of the program.
- I. Licensure candidates demonstrate the dispositions, skills, and knowledge developed by the institution to the satisfaction of teacher education faculty and cooperating school personnel.
- J. The teacher education faculty and cooperating school personnel demonstrate effective teaching.
- K. Teacher educators evaluate their programs and use results of evaluation to improve courses, programs, and learning experiences.
- L. Teacher education faculty and cooperating school personnel collaboratively implement and evaluate the formal induction period at such time as the Board of Teaching may require a formal induction period.

Subp. 2. Transition.

A. Between July 1, 1989, and July 1, 1994, teacher education institutions and programs reviewed for approval by the Board of Teaching in accordance with parts 8700.7600 and 8700.7700 shall demonstrate progress toward compliance with this part.

B. Any interested party may submit suggested revisions of this part to the Board of Teaching for review and comment at any time before January 1, 1994.

C. This subpart is repealed July 1, 1994.

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Proposed Rules

Board of Teaching

Proposed Permanent Rules Relating to Teaching Licenses

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Teaching intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 125.05, subd. 1, and 125.185, subd 4.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the 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 unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square
550 Cedar Street
St. Paul, MN 55101
612/296-2415

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

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Kenneth L. Peatross, Executive Secretary, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 55101, upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General 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 the written request to Kenneth L. Peatross, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 55101.

Dated: 24 April 1989

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

Rules as Proposed (all new material)

8700.1910 LOCAL COMMITTEES IN SCHOOL DISTRICT CONSORTIA.

Subpart 1. **School district consortia only.** Licensed personnel employed by a Minnesota public school district consortium that is authorized by Minnesota statutes may establish a local committee for the same purpose as local committees established by public school districts.

Subp. 2. **Committee conduct.** When possible, the committees authorized in subpart 1 shall be established according to part 8700.1100, subpart 1. The committees shall function in the same manner as provided in parts 8700.0900 to 8700.2300 for committees of public school districts and in a way that provides fair representation for all licensed personnel and objective evaluation of requests for renewal of licenses.

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.

Department of Health

Adopted Permanent Rules Relating to Filing Fees for HMOs

The rule proposed and published at *State Register*, Volume 13, Number 28, pages 1722-1723, January 9, 1989 (13 S.R. 1722) is adopted as proposed.

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Medical Charges and Reimbursement

The rules proposed and published at *State Register*, Volume 13, Number 26, pages 1524-1651, December 26, 1988 (13 S.R. 1524) are adopted with the following modifications:

Rules as Adopted

5221.0100 DEFINITIONS.

Subp. 16. ~~Appropriate record.~~ "Appropriate record" means the following:

~~A. for outpatient treatment provided by a physician, osteopath, optometrist, podiatrist, and dentist, legible information that substantiates the nature and necessity of a service or charge in the form of an office note, progress note, chart note, or any other routinely generated medical record;~~

~~B. for inpatient hospital treatment, the discharge summary created by the treating physician;~~

~~C. for outpatient treatment provided by a chiropractor, legible information that substantiates the nature and necessity of a service or charge in the form of an initial evaluation, interim evaluation, or discharge/final evaluation; and~~

~~D. for outpatient treatment provided by other health care providers not specified in items A to C, legible information that substantiates the nature and necessity of a service or charge in the form of an initial report, an interim report, or a discharge/summary report.~~

5221.0600 PAYER RESPONSIBILITIES.

Subp. 3. **Determination of charges.**

A. As soon as reasonably possible, and no later than 30 calendar days after receiving the bill, the payer shall:

(3) request ~~an appropriate record~~ or specific additional information to determine whether the charge or service is excessive or whether the condition is compensable. The payer shall make a determination as set forth in subitems (1) and (2) no later than 30 calendar days following receipt of ~~an appropriate record and the provider's response to the initial request for specific additional information, the payer shall make a determination as set forth in this item.~~

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Adopted Rules

5221.0700 PROVIDER RESPONSIBILITIES.

Subp. 4. **Cooperation with payer.** pursuant to *Minnesota Statutes*, section 176.138, providers shall comply within seven working days with payers' proper written requests for copies of existing medical data concerning the services provided, the patient's condition, the plan of treatment, and other issues pertaining to the payer's determination of compensability or excessiveness. ~~A provider may not require prepayment for costs of copies of existing medical records.~~

5221.1000 INSTRUCTIONS FOR APPLICATION OF THE MEDICAL FEE SCHEDULE FOR REIMBURSEMENT OF WORKERS' COMPENSATION MEDICAL SERVICES.

Subp. 7. **Code modifiers.** The codes for services in parts 5221.1100 to 5221.2400 may be submitted with two-digit suffixes, called "modifiers." Modifiers indicate that a service differs in some material respect from the service's basic description. Services submitted with modifiers, or which should be submitted with modifiers, shall be evaluated according to the standards in items A to T.

F Modifier number 50 denotes bilateral procedures. ~~This modifier does not exempt the secondary services from the maximum fee for the five digit code.~~ Unless otherwise identified in the listings, bilateral procedures requiring a separate incision that are performed at the same operative session shall be identified by the appropriate five-digit code describing the first procedure. The second bilateral procedure shall be identified by adding modifier 50 to the procedure number.

5221.1100 PHYSICIAN SERVICES; MEDICINE.

Subp. 3a. **Home services.** The following codes, service descriptions, and maximum fees apply to physician services provided in a home setting if provided in a private residence as a "house call." They do not apply to physician services provided at a nursing home, boarding home, domiciliary (temporary lodging), or custodial care involving periodic services provided to a patient who is institutionalized on a long-term basis.

Code	Service	Maximum Fee
90100-00	Home medical service, new patient; brief service	\$ 44.00
90110-00	limited service	48.00
90115-00	intermediate service	50.00
90130-00		
<u>90140-00</u>	Home medical service, established patient; minimal <u>brief</u> service	30.30 <u>42.90</u>
90140-00	brief service	42.90
90150-00	limited service	45.00
90160-00	intermediate service	50.00
90170-00	extended service	57.80

Subp. 4. **Hospital services.** The following codes, service descriptions, and maximum fees apply to services provided at a hospital. Initial hospital care is categorized under codes 90200 to 90220. Subsequent hospital care is categorized under codes 90240 to ~~90270~~ 90292.

Subp. 6. **Nursing home, boarding home, domiciliary, or custodial care medical services.** The following codes, service descriptions, and maximum fees apply to physician services provided in a domiciliary or custodial care facility involving periodic services, provided to a patient who is institutionalized on a long-term basis.

Code	Service	Maximum Fee
90410-00	Nursing home, boarding home, domiciliary, or custodial care medical service, new patient; limited service	\$50.00 <u>37.00</u>
90415-00	intermediate service	81.50
90420-00	comprehensive service	75.00
90430-00	Nursing home, boarding home, domiciliary, or custodial care medical service, established patient; minimal service	20.75
90440-00	brief service	25.00
90450-00	limited service	33.00
90460-00	intermediate service	44.00
90470-00	extended service	55.00

5221.1300 PSYCHIATRY AND PSYCHIATRIC THERAPY.

The following codes, service descriptions, and maximum fees apply to psychiatric therapeutic procedures, and to a provider licensed as a doctor of medicine or a doctor of osteopathy. For services provided by a licensed psychologist or social worker with a master of social work degree, see parts 5221.3100 and 5221.3150, respectively.

Adopted Rules

Code	General Clinical Psychiatric Diagnostic or Evaluative Interview Procedures Service	Maximum Fee
90801-00	Psychiatric diagnostic interview examination including history, mental status, or disposition (may include communication with family or other sources, ordering and medical interpretation of laboratory or other medical diagnostic studies. In certain circumstances, other informants will be seen in lieu of the patient). (MD/DO)	\$112.00
90825-00	Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests, and other accumulated data for medical diagnostic purposes	70.00
90841-00	Individual medical psychotherapy by a physician, with continuing medical diagnostic evaluation and drug management when indicated, including psychoanalysis, insight-oriented, behavior-modifying, or supportive psychotherapy; time unspecified	111.50
90843-00	Individual medical psychotherapy with continuing medical diagnostic evaluation, and drug management when indicated, including psychoanalysis, insight oriented, behavior modifying or supportive psychotherapy; approximately 20 to 30 minutes (MD/DO)	55.00
90844-00	approximately 45 or 50 minutes (MD/DO)	85.00
90847-00	Family medical psychotherapy (conjoint psychotherapy) (MD/DO)	85.00
90849-00	Multiple-family group medical psychotherapy by a physician, with continuing medical diagnostic evaluation and drug management when indicated	57.00
90853-00	Group medical psychotherapy (other than of a multiple-family group) (MD/DO)	40.00
90862-00	Chemotherapy management, including prescription, use, and review of medication with no more than minimal medical psychotherapy	120.00 <u>50.00</u>
90870-00	Electroconvulsive therapy (includes necessary monitoring); single seizure	120.00

5221.1600 OTORHINOLARYNGOLOGIC SERVICES.

The codes, service descriptions, and maximum fees in this part apply to otorhinolaryngologic services, and to a provider licensed as a doctor of medicine or a doctor of osteopathy. Diagnostic or treatment procedures usually included in a comprehensive otorhinolaryngologic evaluation or office visit, which do not include the following, should be reported as an integrated medical service using the appropriate code from the 90000 series. Component services such as otoscopy, rhinoscopy, or tuning fork test should not be itemized separately. All of the following services include medical diagnostic evaluation. Technical procedures, which may or may not be performed by the physician personally, are often part of the service, but do not constitute the service itself.

Code	Service	Maximum Fee
92504-00	Binocular microscopy (separate diagnostic procedure (MD/DO))	\$ 10.00
92507-00	Speech, language, or hearing therapy, with continuing medical supervision; individual	42.00
92508-00	Speech, language, or hearing therapy with continuing medical supervision; group (MD/DO)	16.00
92511-00	Nasopharyngoscopy with endoscope (separate procedure)	58.00
92512-00	Nasal function studies, for example, rhinomanometry	71.50
92532-00	Positional nystagmus	21.00
92533-00	Caloric vestibular test, each irrigation (binaural), bithermal stimulation constitutes four tests	30.00
92541-00	Spontaneous nystagmus test, including gaze and fixation nystagmus, with recording	41.00
92542-00	Positional nystagmus test, minimum of four positions, with recording	43.00
92543-00	Caloric vestibular test, each irrigation (binaural, bithermal stimulation constitutes four tests), with recording (MD/DO)	55.00
92544-00	Optokinetic nystagmus test, bidirectional, foveal or peripheral stimulation, with recording (MD/DO)	26.00
92545-00	Oscillating tracking test, with recording (MD/DO)	26.00
<u>92546-00</u>	<u>Torsion swing test, with recording</u>	<u>31.00</u>

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Adopted Rules

5221.2250 PHYSICIAN SERVICES; SURGERY.

Subp. 2. **Instructions.** The instructions in items A to F govern the assignment of codes and the evaluation of services described in this part.

F Special situations.

(2) Multiple procedures (more than one procedure is performed at a single operative session through different incisions.)

(b) The secondary, additional, or lesser procedures must be billed by adding modifier 51 to the applicable procedure code listed in the Medical Fee Schedule. The reimbursement for these procedures must be at the provider's usual charge or 65 75 percent of the Medical Fee Schedule, whichever is less.

Subp. 3. **Integumentary system.**

B. The following codes, service descriptions, and maximum fees apply to surgical procedures of the integumentary system.

Code	Service	Maximum Fee
	Incision	
10000*00	Incision and drainage of infected or noninfected sebaceous cyst; one lesion (MD/DO)	\$ 53.00
10003*00	Incision and drainage of infected or noninfected epithelial inclusion cyst (sebaceous cyst) with complete removal of sac and treatment of cavity (MD/DO)	60.00
10020*00	Incision and drainage of furuncle (MD/DO)	40.00
10040*00	Aene surgery (e.g. marsupialization, opening or removal of multiple milia, comedones, cysts, pustules)	23.00
10060*00	Incision and drainage of abscess, for example, carbuncle, suppurative hidradenitis, and other cutaneous or subcutaneous abscesses; simple (MD/DO)	54.00
10061-00	complicated	130.00
10080*00	Incision and drainage of piloridial cyst; simple (MD/DO)	60.00
10100*00	Incision and drainage of onychia or paronychia single or simple (MD/DO)	47.00
10120*00	Incision and removal of foreign body, subcutaneous tissues; simple (MD/DO)	52.50
10121*00	complicated	112.20
10140*00	Incision and drainage of hematoma; simple	50.00
10160*00	Puncture aspiration of abscess, hematoma, bulla, or cyst (MD/DO)	45.00
10180-00	Incision and drainage, complex, postoperative wound infection	100.00
11000*00	Debridement of extensive eczematous or infected skin; up to ten percent of body surface	35.00
11041-00		
<u>11040-00</u>	Debridement; skin, full <u>partial</u> thickness	35.00
<u>11041-00</u>	<u>full</u> thickness	<u>35.00</u>
11042-00	skin, and subcutaneous tissue	80.00

Excision — Malignant Lesions

16000-00		
<u>11600-00</u>	Excision, malignant lesion, trunk, arms, or legs; lesion diameter 0.5 centimeter or less	\$111.00
11601-00	lesion diameter 0.6 to 1.0 centimeter	145.00
11602-00	lesion diameter 1.1 to 2.0 centimeters	204.00
11603-00	lesion diameter 2.1 to 3.0 centimeters	260.00
11620-00	Excision, malignant lesion, scalp, neck, hands, feet, genitalia; lesion diameter 0.5 centimeter or less	171.00
11621-00	lesion diameter 0.6 to 1.0 centimeter	220.00
11622-00	lesion diameter 1.1 to 2.0 centimeters	280.43
11640-00	Excision, malignant lesion, face, ears, eyelids, nose, lips; lesion diameter 0.5 centimeter or less	243.00
11641-00	lesion diameter 0.6 to 1.0 centimeter	292.90

Subp. 5. **Casts and strapping.** The following codes, service descriptions, and maximum fees apply to procedures associated with the application of casts and strapping. The services include the application and removal of the first cast or traction device only. Subsequent replacement of cast or traction device requires an additional listing. Codes for cast removal shall be employed only for casts applied by another physician.

Code	Service	Maximum Fee
Strapping — Any Age		
29220-00	Strapping; low back (MD/DO)	\$ 30.00
29240-00	shoulder (e.g. Velpeau)	50.00
29260-00	elbow or wrist (MD/DO)	20.00
29345-00	Application of long leg cast (thigh to toes) (MD/DO)	111.00
29355-00	walker or ambulatory type (MD/DO)	127.00
29365-00	Application of cylinder cast (thigh to ankle) (MD/DO)	87.50
29405-00	Application of short leg cast (below knee to toes) (MD/DO)	85.00
29425-00	walking or ambulatory type (MD/DO)	96.00
29435-00	Application of patellar tendon bearing (PTB) cast (MD/DO)	124.00
29440-00	Adding walker to previously applied cast (MD/DO)	34.00
29450-00	Application of clubfoot cast with molding or manipulation, long or short leg; unilateral (MD/DO)	56.00
29455-00	bilateral	103.00
Arthroscopy		
29870-00	Arthroscopy, knee, diagnostic, with or without synovial biopsy (separate procedure)	\$ 500.00
29874-00	Arthroscopy, knee, surgical; for infection, lavage and drainage; for removal of loose body or foreign body (for example, osteochondritis dissecans fragmentation, chondral fragmentation) (MD/DO)	1,310.00
29875-00	synovectomy, limited (for example, plica or shelf resection) (MD/DO)	1,225.00
29877-00	debridement/shaving of articular cartilage (chondroplasty) (MD/DO)	1,416.00
29879-00	abrasion arthroplasty (includes chondroplasty where necessary) or multiple drilling	15-25 <u>1,525.00</u>
29881-00	with meniscectomy (medial or lateral including any meniscal shaving) (MD/DO)	1,450.00

Subp. 7. **Cardiovascular system.** The following codes, service descriptions, and maximum fees apply to surgical procedures of the cardiovascular system. Injection procedures include necessary local anesthesia, introduction of needles or catheter, injection of contrast medium with or without automatic power injection, or necessary pre- and postinjection care specifically related to the injection procedure. Catheters, drugs, and contrast media are not included in the listed service for the injection procedures.

Code	Service	Maximum Fee
Coronary Artery Procedures		
33511-00	Coronary artery bypass, autogenous graft (e.g. saphenous vein or internal mammary artery); two coronary grafts (MD/DO)	\$4,900.00
33512-00	three coronary grafts (MD/DO)	4,900.00 <u>5,400.00</u>
33513-00	four coronary grafts	5,570.00
33514-00	five coronary grafts	6,224.00

Subp. 10. **Urinary system.** The following codes, service descriptions, and maximum fees apply to surgical procedures of the urinary system.

Code	Service	Maximum Fee
Kidney		
50200*00	Renal biopsy, percutaneous trocar or needle (MD/DO)	\$ 353.50
50230-00	Nephrectomy, including partial ureterectomy, any approach including resection; radical, with regional lymphadenectomy	1,821.00
50360-00	Renal homotransplantation, implantation of graft; excluding donor and recipient nephrectomy	3,094.00

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Adopted Rules

50394-00	Injection procedure for pyelography (as nephrostogram, pyelostogram, antegrade pyeloureterograms) through nephrostomy or pyelostomy tube, or indwelling ureteral catheter (separate procedure)	50.00
50590-00	Lithotripsy, extracorporeal shock wave	2,000.00
50690-00	Injection procedure for visualization of ilial conduit and/or ureteropyelography, exclusive of radiologic service (separate procedure)	30.50
51600*00	Injection procedure for cystography or voiding urethrocytography (MD/DO)	18.56
51605-00	Injection procedure and placement of chain for contrast and/or chain urethrocytography	49.51
51610-00	Injection procedure for retrograde urethrocytography	29.00
51700*00	Bladder irrigation, simple, lavage and/or instillation	34.00
51705*00	Change of cystostomy tube; simple (MD/DO)	39.40
51720-00	Bladder instillation of anticarcinogenic agent (including detention time)	81.20
51726-00	Complex cystometrogram (for example, calibrated electronic equipment) (MD/DO)	104.00
51741-00	Complex uroflowmetry	60.00
51840-00	Anterior vesicourethropexy, or urethropexy; simple	1,113.00
51841-00	Anterior vesicourethropexy, or urethropexy (Marshall-Marchetti-Krantz type); complicated (e.g., secondary repair)	1,250.00
51845-00	Abdomino-vaginal vesical neck suspension, with or without endoscopic control (e.g., Stamey, Raz, modified Pereyra)	1,400.00
52000-00	Cystourethroscopy (separate procedure) (MD/DO)	131.00
52005-00	Cystourethroscopy, with ureteral catheterization, with or without irrigation, instillation, or ureteropyelography, exclusive of radiologic service	250.00
52204-00	Cystourethroscopy with biopsy	186.00
52214-00	Cystourethroscopy, with fulguration (including cryosurgery or laser surgery) of trigone bladder neck, prostatic fossa, urethra, or periurethral glands)	297.00
52224-00	Cystourethroscopy, with fulguration (including cryosurgery or laser surgery) or treatment of MINOR (less than 0.5 centimeter) lesion(s) with or without biopsy	290.00
52234-00	Cystourethroscopy, with fulguration (including cryosurgery or laser surgery) and/or resection of; SMALL bladder tumor(s) (0.5 to 2.0 centimeters)	530.00 430.00
52235-00	MEDIUM bladder tumor(s) (2.0 to 5.0 centimeters)	820.00
52240-00	LARGE bladder tumor(s)	1,200.00
52260-00	Cystourethroscopy, with dilation of bladder for interstitial cystitis; general or conduction (spinal) anesthesia	216.00
52281-00	Cystourethroscopy, with calibration and/or dilation or urethral stricture or stenosis, with or without meatotomy and injection procedure for cystography, male or female; office (MD/DO)	227.00
52310-00	Cystourethroscopy, with removal of foreign body, calculus, or urethral stent from urethra or bladder (separate procedure); simple	322.00
52320-00	Cystourethroscopy; with removal of ureteral calculus (MD/DO)	517.00
52332-00	Cystourethroscopy, with insertion of indwelling ureteral stent (MD/DO)	360.00
52336-00	Cystourethroscopy, with ureteroscopy and/or pyeloscopy (includes dilation of the ureter by any method; with removal or manipulation of calculus) (ureteral catheterization is included)	1,300.00
52340-00	Cystourethroscopy with incision, fulguration, or resection of bladder neck and/or posterior urethra (congenital valves, obstructive hypertrophic musocal folds)	500.00
52500-00	Transurethral resection of bladder neck (separate procedure)	785.00
52601-00	Transurethral resection of prostate, including control of post-operative bleeding, complete (vasectomy, meatotomy, cysto-urethroscopy, urethral calibration and/or dilation, and internal urethrotomy are included)	1,325.50
53600*00	Dilation of urethral stricture by passage of sound or urethral dilator, male; initial (MD/DO)	36.00
53601*00	Dilation of urethral stricture by passage of sound or urethral dilator, male; subsequent	27.80
53620*00	Dilation of urethral stricture by passage of filiform and follower, male; initial	57.60
53621*00	subsequent	35.35
53660*00	Dilation of female urethra including suppository and/or instillation; initial (MD/DO)	28.00

Adopted Rules

53661-00	subsequent (MD/DO)	30.00
53670*00	Catheterization; urethral; simple	25.00

Subp. 40 **11. Reproductive system.** The following codes, service descriptions, and maximum fees apply to surgical procedures of the reproductive system.

Subp. 13. **Nervous system.** The following codes, service descriptions, and maximum fees apply to surgical procedures of the nervous system.

Code	Service	Maximum Fee
61310-00	Craniectomy or craniotomy, evacuation of hematoma, extradural, subdural, or intracerebral; supratentorial (MD/DO)	\$2,625.00
61510-00	Craniectomy, trephination, bone flap craniotomy; for excision of brain tumor, supratentorial, except meningioma	2,845.00
62223-00	Creation of shunt; ventriculo-peritoneal, -pleural, -other terminus	1,690.00
Spine and Spinal Cord — Puncture for Injection, Drainage, or Aspiration		
62270*00	Spinal puncture lumbar diagnostic (MD/DO)	\$ 100.00
62273*00	Injection lumbar epidural, of blood or clot patch (MD/DO)	240.00
<u>62274*00</u>	<u>Injection of anesthetic substance diagnostic or therapeutic; subarachnoid or subdural simple (MD/DO)</u>	<u>100.00</u>
<u>62278*00</u>	<u>epidural or caudal single (MD/DO)</u>	<u>195.00</u>
62279*00	epidural or caudal, continuous	275.00
62284*00	Injection procedure for myelography and computerized axial tomography, spinal or posterior fossa (MD/DO)	135.20
62289*00	Injection of substance other than anesthetic, contrast, or neurolytic solutions, epidural or caudal (MD/DO)	256.00

Subp. 15. **Auditory system.** The following codes, services descriptions, and maximum fees apply to surgical procedures involving the auditory system.

Code	Service	Maximum Fee
69000*00	Drainage external ear, abscess or hematoma; simple	\$ 55.00
69200-00	Removal foreign body from external auditory canal; without general anesthesia	27.24
69210-00	Removal impacted cerumen (separate procedure), 1 or both ears	20.75
69220-00	Debridement, mastoidectomy cavity, simple (e.g., routine cleaning); unilateral	38.00
69420*00	Myringotomy, including aspiration and/or eustachian tube inflation	84.00
69433*00	Tympanostomy (requiring insertion of ventilating tube), local or topical anesthesia; unilateral (MD/DO)	150.00
69434*00	Tympanostomy (requiring insertion of ventilating tube), local or topical anesthesia; bilateral	240.00
69436-00	Tympanostomy (requiring insertion of ventilating tube), general anesthesia; unilateral (MD/DO)	252.00
69437-00	bilateral (MD/DO)	350.00
69440-00	Middle ear exploration through postauricular or ear canal incision (MD/DO)	897.00
69610-00	Tympanic membrane repair, with or without site preparation or perforation preparation for closure without patch	90.00
69620-00	Myringoplasty (MD/DO)	1,305.00
69631-00	Tympanoplasty without mastoidectomy (including canalplasty, atticotomy and/or middle ear surgery), initial or revision; without ossicular chain reconstruction (MD/DO)	1,950.00
69632-00	with ossicular chain reconstruction (for example, postfenestration) (MD/DO)	2,115.00
69641-00	Tympanoplasty with mastoidotomy; without ossicular chain reconstruction (MD/DO)	2,100.00

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Adopted Rules

69660-00 Stapedectomy with reestablishment of ossicular continuity, with or without use of foreign material (MD/DO) 1,985.00

5221.2300 PHYSICIAN SERVICES; RADIOLOGY.

Subp. 2. **Diagnostic radiology.** The following codes, service descriptions, and maximum fees apply to diagnostic radiology procedures.

Code	Service	Maximum Fee
Head and Neck		
70100-00	Radiologic examination, mandible; partial, less than four views (MD/DO)	\$ 47.25
70120-00	Radiologic examination, mastoids; less than three views per side (MD/DO)	72.00
70130-00	complete, minimum of three views per side (MD/DO)	90.00
70140-00	Radiologic examination, facial bones; less than three views (MD/DO)	41.70
70150-00	complete, minimum of three views (MD/DO)	55.00
70160-00	Radiologic examination, nasal bones; complete, minimum of three views (MD/DO)	47.00
70200-00	Radiologic examination; orbits, complete, minimum of four views (MD/DO)	46.30
70210-00	Radiologic examination, sinuses, paranasal, less than three views (MD/DO)	37.00
70220-00	Radiologic examination, sinuses, paranasal, complete, minimum of three views (MD/DO)	69.50
70240-00	Radiologic examination, sella turcica (MD/DO)	48.25
70250-00	Radiologic examination, skull, less than four views, with or without stereo (MD/DO)	48.00
70260-00	complete, minimum of four views, with or without stereo (MD/DO)	74.00
70300-00	Radiologic examination, teeth; single view	14.20
70310-00	partial examination, less than full mouth	18.90
70320-00	complete, full mouth	55.00
70330-00	Radiologic examination, temporomandibular joint, open and closed mouth; bilateral	81.00
70332-00	Temporomandibular joint arthrography; supervision and interpretation only	250.00
70333-00	complete procedure	180.00
70355-00	Orthopantomogram	35.00
70360-00	Radiologic examination, neck, soft tissue (MD/DO)	33.75
70380-00	Radiologic examination, salivary gland for calculus	48.50
70390-00	Sialography; supervision and interpretation only	99.00
70450-00	Computerized axial tomography, head or brain (MD/DO)	120.90
70480-00	Computerized axial tomography, orbit, sella, or posterior fossa or outer, middle, or inner ear; without contrast material	150.00
70481-00	with contrast material	139.00
70486-00	Computerized axial tomography, maxillofacial area; without contrast material	91.40
70491-00	Computerized axial tomography, soft tissue neck; with contrast material(s)	132.00
70540-00	Magnetic resonance (e.g., proton) imaging; orbit, face, and neck	600.00
Chest		
71010-00	Radiologic examination, chest; single view, frontal (MD/DO)	\$ 34.00
71015-00	stereo, posteroanterior (MD/DO)	35.00
71020-00	Radiologic examination, chest, two views, frontal and lateral (MD/DO)	47.25
71021-00	with apical lordotic procedure (MD/DO)	44.00
71022-00	with oblique projections (MD/DO)	22.50
71030-00	Radiological examination, chest, complete, minimum of four views (MD/DO)	45.00
71034-00	Radiologic examination, chest, complete, minimum of four views; with fluoroscopy	56.00
71035-00	Radiologic examination, chest, special views, e.g., lateral decubitus, Bucky studies	23.50
71100-00	Radiologic examination, ribs, unilateral; two views (MD/DO)	53.00
71101-00	Radiologic examination, ribs, unilateral; including postero-anterior chest, minimum of three views	60.00
71110-00	Radiologic examination, ribs, bilateral; three views (MD/DO)	62.00
71111-00	Radiologic examination, ribs, bilateral; including postero-anterior chest, minimum of four views	73.00
71120-00	Radiologic examination; sternum, minimum of two views (MD/DO)	38.00
71130-00	Radiologic examination; sternoclavicular joint or joints, minimum of three views	60.00

71260-00	with contrast material	142.20
Spine and Pelvis		
72010-00	Radiologic examination, spine, entire, survey study, anteroposterior, and lateral (MD/DO)	\$ 86.00
72020-00	Radiologic examination, spine, single view, specify level (MD/DO)	37.00
72040-00	Radiologic examination, spine, cervical; anteroposterior and lateral (MD/DO)	50.50
72050-00	minimum of four views (MD/DO)	80.40
72052-00	Radiologic examination, spine, cervical; complete, including oblique and flexion and/or extension studies	89.00
72070-00	Radiologic examination, spine; thoracic, anteroposterior and lateral (MD/DO)	57.50
72072-00	Thoracic anteroposterior and lateral, including swimmer's view of the cervicothoracic junction (MD/DO)	58.50
72074-00	Radiologic examination, spine; thoracic, complete, including obliques, minimum of four views	65.00
72080-00	thoracolumbar, anteroposterior and lateral (MD/DO)	58.00
72090-00	scoliosis study, including supine and erect studies (MD/DO)	50.75
72100-00	Radiologic examination, spine, lumbosacral; anteroposterior and lateral (MD/DO)	62.00
72114-00	complete, including bending views (MD/DO)	95.00
72120-00	Radiologic examination, spine, lumbosacral, bending views only, minimum of four views	61.20
72126-00	Computerized axial tomography, cervical spine; with contrast material (MD/DO)	174.40
72132-00	 with contrast material (MD/DO)	163.00
72141-00	Magnetic resonance (e.g., proton) imaging, spinal canal and contents	790.00
72170-00	Radiologic examination, pelvis anteroposterior only (MD/DO)	41.00
72180-00	stereo (MD/DO)	42.00
72190-00	complete, minimum of three views (MD/DO)	65.00
72192-00	Computerized axial tomography, pelvis; without contrast material (MD/DO)	212.50
72193-00	 with contrast material(s) (MD/DO)	106.00
72200-00	Radiologic examination, sacroiliac joints; less than three views (MD/DO)	52.40
72202-00	three or more views (MD/DO)	58.75
72220-00	Radiologic examination, sacrum and coccyx, minimum of two views (MD/DO)	50.00
72240-00	Myelography, cervical; supervision and interpretation only	213.90
72241-00	Myelography, cervical, complete procedure (MD/DO)	590.00
72266-00	 complete procedure (MD/DO)	216.00
72270-00	Myelography, entire spinal canal; supervision and interpretation only (MD/DO)	205.44
72271-00	complete procedure (MD/DO)	340.30
Upper Extremities		
73000-00	Radiologic examination; clavicle, complete (MD/DO)	\$ 37.50
73010-00	scapula, complete (MD/DO)	42.75
73020-00	Radiologic examination, shoulder; one view (MD/DO)	37.00
73030-00	complete, minimum of two views (MD/DO)	48.00
73041-00	 complete procedure (MD/DO)	154.00
73050-00	Radiologic examination; acromioclavicular joints, bilateral, with or without weighted distraction (MD/DO)	54.00
73060-00	humerus, minimum of two views (MD/DO)	42.75
73070-00	Radiologic examination, elbow; anteroposterior and lateral views (MD/DO)	41.00
73080-00	complete, minimum of three views (MD/DO)	44.00
73090-00	Radiologic examination; forearm, anteroposterior and lateral views (MD/DO)	41.00
73100-00	Radiologic examination, wrist; anteroposterior and lateral views (MD/DO)	40.00
73110-00	complete, minimum of three views (MD/DO)	44.00

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73115-00	Radiologic examination, wrist, arthrography; supervision and interpretation only	49.00
73120-00	Radiologic examination, hand; two views (MD/DO)	40.00
73130-00	minimum of three views (MD/DO)	44.24
73140-00	Radiologic examination, finger or fingers, minimum of two views (MD/DO)	35.00
73220-00	Magnetic resonance (e.g., proton) imaging, upper extremity	700.00
Lower Extremities		
73500-00	Radiologic examination, hip; unilateral, one view (MD/DO)	\$ 34.00
73510-00	complete, minimum of two views (MD/DO)	51.00
73520-00	Radiologic examination, hips, bilateral, minimum of two views of each hip, including anteroposterior view of pelvis (MD/DO)	50.00
73530-00	Radiologic examination, hip, during operative procedure (MD/DO)	26.30
73560-00	Radiologic examination, knee; anteroposterior and lateral views (MD/DO)	42.00
73562-00	anteroposterior and lateral, with oblique, minimum of three views (MD/DO)	54.00
73580-00	Radiologic examination, knee, arthrography; supervision and interpretation only (MD/DO)	130.00
73581-00	 complete procedure (MD/DO)	154.00
73590-00	Radiologic examination, tibia and fibula, anteroposterior and lateral views (MD/DO)	43.70
73600-00	Radiologic examination, ankle; anteroposterior and lateral views (MD/DO)	38.00
73610-00	complete, minimum of three views (MD/DO)	45.60
73620-00	Radiologic examination, foot; anteroposterior and lateral views (MD/DO)	39.00
73630-00	complete, minimum of three views (MD/DO)	45.00
73650-00	Radiologic examination; calcaneus, minimum of two views (MD/DO)	38.00
73660-00	toe or toes, minimum of two views (MD/DO)	35.00
73700-00	Computerized axial tomography, lower extremity; without contrast material	130.00
73720-00	Magnetic resonance (e.g., proton) imaging, lower extremity	665.00
Abdomen		
74000-00	Radiologic examination, abdomen, single anteroposterior view (MD/DO)	\$ 37.00
74010-00	anteroposterior and additional oblique and cone views (MD/DO)	40.00
74020-00	complete, including decubitus or <u>and/or</u> erect views (MD/DO)	41.00
74022-00	Complete acute abdomen series, including supine, erect, and/or decubitus views, upright PA chest (MD/DO)	34.00
74150-00	Computerized axial tomography, abdomen; without contrast material (MD/DO)	212.50
74160-00	with contrast materials (MD/DO)	129.50
<u>74181-00</u>	<u>Magnetic resonance (e.g., proton) imaging, abdomen</u>	<u>790.00</u>
Gastrointestinal Tract		
74220-00	Radiologic examination; esophagus (MD/DO)	\$ 78.00
74230-00	Swallowing function, paraynx <u>pharynx</u> and/or esophagus, with cineradiography and/or video	56.00
74240-00	Radiologic examination, gastrointestinal tract, upper; with or without delayed films, without KUB (MD/DO)	103.00
74241-00	with or without delayed films, with KUB (MD/DO)	68.40
74245-00	with small bowel, includes multiple serial films (MD/DO)	142.50
74246-00	Radiologic examination, gastrointestinal tract, upper, air contrast, with specific high density barium, effervescent agent, with or without delayed films; without KUB	103.00
74247-00	with or without delayed films, with KUB (MD/DO)	125.00
74250-00	Radiologic examination, small bowel, includes multiple serial films (MD/DO)	97.50
74270-00	Radiologic examination, colon; barium enema (MD/DO)	101.00
74280-00	air contrast with specific high density barium, with or without glucagon (MD/DO)	152.00
74290-00	Cholecystography, oral contrast (MD/DO)	73.00
74300-00	Cholangiography and/or pancreatography; during surgery (MD/DO)	41.50
74305-00	Cholangiography and/or pancreatography; postoperative	59.50

74328-00	Endoscopic catheterization of the biliary ductal system, fluoroscopic monitoring and radiography	43.75
74329-00	Endoscopic catheterization of the pancreatic ductal system, fluoroscopic monitoring and radiography	53.00
74330-00	Combined endoscopic catheterization of the biliary and pancreatic ductal systems, fluoroscopic monitoring and radiography (MD/DO)	62.00
74340-00	Introduction of long gastrointestinal tube (e.g., Miller-Abbott) with multiple fluoroscopies and films	49.25

Urinary Tract

74400-00	Urography, (pyelography) intravenous, with or without KUB (MD/DO)	\$112.00
74405-00	with special hypertensive contrast concentration and/or or clearance studies (MD/DO)	161.70
74410-00	Urography, infusion, drip technique (MD/DO)	90.00
74415-00	Urography, infusion, drip technique and/or bolus technique; with nephrotomography	161.70
74420-00	Urography, retrograde, with or without kidneys, ureters, and bladder (MD/DO)	55.00
74425-00	Urography, antegrade, (pyelostogram, nephrostogram, loopogram); supervision and interpretation only (MD/DO)	43.75
74426-00	Urography, antegrade, (pyelostogram, nephrostogram, loopogram); complete procedure	145.60
74430-00	Cystography, minimum of three views; supervision and interpretation only (MD/DO)	46.00
74431-00	Cystography, minimum of three views; complete procedure	91.00
74451-00	Urethrocytography, retrograde; complete procedure	97.40
74455-00	Urethrocytography, voiding; supervision and interpretation only (MD/DO)	69.50
74456-00	complete procedure (MD/DO)	87.50
74475-00	Introduction of intracatheter or catheter into renal pelvis for drainage and/or injection, percutaneous, with fluoroscopic monitoring and radiography; supervision and interpretation only	155.00

Vascular System

75550-00	Angiocardiography by cineradiography; supervision and interpretation only	\$144.50
75605-00	Aortography, thoracic, by serialography; supervision and interpretation only	106.00
75627-00	Aortography, abdominal catheter, by serialography; supervision and interpretation only	84.50
75628-00	Aortography, abdominal, catheter by serialography (MD/DO)	288.00
75630-00	Aortography, abdominal, catheter iliofemoral lower extremity, catheter, by serialography; supervision and interpretation only	168.00
75631-00	Aortography, abdominal plus bilateral iliofemoral lower extremity, catheter, by serialography (MD/DO)	436.25
75650-00	Angiography, cervicocerebral, catheter, including vessel origin; supervision and interpretation only	284.50
75655-00	Angiography, cervicocerebral, selective catheter, including vessel origin; two vessels, complete procedure (MD/DO)	503.00
75656-00	Angiography, cervicocerebral, catheter, including vessel origin, three or four vessels, supervision and interpretation only	250.00
75657-00	three or four vessels, complete procedure (MD/DO)	603.80
75671-00	Angiography, carotid, cerebral, bilateral; supervision and interpretation only	238.00
75673-00	Angiography, carotid cerebral, procedure (MD/DO)	498.00
75710-00	Angiography, extremity, unilateral, supervision and interpretation only	77.50
75712-00	Angiography, extremity, unilateral; by serialography, complete procedure (MD/DO)	334.80
75716-00	Angiography, extremity, bilateral; supervision and interpretation only	95.50

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75718-00	by serialography, complete procedure	267.00
75750-00	Angiography, coronary, root injection (MD/DO)	83.80
75752-00	Angiography, coronary, unilateral selective injection, including left ventricular and supra- valvular angiogram and pressure recording; supervision and interpretation only	50.00
75754-00	Angiography, coronary, bilateral selective injection, including left ventricular and supra- valvular angiogram and pressure recording (MD/DO)	171.00
75762-00	Angiography, coronary bypass, unilateral selective injection; supervision and interpretation only	50.50
75766-00	Angiography, coronary bypass, multiple selective injection; supervision and inter- pretation only	74.00
Miscellaneous		
76000-00	Fluoroscopy (separate procedure), up to one hour physician time	\$ 40.00
76020-00	Bone age studies	36.00
76040-00	Bone length studies (orthoroentgenogram, scanogram)	69.00
76061-00	Radiologic examination, osseous survey: limited (e.g., for metastases)	139.00
76062-00	Radiologic examination, osseous survey; complete (MD/DO)	195.50
76066-00	Joint survey, single view, one or more joints (specify)	23.00
76080-00	Radiologic examination, fistula or sinus tract study; supervision and interpretation only	61.00
76081-00	Radiologic examination, fistula or sinus tract study; complete procedure (MD/DO)	76.70
76100-00	Radiologic examination, single plane body section (MD/DO)	101.30
76101-00	Radiologic examination, complex motion (i.e., hypercycloidal) body section (e.g., mastoid polytomography), other than kidney; unilateral	93.60
76102-00	bilateral	100.00
76150-00	Xeroradiography	50.00
76361-00	Computerized tomography guidance for needle biopsy; complete procedure	436.00
76370-00	Computerized tomography guidance for placement of radiation therapy fields	74.25
76375-00	Computerized tomography, coronal, sagittal, multiplanar, oblique and/or three	45.00

Subp. 4. Therapeutic radiology. The following codes, procedures and maximum fees apply to therapeutic radiology procedures. Listings for teletherapy and brachytherapy include initial consultation, clinical treatment planning, simulation, medical radiation physics, dosimetry, treatment devices, special services, and clinical treatment management procedures. They include normal follow-up care during the course of treatment and for three months following its completion.

Except where specified, clinical treatment management assumes treatment on a daily basis (four or five fractions per week) with the use of megavoltage photon or high energy particle sources. Daily and weekly clinical treatment management are mutually exclusive for the same dates. "Simple" means a single treatment area, single port or parallel opposed ports, simple blocks. "Intermediate" means two separate treatment areas, three or more ports on a single treatment area, use of special blocks. "Complex" means three or more separate treatment areas and highly complex blocking (mantle, inverted Y, tangential ports, wedges, compensators, or other special beam considerations).

Code	Service	Maximum Fee
77262-00	Therapeutic radiology treatment planning; intermediate	\$295.00
77263-00	complex	345.00
77280-00	Therapeutic radiology simulation-aided field setting; simple (MD/DO)	100.04
77285-00	intermediate	125.00
77290-00	complex	175.00
77300-00	Basic radiation dosimetry calculation, central axis depth dose, TDF, NSD, gap calculation off axis factor, tissue inhomogeneity factors, as required during course of treatment (MD/DO)	60.00
77305-00	Teletherapy, isodose plan (whether hand or computer calculated); simple (one or two parallel opposed unmodified ports directed to a single area of interest)	125.00
77310-00	intermediate (three or more treatment ports directed to a single area of interest)	150.00
77315-00	complex (mantle or inverted Y, tangential ports, the use of wedges, compen- sators, complex rotational blocking or special beam considerations)	280.00
77334-00	Treatment devices, design and construction; complex (MD/DO)	150.00
77336-00	Continuing medical radiation physics consultation in support of therapeutic radiol- ogist, including continuing quality assurance (MD/DO)	61.50

77400-00	Daily megavoltage treatment management; simple (MD/DO)	42.40
77405-00	intermediate	50.00
77410-00	complex (MD/DO)	70.00
<u>77415-00</u>	<u>Therapeutic radiology treatment port film interpretation and verification, per treatment course</u>	<u>22.00</u>
77420-00	Weekly megavoltage treatment management; simple (MD/DO)	25.00
77425-00	intermediate	95.83
77465-00	Daily kilovoltage treatment management (MD/DO)	31.50

5221.2400 PHYSICIAN SERVICES; PATHOLOGY AND LABORATORY.

Subp. 2. **Automated, multichannel tests.** The following codes, service descriptions, and maximum fees apply to tests that can be and are frequently done as groups and combinations on automated multichannel equipment. For any combination of three or more tests among those listed below, the appropriate code from 80003 to 80072 shall apply. Automated, multichannel tests do not include multiple tests performed individually for immediate or "stat" reporting.

Code	Service	Maximum Fee
Therapeutic Drug Monitoring		
<u>80031-00</u>	Therapeutic quantitative drug monitoring in body fluids and/or excreta; measurement one drug (MD/DO)	\$ 33.00
80032-00	two drugs measured	39.00

Subp. 8. **Anatomic pathology.** The following codes, service descriptions, and maximum fees apply to anatomic pathology procedures.

Code	Service	Maximum Fee
Cytopathology		
88104-00	Cytopathology, fluids, washings or brushings, with centrifugation except cervical or vaginal; smears and interpretation (MD/DO)	\$ 30.00
88106-00	filter method only with interpretation	31.70
88107-00	smears and filter preparation with interpretation	30.00
88108-00	concentration technique, smears and interpretation (e.g., Saccomanno technique)	37.00
88130-00	Sex chromatin identification; Barr bodies	15.50
88150-00	Cytopathology, smears, cervical or vaginal (e.g., Papanicolaou), up to 3 smears; screen by technical under physician supervision	16.75
88151-00	requiring interpretation by physician	19.25
88155-00	with definitive hormonal evaluation (e.g., maturation index, karyopknotic index, estrogenic index)	<u>13.50</u>
88160-00	Cytopathology, any other source; screening and interpretation (MD/DO)	28.50
88161-00	preparation, screening, and interpretation (MD/DO)	40.90
88162-00	extended study involving over 5 slides an/or multiple stains	55.00
88170-00	Fine needle aspiration with or without preparation of smears; superficial tissue (e.g., thyroid, breast, prostate)	90.00
88172-00	Evaluation of fine needle aspirate with or without preparation of smears; immediate cytohistologic study to determine adequacy of specimen(s)	27.50
88173-00	interpretation and report	88.00
88260-00	Chromosome analysis; count 5 cells, screening, with banding	400.00
88262-00	count 15-20 cells, 2 karyotypes, with banding	363.40
88267-00	Chromosome analysis, amniotic fluid or chorionic villus, count 15 cells, one karyotype, with banding	453.00

Subp. 10. **Miscellaneous.** The following codes, service descriptions, and maximum fees apply to miscellaneous pathology and laboratory services.

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Adopted Rules

Code	Service	Maximum Fee
89050-00	Cell count, miscellaneous body fluids (e.g., CSFm joint fluid), except blood	\$20.40
89051-00	Cell count, miscellaneous body fluids (e.g. CSF, joint fluid), except blood, with differential count	15.50
89060-00	Crystal identification by compensated polarizing lens analysis, cynovial fluid	16.00
89125-00	Fat stain, feces, urine, or sputum	24.30
89130-00	Gastric intubation and aspiration, diagnostic, each specimen, for chemical analyses or cytopathology (MD/DO)	61.00
89190-00	Nasal smear for eosinophils (MD/DO)	12.00
89205-00	Occult blood, any source except feces	11.00
89300-00	Semen analysis; presence and/or motility of sperm, including Huhner test	32.00
89310-00	motility and count	19.00
89320-00	Semen analysis; complete (volume count, motility and differential) (MD/DO)	39.00
89325-00	Sperm antibodies	109.00
89330-00	Sperm evaluation; cervical mucus penetration test, with or without spinnbarkheit test	32.00
89350-00	Sputum, obtaining specimen, aerosol induced technique (MD/DO)	17.10
89360-00	<u>Sweat collection by iontophoresis</u>	<u>41.00</u>

5221.2500 DENTISTS.

Subp. 2. **Diagnostic.** The following codes, service descriptions, and maximum fees apply to diagnostic services.

Code	Service	Maximum Fee
Partial Dentures - Including Routine Post-Delivery Care		
05212-00	Lower, partial; acrylic base (including any conventional clasps and rests	\$ 537.00
05213-00	Upper partial; predominantly base cast base with acrylic saddles (including any conventional clasps and rests	565.00
05214-00	Lower partial; predominantly base cast base with acrylic saddles (including any conventional clasps and rests)	575.00 <u>565.00</u>
05215-00	Upper partial; high noble cast base with acrylic saddles (including any conventional clasps and rests	565.00 <u>575.00</u>
05216-00	Lower; high noble cast base with acrylic saddles (including any conventional clasps and rests (DDS)	595.00
Bridge Pontics		
06210-00	Pontic; cast high noble metal	\$135.00 <u>350.00</u>
06240-00	porcelain fused to high noble metal	363.00
06241-00	porcelain fused to predominantly base metal	355.00
06242-00	porcelain fused to noble metal	350.00
Drugs		
09610-00	Therapeutic drug injection, by report	\$ 15.00
09630-00	Other drugs and/or medicaments	15.00
Miscellaneous Services		
09910-00	Application of desensitizing medicaments (DDS)	\$ 15.00
09991-00		25.00
09993-00		30.00
Surgery		
21200-00	Osteotomy (e.g., for prognathism, micrognathism, apertognathism or for reconstruction); mandible, total or horizontal	\$2,960.00
21203-00	mandibular ramus (osteotomy)	2,950.00
21240-00	Arthroplasty, temporomandibular joint, with or without autograft	2,400.00
40808-00	Biopsy, vestibule of mouth	107.00
40819-00	Excision of frenum, labial or buccal (frenumectomy, frenulectomy, frebectomy)	100.00
<u>41825-00</u>	<u>Excision of lesion tumor, dentoalveolar structures; without repair</u>	<u>150.00</u>
4215-00		
<u>42150-00</u>	Removal of exostosis, bony palate	280.00

5221.2600 OPTOMETRISTS; OPTICIANS.

Subpart 1. **Scope.** The codes, service descriptions, and maximum fees in this part apply to a provider licensed as a doctor of optometry, and to procedures performed within the scope of practice in accordance with Minnesota Statutes, sections 148.52 to 148.62.

Subp. 2. **Definitions.** The terms defined in this part have the meanings given them for the purposes of this part unless the context clearly indicates a different meaning.

A. "New patient" and "established patient" have the meanings given them in part 5221.1100.

B. "Level of service" for the purpose of this rule has the following meanings:

(1) "Minimal service" means a level of service that may be provided by paraoptometric personnel but supervised by a doctor of optometry. For example, determination of visual acuity or verification of a prescription.

(2) "Brief service" means a level of service pertaining to the evaluation and treatment of a condition requiring only any abbreviated history and examination, and involving less time or skill than a limited optometric service. For example, examination of a patient with subconjunctival hemorrhage or evaluation and replacement of a lost contact lens.

(3) "Limited service" means a level of service pertaining to the evaluation of an acute problem or the periodic re-evaluation of a problem, including an interval history and examination, the review of the effectiveness of past treatment, the ordering and evaluation of appropriate diagnostic tests, the adjustment of therapeutic management as indicated, and the discussion of findings or optometric management. For example, progress evaluation of a treatment program involving contact lenses, low vision, or vision therapy; or periodic re-evaluation of an intraocular lens implant.

(4) "Intermediate service" means a level of service that usually involves an optometric eye health examination that may include but is not limited to history, general observation, external ocular and adnexal examination, and other diagnostic procedures as warranted. Intermediate services do not usually include determination of the refractive state, but may do so in an established patient who is under continuing active treatment.

(5) "Extended level of service" means a level of service requiring an unusual amount of effort or judgment, including a detailed history, review of medical records, examination, and a formal conference with patient, family, or staff; or a comparable optometric diagnostic or therapeutic service.

(6) "Comprehensive service" means a level of service in which a general evaluation of the complete visual system is made. The comprehensive services constitute a single service entity, but need not be performed in one session. When indicated in the doctor's professional judgment, this service may include, but is not limited to history, general health observation, external examination of the eye and adnexa, ophthalmoscopic examination, determination of refractive state, basic sensorimotor and binocular examination, biomicroscopy, tonometry, gross visual fields, and blood pressure screening. It may include initiation of diagnostic and treatment programs, or referral, as indicated. The treatment services include the prescription of lenses, other therapy, or arranging for special optometric diagnostic or treatment services, consultation, or laboratory procedures, as may be indicated.

Code	Service	Maximum Fee
06501-00	Single vision eyeglass lenses (one lens)	\$48.00
06502-00	Bifocal eyeglass lenses (one lens)	70.20
06503-00	Trifocal eyeglass lenses (one lens)	90.00
06504-00	Lenticular eyeglass lenses (one lens)	21.00
06506-00	Eyeglass frames	67.00
06510-00	Tinting for lenses	15.00
06587-00	Contact lenses, soft (one lens)	80.00
06588-00	Contact lenses, hard (one lens)	70.00
06589-00	Dispensing fee; single vision lenses	25.00
06590-00	bifocal lenses	30.00
06591-00	trifocal lenses	32.00
09201-00	Eye examination with complete visual fields included	44.00
09213-00	Eye refraction	29.00

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Adopted Rules

Office Services

90000-00	New patient; brief service	\$22.00
90010-00	limited service	28.00
90015-00	intermediate service	38.00
90017-00	extended service	50.00
90020-00	comprehensive service	50.00
90030-00	Established patient; minimal service	15.00
90040-00	brief service	19.00
90050-00	limited service	25.00
90060-00	intermediate service (does not include determination of the refractive state)	31.00
90070-00	extended service	45.00
90080-00	comprehensive service	49.00
92002-00	New patient; intermediate service	39.00
92004-00	comprehensive service; one or more visits	50.00
92012-00	Established patient; intermediate service (includes determination of the refractive state)	38.00
92014-00	comprehensive service; one or more visits	44.00
92060-00	Sensorimotor examination with diagnostic evaluation	50.00
92065-00	Orthoptic and/or pleoptic training; with continuing direction and evaluation	40.00
92081-00	Visual field examination with medical diagnostic evaluation; tangent screen, autoplots or equivalent	20.00
92082-00	quantitative perimetry (for example, several isopters on Goldmann perimeter or equivalent)	42.50
92083-00	static and kinetic perimetry, or equivalent	60.00
92100-00	Serial tonometry with medical diagnostic evaluation (separate procedure); one or more sessions, same day	10.00
92140-00	Provocative tests for glaucoma; with medical diagnostic evaluation	15.00
92225-00	Ophthalmoscopy, extended as for retinal detachment (may include use of contact lens; drawing or sketch; and/or fundus biomicroscopy); with medical diagnostic evaluation; initial	22.20
92250-00	Ophthalmoscopy, with medical diagnostic evaluation; with fundus photography	15.00
92285-00	Extended ocular photography for documentation of progress	10.00
92287-00	Specular endothelial microseopy with photographic documentation; evaluation and report; with fluorescein angiography	38.00
92310-00	Prescription and management of corneal contact lens; both eyes, except for aphakia	50.00
92312-00	corneal lens for aphakia; two eyes	130.00
92325-00	Modification of contact lens	20.00
92326-00	Replacement of contact lens	58.00
92340-00	Treatment with spectacles; except for aphakia; monofocal	49.00
92341-00	bifocal	64.00
92342-00	multifocal; other than bifocal	84.00
92370-00	Repair and adjusting spectacles; except for aphakia	68.95
92390-00	Supply of all spectacle lenses; except for aphakia and low vision aids (all combinations; nonspecific); one lens only (enter two units for a pair)	79.00
92391-00	Supply of contact lenses; except prosthesis for aphakia; one lens only (enter two units for a pair)	108.00
99056-00	Services provided at request of patient in a location other than optometrist's office that are normally provided in the office	6.00

5221.2700 AUDIOLOGISTS.

Subp. 2. **Audiology.** The following codes, service descriptions, and maximum fees apply to audiology services and tests.

Code	Service	Maximum Fee
06665-00	Monaural dispensing fee (CCC-A/CFY)	\$190.00
21010-00	Basic hearing evaluation (CCC-A/CFY)	40.00
21020-00	Basic hearing evaluation (CCC-A/CFY)	45.00
21021-00	Limited hearing evaluation (CCC-A/CFY)	32.00

21022-00	Extended hearing evaluation (CCC-A/CFY)	64.00
21031-00	Limited site of auditory lesion evaluation (CCC-A/CFY)	16.00
21032-00	Extended site of auditory lesion evaluation (CCC-A/CFY)	32.00
21050-00	Basic prescription hearing aid evaluation (CCC-A/CFY)	40.00
21052-00	Extended prescription hearing aid evaluation (CCC-A/CFY)	45.00
21053-00	Performance evaluation of specific hearing aid (CCC-A/CFY)	20.00
21081-00	Hearing screening group (CCC-A/CFY)	9.50
22010-00	Basic speech, language, or voice evaluation (CCC-A/CFY)	80.00
92551-00	Screening test, pure tone, air only (CCC-A/CFY)	18.50
92553-00	air and bone (CCC-A/CFY)	33.00
92556-00	threshold and discrimination (CCC-A/CFY)	44.25
92557-00	Basic comprehensive audiometry (92553 and 92556 combined), (pure tone, air and bone, and speech, threshold and discrimination) (CCC-A/CFY)	60.00
92566-00	Impedance testing (CCC-A/CFY)	18.00
92567-00	Tympanometry (CCC-A/CFY)	22.00
92582-00	Conditioning play audiometry (CCC-A/CFY)	30.00
92585-00	Brainstem evoked response recording (CCC-A/CFY)
92590-00	Hearing and aid examination and selection; monaural (CCC-A/CFY)	50.00
92591-00	binaural (CCC-A/CFY)
92592-00	Hearing aid check; monaural (CCC-A/CFY)	53.50
92593-00	binaural	30.00

5221.2750 SPEECH PATHOLOGISTS.

The following codes, service description, and maximum fees apply to speech pathologists holding a certificate of clinical competency (CCC-SP) or to speech pathologists in their clinical fellowship year (CFY) as certified by the American Speech, Language, and Hearing Association.

Code	Service	Maximum Fee
06045-00	(CCC-SP/CFY)	\$35.00
92507-00	Speech, language, or hearing therapy, with continuing medical supervision; individual (CCC-SP/CFY)	34.00
92508-00	group (CCC-SP/CFY)	21.00

5221.2800 PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS.

Subpart 1. **Scope.** The codes, service descriptions, and maximum fees in this part apply to ~~licensed~~ registered physical therapists, registered occupational therapists, a physical therapy assistant serving under the direction of a ~~licensed~~ registered physical therapist or a certified occupational therapy assistant serving under the direction of a registered occupational therapist.

Subp. 2. **Physical therapy. Definitions.** The terms defined in this subpart have the meanings given to them when used in subpart 4 unless the context clearly indicates a different meaning.

G. "~~Extremity~~ Testing for strength, dexterity, or stamina" (code 97720) means detailed testing of a patient with neuromusculoskeletal dysfunction.

H. "Kinetic activities" (code 97530) means services when there are neuromusculoskeletal dysfunction which limit the patient's performing the activities that are ordinarily prescribed under therapeutic exercise. ~~Time is spent developing specific, individualized therapeutic exercise and instructing the patient in how to perform them.~~

I. "~~Functional capacity evaluation~~" (code 97705) means an objective, directly observed, measurement of workers' ability to perform a variety of physical tasks combined with statements of abilities by worker and evaluator.

Subp. 3. **Physical and occupational therapy instructions.**

A. The physical and occupational therapy treatment plan must be in writing and shall include objectives, modalities, and frequency of treatment and duration. ~~The preparation of a written treatment plan and supplying progress notes are integral parts of the fee for therapy service and do not command a separate fee.~~

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Adopted Rules

B. Physical therapy services must be provided by a Minnesota licensed registered physical therapist or physical therapy assistant under the direct supervision of a licensed registered physical therapist. Upon request, the provider must supply a Minnesota license registration number.

Subp. 4. **Scope Physical therapy and occupational therapy services.** The following codes, service descriptions, and maximum fees apply to physical and occupational therapy procedures when performed within the physical or occupational therapist's scope of practice in an independent clinic, or a doctor's office, a hospital satellite clinic, or hospital out-patient setting.

Code	Service	Modalities	Maximum Fee
97010-00	Physical medicine treatment to one area; hot or cold packs (RPT/OTR)		\$17.00
97012-00	traction, mechanical (RPT/OTR)		16.00
97014-00	electrical stimulation (unattended) (RPT/OTR)		15.00
97016-00	vasopneumatic devices (RPT/OTR)		16.00
97018-00	paraffin bath (RPT/OTR)		20.00
97022-00	whirlpool (RPT/OTR)		17.00
97024-00	diathermy (RPT/OTR)		16.00
97028-00	ultraviolet (RPT/OTR)		25.00
Procedures			
97110-00	Physical medicine treatment to one area, initial 30 minutes, each visit; therapeutic exercises (RPT/OTR)		\$22.00
97112-00	neuromuscular reeducation (RPT/OTR)		25.00
97114-00	functional activities (RPT/OTR)		19.00
97116-00	gait training (RPT/OTR)		23.00
97118-00	electrical stimulation (manual) (RPT/OTR)		16.25
97120-00	iontophoresis (RPT/OTR)		20.00
97122-00	traction, manual (RPT/OTR)		18.00
97124-00	massage (RPT/OTR)		17.25
97126-00	contrast baths		18.00
97128-00	ultrasound (RPT/OTR)		16.25
97145-00	Physical medicine treatment to one area, each additional 15 minutes		13.00
97220-00	Hubbard tank; initial 30 minutes each visit (RPT/OTR)		45.00
97240-00	Pool therapy or Hubbard tank with therapeutic exercises: initial 30 minutes, each visit (RPT/OTR)		30.00
97500-00	Orthotics training (dynamic bracing, splinting), upper upper/lower extremities; initial 30 minutes, each visit (RPT/OTR)		21.00
97530-00	Kinetic activities to increase coordination, strength and/or range of motion, one area (any two extremities or trunk); initial 30 minutes, each visit (RPT/OTR)		25.00
97531-00	each additional 15 minutes (RPT/OTR)		18.50
97540-00	Activities of daily living (ADL) and diversional activities; initial 30 minutes, each visit (RPT/OTR)		20.00
97541-00	each additional 15 minutes (RPT/OTR)		18.50
Tests and Measurements			
97700-00	Office visit, including one of the following tests, measurements, or evaluation with report: initial 30 minutes (RPT/OTR)		
	a. Orthotic check-out;		
	b. Prosthetic check-out;		
	c. Activities of daily living check-out;		
	d. Follow-up evaluation for extremity testing for strength, dexterity, or stamina		\$21.00
97701-00	each additional 15 minutes		21.00
97720-00	Initial evaluation for extremity testing for strength, dexterity, or stamina; initial 30 minutes, each visit (RPT/OTR)		32.00
97721-00	each additional 15 minutes (RPT/OTR)		25.00
97752-00	Muscle testing with torque curves during isometric and isokinetic exercise mechanized or computerized evaluators evaluations with printout (e.g., by use of cybex or similar type machine); for extremities (RPT/OTR)		55.00
97753-00	for trunk/back		134.40

5221.2900 CHIROPRACTORS.

Subp. 1b. **Chiropractor instructions.**

B. Conjunctive therapy modalities must be used in conjunction with adjustment or manipulation ~~on the same day.~~

Subp. 2. **Medicine.** The following codes, service descriptions, and maximum fees apply to medical services.

Code	Service	Maximum Fee
Home/Nursing Home Visits		
09550-00	Chiropractic visit with manipulation/adjustment (CHIRO/DC)	\$40.00
09555-00	Visit with cast application to one area; (e.g., short arm, short leg, knee, or elbow)	25.00
<u>09556-00</u>	<u>(e.g., long leg, thoracolumbar lumbosacrol, or full-body corset type)</u>	<u>28.50</u>
Conjunctive Therapy/Modality - Office, Home, or Nursing Home		
09560-00	Application of hot pack (CHIRO/DC)	\$10.00
09561-00	Application of cold pack (CHIRO/DC)	11.00
09562-00	Diathermy (CHIRO/DC)	12.00
09563-00	Electrical stimulation, includes: muscle stimulation, low volt therapy, sine wave therapy, stimulation of peripheral nerve, galvanic (CHIRO/DC)	12.00
09564-00	Intersegmental motorized mobilization (CHIRO/DC)	12.00
09565-00	Muscle stimulation, manual (CHIRO/DC)	12.00
09566-00	Ultrasound therapy (CHIRO/DC)	11.00
09567-00	Traction (CHIRO/DC)	12.00
09568-00	Acupressure, manual or mechanical (CHIRO/DC)	12.00
09569-00	Acupuncture (CHIRO/DC)	15.00
09570-00	Whirlpool	10.00
09572-00	Infrared - heat lamp (CHIRO/DC)	7.00
09573-00	Ultraviolet (CHIRO/DC)	10.00
09574-00	Trigger point therapy (CHIRO/DC)	13.00
09591-00	Nutritional supplement	15.00
09592-00	Exercise consultation or instruction	25.00 <u>20.00</u>
09593-00	Diet consultation/instruction (CHIRO/DC)	25.00

Subp. 3. **Radiology.** The following codes, service descriptions, and maximum fees apply to radiology services, and include both the technical and professional (interpretive) components of the service.

Code	Service	Maximum Fee
Chest		
71010CHR	Radiologic examination, chest; (single view, posteroanterior) (CHIRO/DC)	\$30.00
Spine and Pelvis		
72010CHR	Radiologic examination, spine, entire, survey study (14 x 36, anteroposterior and lateral) (CHIRO/DC)	\$60.00
72020CHR	Radiologic examination, spine; single view, (specify level) (CHIRO/DC)	38.00
72040CHR	Radiologic examination, spine, cervical; limited (CHIRO/DC)	44.00
72070CHR	Radiologic examination, spine; thoracic (CHIRO/DC)	55.00
72080CHR	thoracic, limited (anteroposterior and lateral) (CHIRO/DC)	52.00
72090CHR	scoliosis study, comprehensive (CHIRO/DC)	52.00
72100CHR	Radiologic examination, spine; lumbar, limited (anteroposterior and lateral) (CHIRO/DC)	55.00
<u>72120CHR</u>	<u>Radiologic exam, spine, lumbosacral, bending views only, minimum of four views</u>	<u>80.00</u>
72170CHR	Radiologic examination, pelvis; limited (minimum two views) (CHIRO/DC)	44.00
72190CHR	complete; (minimum of three views) (CHIRO/DC)	90.00

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Adopted Rules

Lower Extremities

73500CHR	Radiologic examination, hip; limited (one view) (CHIRO/DC)	\$35.00
73510CHR	Radiologic examination, hip; complete, minimum of two views (CHIRO/DC)	53.00
73560-00	Radiologic examination, knee; anteroposterior and lateral views	40.00
73562CHR	anteroposterior and lateral, with oblique(s), minimum of three views (CHIRO/DC)	55.00
73564-00	complete, including oblique(s), and/or tunnel, and/or patellar and/or standing views	70.00
73600CHR	Radiologic examination, ankle; limited (two views) (CHIRO/DC)	35.00
73610CHR	Radiologic examination, ankle; comprehensive (minimum of three views (CHIRO/DC)	50.00
73620-00	Radiologic examination; foot; anteroposterior and lateral views	32.00
73630-00	<u>complete, minimum of three views</u>	<u>55.00</u>

Subp. 4. **Laboratory.** The following codes, service descriptions, and maximum fees apply to laboratory procedures. Automated, standard chemistry profiles include the following tests.

Code	Service	Maximum Fee
Hematology		
85022CHR	Blood count; hemogram, automated, and differential WBC count (CBC)	\$29.00
85031CHR	hemogram, manual, complete CBC (RBC, WBC, Hgb, HcT, differential and indices) (CHIRO/DC)	15.00 <u>20.00</u>
85548-00	Morphology of red blood cells, only	42.00

5221.3000 PODIATRISTS.

Subp. 3. **Medicine.** The following codes, service descriptions, and maximum fees apply to medical services.

Code	Service	Maximum Fee
Surgery		
02229-00	\$200.00
10060-00	Incision and drainage of abscess (e.g., carbuncle, suppurative hidradenitis, and other cutaneous or subcutaneous abscesses); simple	<u>\$50.00</u>
10100*00	Incision and drainage of onychia or paronychia; single or simple (POD/DPM)	55.00
10101*00	multiple or complicated	75.00
11000*00	Debridement of extensive eczematous or infected skin; up to ten percent of body surface	20.00
11040-00	Debridement; skin, partial thickness	50.00
11050*00	Paring or curettement of benign lesion with or without chemical cauterization; single lesion (POD/DPM)	25.00
11051*00	Paring or curettement of benign lesion with or without chemical cauterization (such as verrucae or clavi); two to four lesions	21.00
11052-00	more than four lesions (POD/DPM)	28.85
11420-00	Excision, benign lesion, except skin tag (unless listed elsewhere), hands, feet; lesion diameter up to 0.5 centimeter (POD/DPM)	85.00
11421-00	lesion diameter 0.6 - 1.0 centimeters	99.00
11422-00	lesion diameter 1.1 - 2.0 centimeters	125.00
Radiology		
73600-00	Radiologic examination, ankle; anteroposterior and lateral views (POD/DPM)	\$40.00
73610-00	complete, minimum of three views	45.00
73620-00	Radiologic examination, foot; anteroposterior and lateral views (POD/DPM)	35.00
73630-00	complete, minimum of three views (POD/DPM)	51.00
73650-00	Radiologic examination; calcaneus, minimum of two views	30.00
73660-00	toe or toes, minimum of two views (POD/DPM)	30.00
80012-00	Automated multichannel test; 12 clinical chemistry tests	40.00
81000-00	Urinalysis; routine (pH, specify gravity, protein, tests for reducing substances such as glucose), with microscopy	11.00
81002-00	routine, without microscopy	13.00 <u>10.00</u>
82947-00	Glucose; except urine (e.g., blood, spinal fluid, joint fluid) (POD/DPM)	13.00
82948-00	blood stick test	12.00

Adopted Rules

85000-00	Bleeding time; Duke	6.00
85014-00	Blood count; hematocrit	9.00
85018-00	Blood count; hemoglobin, colorimetric (POD/DPM)	8.00
85022-00	hemogram, automated, and manual differential WBC count	40.00
85345-00	Coagulation time; Lee and White	7.50
87075-00	Culture, bacterial, any source; anaerobic (isolation)	14.00
87101-00	Culture, fungi, isolation; skin	18.00
88302-00	Surgical pathology, gross and microscopic examination of presumptively normal tissue(s), for identification and record purposes	35.00
88304-00	Surgical pathology, gross and microscopic examination of presumptively abnormal tissue(s); uncomplicated specimen	40.00
Therapeutic Injections		
90782POD	Therapeutic injection of medication (specify); subcutaneous or intramuscular (POD/DPM)	\$30.00 \$20.00
90784-00	intravenous	20.00
90788POD	Intramuscular injection of antibiotic (specify) (POD/DPM)	15.00
Physical Medicine		
95851POD	Range of motion measurements and report (separate procedure); each extremity (POD/DPM)	\$40.00
97022POD	whirlpool (POD/DPM)	20.00
97128POD	ultrasound (POD/DPM)	16.00
L3010POD	Foot, insert, removable, molded to patient model, longitudinal arch support, each (POD/DPM)
Other Procedures		
X1229POD	Radical excision of nail (POD/DPM)	\$.....
97700-00	Office visit, including one of the following tests or measurements, with report: a. Orthotic "check-out" b. Prosthetic "check-out" c. Activities of daily living "check-out"; initial 30 minutes, each visit	\$25.00
99000-00	Handling and/or conveyance of specimen for transfer from the physician's office to a laboratory	10.00
99025-00	Initial (new patient) visit when asterisked (*) surgical procedure constitutes major service at that visit	20.00

~~5221.3170~~ 5221.1410 BIOFEEDBACK.

The following codes, service descriptions, and maximum fees apply to biofeedback procedures, and to a provider certified by the Biofeedback Certification Institute of America (BCIA). Anyone doing biofeedback without certification should be under the supervision of a doctor of medicine (M.D.) or a licensed consulting psychologist (LCP) licensed as a doctor of medicine or a doctor of osteopathy.

REPEALER. Minnesota Rules, parts 5221.0900 and, 5221.1400, 5221.1700, and 5221.3400, are repealed.

State Board of Vocational Technical Education

Adopted Permanent Rules Relating to Vocational Teacher Licenses; Business and Office, and Emerging Occupations

The rules proposed and published at *State Register*, Volume 13, Number 32, pages 1904-1914, February 6, 1989 (13 S.R. 1904) are adopted in part as proposed.

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.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Board of Unlicensed Mental Health Service Providers

Proposed Permanent Amendments to Emergency Rules Relating to Unlicensed Mental Health Service Providers

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Board of Unlicensed Mental Health Service Providers (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* sec. 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on May 5, 1989. There will be approximately 20 days before the scheduled hearing date. This period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Unlicensed Mental Health Service Providers (hereinafter "Board") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* sections 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on May 25, 1989. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by May 25, 1989. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* sections 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

Robert A. Sullivan, Executive Director
Board of Unlicensed Mental Health Service Providers
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114
(612) 649-5490

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* sec. 148B.17, sec. 148B.41, subd. 4 and sec. 148B.47 (1988).

If adopted, the proposed rules would establish fees, renewal fees, and late fees for filing as a mental health service provider. The proposed rules will be published in the *State Register* issue of April 24, 1989, Vol. 13, issue 43, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* sec. 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* sec. 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* sec. 14.115, subd. 2 (1988), for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rules without a public hearing, the rules are proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 rules as adopted should submit a written request to the Board at the address listed above.

III. Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON June 16, 1989, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988), in Room 225, Colonial Park Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114, on June 16, 1989, commencing at 9:00 A.M.

All interested or affected persons, including representatives of associations or other interested groups, 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 hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7606. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would establish fees, renewal fees, and late fees for filing as a mental health service provider. The proposed rules will be published in the *State Register* issue of April 24, 1989, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* sec. 148B.17, sec. 148B.41, subd. 4, and sec. 148B.47 (1988).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Emergency Rules

Minnesota Statutes ch. 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* sec. 10A.01, subd. 11 as any individual:

(a) 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 his own travel 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; or

(b) Who spends more than \$250, not including his own 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, 625 North Robert, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

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

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so 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 Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* sec. 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* sec. 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* sec. 14.115, subd. 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

IV. Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call or write the Board before May 31, 1989, and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: April 6, 1989

Robert A. Sullivan
Executive Director
Board of Unlicensed Mental Health
Service Providers
(612) 649-5490

Rules as Proposed

9000.0050 [Emergency] PURPOSE.

Parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 establish filing procedures for unlicensed mental health service providers. The purpose of the filing procedures is to establish a central registry of persons who provide or purport to provide mental health services.

9000.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 9000.0100 to 9000.0190 [Emergency], and 9000.0200 the following terms have the meanings given them.

Subp. 2. to 7. [Unchanged.]

9000.0110 [Emergency] REQUIREMENT TO FILE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Requirement to file within 120 days.** A provider who is providing mental health services on the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to file with the board within 120 days after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200.

A provider who wishes to provide mental health services after the effective date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must apply to the board and receive acknowledgment of the filing as provided in part 9000.0130 [Emergency] before providing services.

Subp. 4. **Late fees.** A provider who is providing mental health services when parts 9000.0110 to 9000.0190 [Emergency] and 9000.0200 become effective, and who fails to file within the 120-day limit in subpart 3, must pay the late filing fee and the regular filing fee specified in part 9000.0200.

9000.0120 [Emergency] PROCEDURE FOR FILING.

Subpart 1. **Application.** The application for filing must:

A. be made to the board on the forms provided by the board;

B. include an affirmation from the applicant that the statements are true and correct to the best of the applicant's knowledge and belief;

C. be accompanied by a nonrefundable application fee specified in part 9000.0200;

~~C. D.~~ be accompanied by a written authorization for the board to make inquiries to the appropriate regulatory agency in any other state where the applicant has provided mental health service, about the applicant's malpractice history, if any;

~~D. E.~~ be accompanied by a written authorization for the board to inquire about the malpractice history of the applicant at the National Clearing House for Licensure, Enforcement, and Regulation; and

~~E. F.~~ be completed in sufficient detail for the board to determine if the applicant meets the requirements for filing. The board may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Subp. 2. [Unchanged.]

9000.0130 [Emergency] ACKNOWLEDGMENT OF FILING.

When an applicant has satisfied the requirements of filing, the board will issue a written "Acknowledgment of Filing" to the applicant. The "Acknowledgment of Filing" is a written statement that the applicant has met the requirements for filing under parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200. This acknowledgment is personal and is not transferable to another person. It may not be displayed or published in any way.

9000.0140 [Emergency] DENIAL OF FILING.

Subpart 1. **Grounds for denial.** An application for filing may be denied by the board if:

A. to D. [Unchanged.]

E. the applicant fails to authorize the board, as required in part 9000.0120 [Emergency], subpart 1, item ~~C. D.~~, to obtain information from the appropriate regulatory agency in any other state or foreign government where the individual has provided mental health services; or

F. [Unchanged.]

Subp. 2. [Unchanged.]

Subp. 3. **Notice of denial.** The board must notify an applicant, in writing, of a denial of an application for filing and the reasons for the denial. If the board denies an application for filing for reasons described in subpart 2, the board's notice must meet the requirements of Minnesota Statutes, section 364.05. An application submitted after a denial is a new application and must be accompanied by a new filing fee.

9000.0160 [Emergency] RENEWAL OF FILING.

Subpart 1. **Renewal notice.** At least 31 days before the date the filing ends, according to part 9000.0150 [Emergency], the board shall send a renewal notice to the last known address of the provider. The notice must inform the provider of the requirement to renew the provider's filing and pay the current renewal fee by the deadline determined in subpart 2. If the provider does not receive the notice, the provider is still obligated to complete a renewal application and pay the renewal fee specified in part 9000.0200 within the deadline in subpart 2. The renewal application must be made on the forms provided by the board.

Emergency Rules

Subp. 2. **Renewal deadline.** The provider must submit to the board the renewal application and the annual renewal fee required in part 9000.0200. The renewal application must be submitted or postmarked on or before the date the filing ends according to part 9000.0150 [Emergency]. The renewal application must include an affirmation by the provider that the statements on the form are true and correct to the best knowledge and belief of the provider.

Subp. 3. Late fees. A provider seeking renewal must pay the renewal fee and the late fee if the application for renewal is submitted or postmarked after the time period specified in subpart 2.

The late fee must accompany applications of practicing mental health service providers not made within 90 days of the effective date of this part.

Subp. 3- 4. **Expiration of filing.** A filing expires if it is not renewed with the board within the deadline specified in subpart 2. A filing may be reissued following expiration only if the provider submits a new application and pays the regular and the late filing fees required in part 9000.0200.

9000.0190 [Emergency] VARIANCES.

Subpart 1. **Grounds for variance; variance application.** A filer or applicant may petition the board for a time limited variance from provisions in parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200, except for a provision that incorporates a statutory requirement. The petition must be in writing. The board shall grant a variance if the filer or applicant specifies alternative practices or measures equivalent to or superior to those in the rule in question and provides evidence that:

- A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;
- B. adherence to the rule would impose an undue burden on the filer or applicant; and
- C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. to 6. [Unchanged.]

9000.0200 FEES.

Fees for filing as a mental health provider are as follows:

- A. the fee for an application is \$50;
- B. the fee for renewal of filing is \$50; and
- C. the fee for late filing is \$25.

REPEALER. The permanent amendments to emergency rules contained in these rules are repealed on the date the emergency rules they amend are no longer in effect.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, 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.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Governing the Issuance of Modified Guaranteed Annuities and the Conditions Under Which They May Be Issued in the State of Minnesota Including the Impact of the Rules on Small Business.

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules 2751.0100 to 2751.1300, Promulgation of these rules is authorized by *Minnesota Statutes*, 45.023 and 61A.20.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* § 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-2284

Oral statements will be received during regular business hours over the telephone at 296-2284.

All statements of information and comment shall be accepted until May 31, 1989. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Human Services

Long Term Care

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Special Needs Rates Exception For Very Dependent Persons With Special Needs, *Minnesota Rules*, parts 9510.1020 to 9510.1140

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments of the rule governing special needs rate exception for very dependent persons with special needs. The adoption of the rule is authorized by *Minnesota Statutes*, section 256B.501, subdivisions 8 and 10, and section 252.46, subdivision 13, which permit the agency to promulgate rules to establish procedures to be followed by counties to seek authorization of medical assistance reimbursement for very dependent persons with special needs.

The proposed amendments eliminate the need for certain documentation that the providers and counties are currently required to provide with the special needs rate exception application. Documents which will no longer be needed include: explanation of the use of cost incentives; facility profile; description of client's condition; client's individual program plan; client's behavioral assessments; and the client's screening document. The proposed amendments also clarify that the Department will require documentation including: the client's current individual service plan; county plan to monitor the implementation of the proposed intervention plan; the current budget; and written financial statements.

The Department also proposes to amend the emergency procedures in the rule. Amendments include: county approval of expenses for providing consultation and staff training; notification of expenses to the commissioner; extension of the emergency period from two weeks to thirty days; and clarification of per diem limitations on all amounts authorized by the commissioner.

The State Department of Human Services 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:

Anu Seam
Rules Unit
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816.

Oral statements will be received during regular business hours over the telephone at (612) 297-4997 by Anu Seam and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services 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: 13 April 1989

Department of Natural Resources

Notice of Intent to Hold State Metallic Minerals Lease Sale

State Lands to be Offered for Metallic Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's twelfth sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for October 12, 1989. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules (*Minnesota Rules* parts 6125.0100-.0700) is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for the lease sale cover portions of Aitkin, Beltrami, Itasca, Koochiching, Lake of the Woods, Marshall, Roseau and St. Louis Counties. Some of the lands being considered have been offered in previous metallic minerals lease sales, but in light of present interest shown and geologic data and exploration techniques developed during the past few years, it is felt that within these lands there is significant potential for the discovery of mineral resources. Certain new lands of interest are also being considered for the lease sale.

The exact time and place of the lease sale will be announced by legal notice at least thirty days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Minerals, Box 45, 500 Lafayette Road, St. Paul, MN 55155-4045, telephone (612) 296-4807.

Dated: 31 March 1989

Joseph N. Alexander
Commissioner of Natural Resources

Minnesota Pollution Control Agency

Notice of Intent to Solicit Outside Opinions Concerning a Proposed Amendment to Rules for Establishing Fee Systems for Generators of Low-Level Radioactive Waste (LLRW)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information and opinions from sources outside the Agency in preparing an amendment to rules adopted pursuant to *Minnesota Statutes* § 116C.834 (1986) which require establishment of a fee system for generators of low-level radioactive waste (LLRW), to provide funds for carrying out Minnesota's responsibilities in the Midwest Interstate Low-Level Radioactive Waste Compact.

The proposed amendment lowers the LLRW generator fees to reflect the termination of the assessment by the Midwest Interstate Low-Level Radioactive Waste Commission. The Agency requests information and comments concerning the subject matter of the proposed amendment. Written or oral statements and comments concerning these matters will be accepted for consideration until May 19, 1989, and should be addressed to:

Ms. Dagmar M. Romano
Commissioner's Office
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone Number: 612/296-7319

Oral statements will be accepted during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, at 612/296-7319 or in person at the above address.

Any written material received by the Agency shall become part of the record regarding the amendment to these rules.

Gerald L. Willet
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul MN 55155-1299; (612) 296-2805, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is May 16, 1989.

American Indian Advisory Task Force on Indian Child Welfare

Department of Human Services, 444 Lafayette Rd., 3rd Floor, St. Paul 55155-3832. 612-297-2710

Minnesota Statutes 257.3579

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: Limited expenses.

VACANCY: 4 members—2 residents from the St. Paul Indian community, 1 from the Duluth Indian community, 1 from the Minneapolis Indian community.

The task force assists the commissioner in formulating policies and procedures relating to Indian child welfare services and to make the recommendations regarding approval of Indian child welfare grants. Six representatives from the urban Indian communities include one member from Duluth, two members from St. Paul and three members from Mpls. Approximately six to eight meetings per year held in various statewide locations.

Municipal Board

165 Metro Square Bldg., St. Paul 55101. 612-296-2428

Minnesota Statutes 414.01

APPOINTING AUTHORITY: Governor. COMPENSATION: \$50 per diem plus expenses for public members.

VACANCY: 1 member, attorney.

The board acts on all boundary adjustments between a city and the adjacent land, and rules on incorporations. Three members of whom at least one must be learned in the law, and one must be a resident from outside the metropolitan area. Monthly meetings and numerous hearings. Members must file with the Ethical Practices Board.

Charitable Gambling Control Board

1821 University Ave., Room N-475, St. Paul 55104-3383. 612-642-0555

Minnesota Statutes 349.151

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

VACANCY: 4 members—must be residents of Minnesota for at least five years.

The board regulates legal forms of gambling to prevent their commercialization, to ensure integrity of operations, and to provide for the use of net profits only for lawful purposes. Eleven members must have been Minnesota residents for at least five years, and not more than six members may belong to the same political party. At least four members must reside outside the seven county metro area. Members must file with the Ethical Practices Board.

Minnesota Board of Chiropractic Examiners Peer Review Committee

2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591

Minnesota Statutes 148.01-148.106

APPOINTING AUTHORITY: Executive director, chiropractic board. COMPENSATION: \$50 per day.

VACANCY: 2 public members.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. Seven members consist of five chiropractors and two consumer members. Terms are varied.

Indian Advisory Council on Chemical Dependency

Space Center, 444 Lafayette Rd., St. Paul 55101. 612-296-8941

Official Notices

Minnesota Statutes 254A.03

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: \$35 per diem plus expenses.

VACANCY: 1 member, a resident to represent the interests of the Prairie Island Sioux community.

The council establishes policies and procedures for American Indian chemical dependency programs, and reviews and recommends proposals for funding. Members include one member from each of eleven reservations, two members from Mpls, two members from St. Paul, one member from Duluth, and one member from International Falls. Quarterly meetings.

Minnesota Joint Underwriting Association—Liability Insurance

Pioneer Post Office Box 1760, St. Paul 55101. 612-222-0484

Minnesota Statutes 621.02

APPOINTING AUTHORITY: Commissioner of Commerce. COMPENSATION: \$150 per diem plus mileage.

VACANCY: 6 members—3 public members, 3 members representing groups to whom coverage has been extended by the Minnesota Joint Underwriting Association.

The association provides liability insurance coverage for persons unable to obtain it through ordinary means where coverage is required by law or is necessary for the conduct of business and serves a public purpose. Three public members and three members of groups to whom coverage is currently extended; five additional members are elected from industry. Quarterly meetings, may meet more frequently when necessary.

Market Assistance Program Committee

Pioneer Post Office Box 1760, St. Paul 55101. 612-222-0484

Minnesota Statutes 62I.09

APPOINTING AUTHORITY: Commissioner of Commerce. COMPENSATION: None.

VACANCY: 12 members—6 insurance company representatives, 2 insurance agents, 2 public members, 2 members of a group to whom the Minnesota Joint Underwriting Association has issued coverage.

The committee reviews applicants of the Minnesota Joint Underwriting Association to ascertain if coverage is available in private insurance. Twelve members include six representatives of insurers, two insurance agents, two public members, and two representatives of groups insured by the Minnesota Joint Underwriting Association. Meeting schedule varies, usually monthly or bimonthly.

Board of Accountancy

Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101. 612-296-7937

Minnesota Statutes 326.17

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem.

VACANCY: 1 public member.

The board examines, licenses and regulates certified public accountants and public accountants. Seven to nine members include two public members, five licensed certified public accountants, and zero-two licensed public accountants, based on the number licensed in the state. Six meetings a year plus emergency meetings as necessary. Members must file with the Ethical Practices Board.

Ombudsman Committee for Mental Health and Mental Retardation

Suite 202, Metro Square Bldg., St. Paul 55101. 612-296-0941

Minnesota Statutes 245.97

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

VACANCY: 1 member, should be knowledgeable and interested in the Health and Human Services.

The committee advises and assists the ombudsman for mental health and mental retardation. Fifteen members will be appointed on the basis of their knowledge and interest in the health and human services system subject to the ombudsman's authority. Meetings four times per year.

Metropolitan Airports Commission

6040 28th Ave. S., Mpls 55450. 612-726-1892

Minnesota Statutes 473.603

APPOINTING AUTHORITY: Governor. COMPENSATION: \$50 per diem.

VACANCY: 2 members, must be residents of the appropriate M.A.C. precincts.

The commission promotes air transportation locally, nationally, and internationally by developing the Twin Cities as an aviation center. Eleven members include the chair and eight members appointed by the governor who must reside in precincts determined by the governor. The chair serves at the pleasure of the governor. The mayors of Mpls and St. Paul, or designees, are ex-officio members. The chair receives \$16,640 per year plus expenses. Monthly meetings. Members must file with the Ethical Practices Board.

State Fund Mutual Insurance Company

6600 France Ave. S., Suite 562, Edina 55435. 612-925-3850

Minnesota Statutes 176A.02

APPOINTING AUTHORITY: Governor. Senate confirmation. **COMPENSATION:** \$500 annual, \$100 per meeting plus expenses.

VACANCY: 1 member, shall represent a policyholder and may be an employee of a policyholder.

The board has control and management of the fund created as a non-profit independent public corporation to insure employers against liability for personal injuries to employees. The board of directors includes seven members; the commissioner of labor and industry and the manager (president) of the fund shall be ex-officio members. The governor shall appoint every other director until he has made four appointments. Three members must be elected by policyholders of the mutual insurance company. Quarterly meetings.

Children's Trust Fund Advisory Council

333 Sibley St., Suite 567, St. Paul 55101. 612-296-5437

Minnesota Statutes 299.23

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$35 per diem plus expenses.

VACANCY: 1 member, required to possess knowledge of child abuse and neglect. Preference: a demonstrated commitment to and experience in the field of child abuse and neglect prevention.

The council distributes trust fund money to any public or private non-profit agency to fund a child abuse prevention program. The governor appoints seven members who will demonstrate knowledge in the area of child abuse and represent the demographic and geographic composition of the state, local government, parents, racial and ethnic minority communities, religious community, professionals and volunteers. The commissioners of human services, health, education and corrections each appoint one member. The legislature appoints two senators and two representatives, each with one member from both caucuses.

Department of Trade & Economic Development

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes 1986, Chapter 116M and Minnesota Statutes, Chapter 41A*

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on May 11, 1989, at 9:30 a.m., at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes 1986, Chapter 116M*, and *Minnesota Statutes, Chapter 41A*, as amended (the "Act"), to undertake and finance a project on behalf of APA Optics, Inc., a Minnesota corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the equipping of an existing manufacturing facility in the City of Blaine, Minnesota [general description of the location being at 2950 North East 84th Lane, Blaine, Minnesota (the "Project")]. The initial owner of the Project will be the Applicant and the Project is expected to be operated and managed by the Applicant. It is contemplated that the Project will be used for manufacturing of optoelectronic products. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$1,750,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes 1986, Chapter 116M* or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

Official Notices

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 16 March 1989

By Order of the Members of the
Minnesota Agricultural and
Economic Development Board
Dave Mocol, Executive Director
Minnesota Agricultural and
Economic Development Board

Department of Trade & Economic Development

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

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The project to be financed consists of the equipping of an existing manufacturing facility in the City of Mankato, Minnesota [general description of the location being at 200 W. Rock St., Mankato, Minnesota (the "Project")]. The initial owner of the Project will be the Applicant and the Project is expected to be operated and managed by the Applicant. It is contemplated that the Project will be used for manufacturing iron castings in the 3 to 80 pound range. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$950,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 16 March 1989

By Order of the Members of the
Minnesota Agricultural and
Economic Development Board
Dave Mocol, Executive Director
Minnesota Agricultural and
Economic Development Board

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any 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 final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Lumber, roofing and siding materials
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: April 28
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79050 21122

Commodity: Sandblast and recoat tower
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: April 28
Agency: Jobs and Training Department
Deliver to: St. Paul
Requisition #: 21200 20450

Commodity: 4 × 4 extended cab pick-up truck
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 1
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382 01632

Commodity: Samsung PC
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: May 1
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12400

Commodity: Riding mower
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 1
Agency: Transportation Department
Deliver to: St. Cloud
Requisition #: 79382 01628

Commodity: Fixed seating for national hockey
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: May 1
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073 20939

Commodity: Automotive paint and body supplies
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: May 1
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Riding mowers
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 2
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382 01627

Commodity: Riding mowers
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 2
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79381 01625

Commodity: Specialty cases—rebid
Contact: Don Olson 612-296-3771
Bid due date at 2pm: May 2
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Repair various capitol complex parking lots rebid
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: May 2
Agency: Plant Management—Administration Department
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Tires and tubes: automotive, truck, tractor, grader, etc.
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: May 2
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Personal computers
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: May 2
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12200 31577

Commodity: Tractors-Dot -Golden Valley-Oakdale—Rebid
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 2
Agency: Transportation Department
Deliver to: Golden Valley, Oakdale MJB
Requisition #: 79382 01592

Commodity: 1985 or newer liebherr hyd truck excavator—rebid
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 2
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79382 01601

State Contracts and Advertised Bids

Commodity: Genuine Graco spraying and lubrication repair parts
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: May 3
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Cash registers
Contact: John Bauer 612-296-2621
Bid due date at 2pm: May 3
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07700 55958

Commodity: Text information management software
Contact: Margaret Frank 612-296-3778
Bid due date at 2pm: May 8
Agency: Administration Department-InterTech
Deliver to: St. Paul
Requisition #: 02410 90213

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: Lakeshore sales brochure, 50M 16" x 9" folded twice to 4" x 9", camera ready, 2-sided
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: DNR—Real Estate Management
Deliver to: St. Paul
Requisition #: 6539

Commodity: Minnesota State Parks fee sign, 200, 12" x 18" 6-ply cardboard, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: DNR—Parks
Deliver to: St. Paul
Requisition #: 6474

Commodity: "Driving In The Land Of The Freeway," brochure, 50M 8½" x 14" folded twice to 3¾" x 8½", camera ready, 2-sided
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 6264

Commodity: Vacation planner 1990, 18,500 17" x 11" folded to 8½" x 11", negs available, 2-sided
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: Jobs and Training Department
Deliver to: St. Paul
Requisition #: 6584

Commodity: Folder and inserts, 5M each, folder: 19" x 16" folds to 9" x 12", angled pocket; three sizes inserts: 8½" x 11", 8½" x 10", 8½" x 9" camera ready, 1-sided, union label required
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: Jobs and Training Department
Deliver to: St. Paul
Requisition #: 6583

Commodity: Seniors license posters, 10M total (5M each size): 17" x 22" and 12¾" x 17½", camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: DNR
Deliver to: St. Paul
Requisition #: 6580

Commodity: Compare Minnesota, 2M books 172 pages 8½" x 11" camera ready with 8 new pages, negs available, 1-and 2-sided, perfect bind
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: Trade and Economic Development Department
Deliver to: St. Paul
Requisition #: 6501

Commodity: Warning of Violation, 2M books of 20 4-part sets, 4" x 8½" overall incl. 1" stub, 4th copy 2-sided, all others 1-sided, camera ready + some changes to set, stitch
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: DNR—Office Services
Deliver to: St. Paul
Requisition #: 6554

Commodity: Insurance billing form, 20M 2-ply continuous, 9½" x 11" overall, negs available, 2-sided
Contact: Printing Buyer's Office
Bids are due: April 26
Agency: PERA
Deliver to: St. Paul
Requisition #: 6568

Commodity: Model learner outcomes for language arts, 5M 8½" × 11" books 108 pp + cover, camera ready, 2-sided, perfect bind

Contact: Printing Buyer's Office

Bids are due: April 27

Agency: Education Department

Deliver to: St. Paul

Requisition #: 6195

Commodity: Directory of licensed and certified health care facilities 1989, 325 books 268 pp + cover, 8½" × 11", stitch binding, camera ready, and type to set, 2-sided

Contact: Printing Buyer's Office

Bids are due: April 27

Agency: Health Department

Deliver to: Minneapolis

Requisition #: 6211

Commodity: MEFA promotional brochure, reprint, 5M 8½" × 11" 3-fold to 3½" × 8½", camera ready, negs available, 2-sided, 4-color

Contact: Printing Buyer's Office

Bids are due: April 27

Agency: Trade and Economic Development Department

Deliver to: St. Paul

Requisition #: 6103

Commodity: Tickler, ICP, viewbook, general poster, viewbook mailing envelope, fact-sheet mailing envelope, and scholarship/talent grant poster, various quantities, various sizes, various 4-color processes and separations, some camera ready

Contact: Printing Buyer's Office

Bid due date at 2pm: May 2

Agency: State University

Deliver to: Mankato

Requisition #: 6566

Commodity: Aeronautics decals, 5,750 4" × 3", camera ready, 1-sided

Contact: Printing Buyer's Office

Bids are due: April 28

Agency: Transportation Department

Deliver to: St. Paul

Requisition #: 6260

Commodity: Minnesota motorcycle, moped, motorbike manual 1989 edition, 75M 64-page books, 8½" × 5½", type to set + negs furnished, 2-sided, saddle stitch

Contact: Printing Buyer's Office

Bids are due: April 28

Agency: Public Safety Department

Deliver to: St. Paul

Requisition #: 6091

Commodity: Hill Annex mine and Soudan mine brochures, 30M each, 9" × 14⅞" 3-fold to 3¾" × 9" and 8½" × 11" 2-fold to 3⅔" × 8½", camera ready, 2-sided

Contact: Printing Buyer's Office

Bids are due: April 28

Agency: DNR-Parks

Deliver to: Grand Rapids and Soudan

Requisition #: 6601 and 2

Commodity: Notice of termination, 8½" × 3⅝", type to set, 2-sided, fanfold computer feed, 50M

Contact: Printing Buyer's Office

Bids are due: April 28

Agency: Labor & Industry Department

Deliver to: Minneapolis

Requisition #: 6206

Commodity: Janitorial supply withdrawal, 2M 4-part sets, 8¾" × 5½" detached, camera ready + negs furnished, 1-sided

Contact: Printing Buyer's Office

Bids are due: April 28

Agency: Administration Department-Plant Management

Deliver to: St. Paul

Requisition #: 6255

Commodity: Job service calendars (1990), 8M 18" × 27", 4-color separations, union label required, and must be printed and produced in Minnesota

Contact: Printing Buyer's Office

Bids are due: April 28

Agency: Jobs & Training Department

Deliver to: 40 locations around state

Requisition #: 6581

Commodity: Community development application manuals, 2M 24 page books, 8½" × 11", camera ready + negs available, 2-sided, saddle stitch

Contact: Printing Buyer's Office

Bids are due: April 28

Agency: Trade & Economic Development Department

Deliver to: St. Paul

Requisition #: 6532

Department of Administration

State Employee Assistance Program

Notice of Intent to Contract for Occupational Health Services

NOTICE IS HEREBY GIVEN that the State Employee Assistance Program of the Department of Administration is seeking to contract with one agency for the following services:

Three registered nurses with experience in occupational or public health nursing are being sought to staff two State Employee Health Units. These occupational health services will be provided in two separate state office complexes: 10 River Park Plaza and 444 Lafayette Road, St. Paul, MN 55145. The positions are designed to serve state agencies in each of the locations.

State Contracts and Advertised Bids

Services are to be provided on a five day, 40 hours per week schedule.

Basic job responsibilities include:

- 1) On the job first aid and health consultation to individual employees
- 2) Liaison with employees' medical provider
- 3) Advisor to management on health issues
- 4) Health education presentations
- 5) Coordination of annual campaigns (CPR, first aid training, blood donor drives, D-Day, etc.)
- 6) 2nd Injury Registration

Nurses in these positions will maintain close working relationships with different agency representatives: safety officers, health promotion coordinators, personnel representatives, and EAP counselors.

The contract will be for the period of May 23, 1989 through May 22, 1990, and is expected to be renewed on an annual basis. The total annual cost is estimated not to exceed \$65,000.00.

Direct inquiries by May 5, 1989 to:

Keith M. Tvedten, Director
State Employee Assistance Program
2nd Floor Summit Bank Bldg.
205 Aurora Avenue
St. Paul, MN 55103
(612) 296-0765

Department of Administration

Intertechnologies Group

Request for Proposal for Computer Programming Services

The department of Administration, InterTechnologies Group (InterTech) is requesting a proposal for computer programming services to supplement the programming staff of InterTech.

These services will be used only on an as needed basis. InterTech is soliciting these services so peak workloads can be handled with no loss of service to the client agencies, and without necessitating over-staffing on the part of InterTech.

This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its interest.

Scope of Service

The computer programming services may be used any time during FY90 (i.e., July 1, 1989 through June 30, 1990), and on any computer project designated by InterTech. All information asked for must be provided as part of the respondents proposal.

The estimated cost for this service will be \$2,700,000 and may be awarded to more than one successful bidder, however InterTech will not consider proposals for less than \$200,000.

For further information or a detail copy of the RFP, contact Norman F McCarthy, 500 658 Cedar St., St. Paul, Mn. 55155, or call (612) 296-7546.

Department of Administration

Intertechnologies Group

Request for Proposal for Computer Systems Analysis Services

The department of Administration, InterTechnologies Group (InterTech) is requesting a proposal for computer SYSTEMS ANALYSIS services to supplement the SYSTEMS ANALYSIS staff of InterTech.

These services will be used only on an as needed basis. InterTech is soliciting these services so peak workloads can be handled with no loss of service to the client agencies, and without necessitating over-staffing on the part of InterTech.

State Contracts and Advertised Bids

This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its interest.

Scope of Service

The computer SYSTEMS ANALYSIS services may be used any time during FY90 (i.e., July 1, 1989 through June 30, 1990), and on any computer project designated by InterTech. All information asked for must be provided as part of the respondents proposal.

The estimated cost for this service will be \$1,200,000 and may be awarded to more than one successful bidder, however InterTech will not consider proposals for less than \$200,000.

For further information or a detail copy of the RFP, contact Norman F McCarthy, 500 658 Cedar St., St. Paul, Mn. 55155, or call (612) 296-7546.

Department of Administration

Intertechnologies Group

Request for Proposals for Microcomputer Programming and Analysis Services

The department of Administration, InterTechnologies group is requesting a proposal for microcomputer programming and analysis services to supplement the Small Agencies Services staff of InterTech.

These services will be used only on an as needed basis. InterTech is soliciting these services so peak workloads can be handled with no loss of service to the client agencies, and without necessitating over-staffing on the part of InterTech.

This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its interest.

Scope of Service

The microcomputer programming and analysis services may be used any time during FY90 (i.e., July 1, 1989 through June 30, 1990), and on any microcomputer project designated by InterTech. All information asked for must be provided as part of the respondents proposal.

The estimated cost for this service will be \$200,000 and may be awarded to more than one successful bidder, however InterTech will not consider proposals for less than \$50,000.

For further information or a detail copy of the RFP, contact Norman F McCarthy, 500 658 Cedar St., St. Paul, Mn. 55155, or call (612) 296-7546.

Departments of Administration, Agriculture, Trade and Economic Development, Finance, Human Services, Natural Resources, Transportation, and the Metropolitan Council

Notice of Request for Resumes from Fee Appraisers

The State of Minnesota and the Metropolitan Council, through a panel comprised of representatives from each of those agencies named above, is establishing a list of qualified real estate appraisers to do contract appraisals for the period beginning July 1, 1989. In developing the list of qualified appraisers, the State invites appraisers to submit requests to be on that list, together with their qualifications-resume, reflecting one or more of the qualifications listed below.

NOTE: The request and qualifications-resume must be received no later than May 26, 1989.

I. INDIVIDUALS WITH APPRAISAL DESIGNATIONS:

Individuals holding a designation from one or more of the following organizations and furnishing evidence of good standing in that organization shall be qualified to be on the State's List of Qualified Appraisers. Designated appraisers must also comply with continuing education requirements in Paragraph III.

State Contracts and Advertised Bids

- A. American Institute of Real Estate Appraisers
 - 1. Member of American Institute (M.A.I.)
 - 2. Residential Member (R.M.)
- B. Society of Real Estate Appraisers
 - 1. Senior Residential Appraiser (S.R.A.)
 - 2. Senior Real Property Appraiser (S.R.P.A.)
 - 3. Senior Real Estate Analyst (S.R.E.A.)
- C. American Society of Farm Managers and Rural Appraisers
 - 1. Accredited Rural Appraiser (A.R.A.)
- D. American Society of Appraisers
 - 1. Senior Member (A.S.A.)
 - 2. Fellow (F.A.S.A.)
- E. National Association of Independent Fee Appraisers
 - 1. Member (I.F.A.)
 - 2. Senior Member (I.F.A.S.)
 - 3. Appraiser-Counselor (I.F.A.C.)
- F. Accredited Minnesota Assessor (A.M.A.)

Candidates, Associate members, undesignated appraisers, and members of other appraisal organizations must show further evidence of training, experience and proficiency, as noted in paragraph II below.

II. INDIVIDUALS WITHOUT APPRAISAL DESIGNATIONS:

Individuals not having one of the designations set forth above, shall be qualified to be on the State's List of Qualified Appraisers provided they meet all the requirements below:

A. Experience:

Appraisers shall have had at least two years full time experience in real estate appraising. A resume should convey the type of appraisal experience along with a listing of clientele.

B. Training:

1. Appraisers holding a Bachelor's degree with a core curriculum in Real Estate of Valuation Sciences from a nationally accredited university or college shall have met the training requirements, or

2. An appraiser having successfully completed at least 80 hours of an appraisal course work sequence offered by those approved training organizations listed below. It is to be noted that only course work completed is applicable, not seminars attended. The applicant is responsible for securing any evidence of successful completion or evidence of "equivalency" from an organization if so requested.

Approved Training Organizations

AIREA
SREA
AFMRA Principles of Rural Appraisals

Recommended Course Work to be completed

#1A-1, #1A-2, #1B-A, #1B-B, #8-2
101, 102, 201, 202
Advanced Rural Appraisals
Appraisal Report Writing
1.1, 2.1A, 2.1B, 3.1, 4.1, 4.2, 4.3

C. Sample Appraisal:

The State reserves the right to request a sample appraisal(s) done for a client. The report is to be examined for compliance with generally recognized appraisal procedures.

III. CONTINUING EDUCATION:

All appraisers having completed the above courses or receiving a designation prior to July 1, 1988, shall submit evidence of having completed no less than 15 hours of approved continuing education since that date, or shall submit evidence of being "currently certified" by an approved appraisal organization through June 30, 1990. Approved continuing education shall consist of attending such courses, or seminars or meetings which would result in an appraiser being adjudged "currently certified" by an approved

State Contracts and Advertised Bids

designating organization, or; which has been approved for continuing education credit for Real Estate Licensure by the State of Minnesota, Department of Commerce. Approved designating organizations are noted in Paragraph I.

Once appraisers are approved to be on the State's List of Qualified Appraisers, up to 45 hours of continuing education can be accumulated satisfying this requirement for up to 3 years.

IV. STANDARDS OF PROFESSIONAL PRACTICE:

All appraisers must comply with "Uniform Standards of Professional Appraisal Practice" published by the Appraisal Foundation, 1029 Vermont Ave., N.W., Suite 900, Washington D.C. 20005.

Written complaints regarding appraiser should be mailed to the address below. Any complaint received will be investigated by at least 2 members of the selection panel or their nominees, who will determine whether an appraiser should be removed from the State's List of Qualified Appraisers or not. Appraisers will be advised of the complaint and the determination made.

V. ASSIGNMENTS:

Appointment to the State's List of Qualified Real Estate Appraisers is not a guarantee of subsequent assignments. The State of Minnesota reserves the right to assign appraisers at the discretion of the assigning agency, depending on the qualifications of the appraisers, geographic location, and fee requirements.

NOTE: Appraisers may reject any assignments offered.

Mail qualifications-resumes, requests and other material to:
Department of Natural Resources
Bureau of Real Estate Management Box 30
Appraisal/Review Unit
500 Lafayette Road
St. Paul, MN 55155-4030

Phone Calls may be directed to:
Denis Dailey (612) 297-1657
Russ Gustafson (612) 296-1135

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposals for Food Service Management

NOTICE IS HEREBY GIVEN to request proposals for the professional management of the Food Service Activity at the Minnesota Correctional Facility in Shakopee. Proposals shall include provision of all civilian personnel to operate the service. Proposal shall cover the period of July 1, 1989 to June 30, 1991 at an approximate cost of \$157,025 (\$75,493 in FY '90 and \$81,532 in FY '91). Proposals must be submitted by 4:00 P.M. on May 19, 1989.

To submit proposals or for additional information, contact:

Lynwood Watson, Jr., Business Manager
MCF-Shakopee
P.O. Box 7

1010 West 6th Avenue
Shakopee, Minnesota 55379
PHONE #: 612-496-4440

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposals for General Psychological Treatment Program

NOTICE IS HEREBY GIVEN to request proposals to provide psychological testing, evaluation and treatment to all female inmates incarcerated at the Minnesota Correctional Facility in Shakopee. Average population is currently 125 to 135 inmates. Proposal shall cover the period of July 1, 1989 to June 30, 1991 at an approximate cost of \$53,200 (\$26,600 in FY '90 and \$26,600 in FY '91). Proposals must be submitted by 4:00 P.M. on May 24, 1989.

To submit proposals or for additional information, contact:

D. Jacqueline Fleming, Superintendent
MCF-Shakopee
P.O. Box 7

1010 West 6th Avenue
Shakopee, Minnesota 55379
PHONE #: 612-496-4440

State Contracts and Advertised Bids

Department of Corrections

Minnesota Correctional Facility—Stillwater

Notice of Request for Proposals for Professional/Technical Services Contract

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility—Stillwater is seeking the following services for the period of July 1, 1989 through June 30, 1991.

Services of a Registered Medical Laboratory Technician on a part-time basis of approximately 125 hours per month, to provide laboratory and TB coverage during vacation and sick leave, and laboratory coverage during periods of communicable disease monitoring as needed. The estimated amount of the contract shall not exceed \$39,000.00

Direct inquiries to Eve Olson, Registered Nurse, Minnesota Correctional Facility, P.O. Box 55, Stillwater, Minnesota 55082, or telephone at 779-2700, extension 2638.

Proposals for the above listed contract must be submitted no later than 4:00 P.M. on May 15, 1989.

Department of Corrections

Minnesota Correctional Facility—Stillwater

Notice of Request for Proposals for Professional/Technical Services Contract

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility—Stillwater is seeking the following services for the period of July 1, 1989, through June 30, 1991.

Services of a Registered X-Ray Technician on a part-time basis of approximately 20 hours per month, to provide emergency vacation and sick time coverage for X-Ray services. The estimated amount of the contract shall not exceed \$6,720.00

Direct inquiries to Eve Olson, Registered Nurse, Minnesota Correctional Facility, P.O. Box 55, Stillwater, Minnesota 55082, or telephone at 779-2700, extension 2638.

Proposals for the above listed contract must be submitted no later than 4:00 P.M. on May 15, 1989.

Department of Corrections

Minnesota Correctional Facility—Stillwater

Notice of Request for Proposal for Chemical Dependency Counselor

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility—Stillwater is seeking the services of a qualified Chemical Dependency Counselor or equivalent for the period of July 1, 1989, through June 30, 1991. The estimated cost will not exceed \$18,000.00 for the term of the contract. Direct inquiries to William Burgin, Minnesota Correctional Facility, P.O. Box 55, Stillwater, Minnesota 55082 or call (612) 779-2791.

Proposals must be submitted no later than May 15, 1989.

Department of Corrections

Minnesota Correctional Facility—Stillwater

Notice of Request for Proposals for Providing Orthopedic Medical Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility—Stillwater is requesting proposals for professional orthopedic medical services to inmates at the facility for the period of July 1, 1989 through June 30, 1990. The estimated cost is \$18,000.00. Specific details on the purpose and scope of these orthopedic medical services can be obtained by calling Evorn Olson, MCF-Stillwater, RN Supervisor, at (612) 779-2700, ext. 2638. The proposals must be submitted by 4:00 p.m. on May 15, 1989. Send proposals to: Evorn Olson, MCF-Stillwater, Box 55, Stillwater, Minnesota 55082.

Department of Corrections

Minnesota Correctional Facility—Stillwater

Notice of Request for Proposals for Providing Food Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility—Stillwater is requesting proposals for the professional management of our Food Service activity for the period of July 1, 1989, through June 30, 1991. The estimated cost of this project should not exceed \$600,600; the estimated cost for the period of July 1, 1989 to June 30, 1990 should not exceed \$294,400, the estimated cost for the period of July 1, 1990 to June 30, 1991 should not exceed \$306,200. These amounts are only estimates at this time. The actual contract amount will be dependent on the appropriated funds available at the time the contract is written. The proposal shall include all civilian personnel to operate the service. The proposals must be submitted by 4:00 P.M., May 15, 1989, to: John Twohig, Associate Warden of Administration. Please contact Mr. Twohig at (612) 779-2708, if interested.

State Designer Selection Board

Request for Proposal for two Projects

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designers for two projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., May 15, 1989, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" × 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) *Mandatory Proposal contents in sequence:*

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) *Statutory Proposal Requirements:*

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

State Contracts and Advertised Bids

The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
 - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7a) PROJECT—4-89

Folwell Hall Remodeling—Phase II
University of Minnesota—Minneapolis

The University of Minnesota is planning to undertake the Folwell Hall Remodeling Phase II project, which is located at the University of Minnesota, Minneapolis campus. Folwell Hall will continue to serve as the main classroom and office building for College of Liberal Arts language studies. Built in 1907, in the Jacobethan Style, the 112,000 gsf building is within a historic area of the campus. Remodeling must be done with sensitivity to the historic character of the building. The overall programmatic objectives are additional usable space, consolidation of language departments, code compliance, and upgrade of existing classrooms and offices. The renovation will include certain code upgrades, creation of approximately 2,000 to 2,500 asf of new space in a Fourth Floor "attic," classroom and departmental office improvements, and installation of a standpipe and sprinkler system. The design, bid, and award process will need to be coordinated and planned so the construction work can be accomplished in the summer of 1990—the only time the University can vacate the otherwise busy classrooms and offices. The construction budget is approximately \$1,600,000.00. Earlier remodeling phases have upgraded the Ground and First Floors and emphasized energy and code related improvements.

Questions concerning this project may be referred to Clinton Hewitt at (612) 625-7355.

7b) PROJECT—5-89

Classroom and Lab Remodeling
Southwest State University

Appropriation: \$648,900.00 for design and construction.

Scope of project: Plans and construction to:

1. Modify and equip one classroom for use as a TV studio.
2. Correct acoustic problems in the Fine Arts building.
3. Construct a catwalk and control booth in the Experimental Theatre of the Fine Arts building.
4. Upgrade and equip Bellows lecture hall (room 102).
5. Convert Bellows engineering lab (room 101) into an art lab and convert existing art lab space in Fine Arts to classrooms.
6. Remodel Hotel and Restaurant Administration labs in the Individualized Learning (IL) building.

Purpose of the Project: Existing facilities are to be remodeled or reconfigured to accommodate academic program needs and to correct problems of existing space:

1. **Interactive Television**—Modify and equip one classroom for interactive television so Southwest State University can provide/deliver educational and other electronic media to southwest Minnesota.
2. **Soundproofing**—The main stage area, Experimental Theatre, and scene shop (all in the Fine Arts building) are not soundproofed one from the other. Lack of soundproofing prevents simultaneous scheduling of these areas. In addition, there is not sufficient soundproofing to isolate the music practice rooms and band room on the 1st floor from the art studios on the 2nd floor.

State Contracts and Advertised Bids

3. **Catwalk/Control Booth**—To facilitate instruction in stagecraft, stage lighting, and directing, a catwalk and control booth is to be installed in the Experimental Theatre of the Fine Arts building.

4. **Lecture Hall**—Improvements are needed in existing Bellows lecture hall (room 102) to make this space more usable.

5. **Art Labs**—The Bellows Engineering Technology lab is to be converted into a multi-use art lab—to better meet the needs of the Art Program. Space currently occupied by Art (in the Fine Arts building) is to be converted to general use classrooms.

6. **Hotel and Restaurant Administration (HRA) Labs**—HRA labs (in the IL building) are to be remodeled to accommodate an expanding HRA program.

Architectural Responsibilities: The architect shall be responsible for, but not limited to, such tasks as: review of the University's space program, preparation of preliminary schematics and cost estimates, project design, preparation of final working drawings and specifications required for bidding, and project administration during construction, including but not limited to review and approval of construction change orders, shop drawings and payment requests, oversight of project construction for owner, including on-site observation, and project acceptance.

Architectural Fee: 8% of the Allocated Construction Cost.

UNIVERSITY CONTACT:

Cyndi Holm, Assistant to the Vice President for Administration
Administrative Services 216
Southwest State University
Marshall, Minnesota 56258
(507) 537-7118

STATE UNIVERSITY SYSTEM CONTACT:

David Hardin, Coordinator of Facilities Management
Minnesota State University System
555 Park Street, Suite 230
St. Paul, Minnesota 55103
(612) 296-6624

Bernard Jacob, Chairman
State Designer Selection Board

Minnesota Department of Health

Division of Environmental Health

Contract for Consultant's Services to Provide Dose Assessment and Protective Action Guidance

The Minnesota Department of Health is requesting proposals from qualified Health Physicists for consulting services to provide assistance and training in radiation dose assessment, protective action determination, and other related emergency planning activities, for accidents involving radioactive materials (particularly at nuclear power reactors) and for emergency response drills, exercises, and meetings in preparation for such accidents.

Qualifications for the consultants are: Master's degree in Health Physics or equivalent field, three years of experience in a radiation safety program and familiarity with the "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (NUREG-0654, FEMA REP-1, Rev. 1).

The consultants must be able to respond during emergencies and be available for drills, exercises, training classes, and meetings. In addition, the consultants must also be available to provide occasional on-call support to ensure that the Department's 24-hour notifications and emergency response capabilities are maintained.

It is estimated that approximately 92 hours of consulting services and seven days of on-call duty will be required from July 1, 1989 to June 30, 1990. Up to \$3,000 each for two consultants is available. The deadline for submission of proposals is May 1, 1989.

Proposals and inquiries should be directed to:

Alice T. Dolezal Hennigan, Chief
Section of Radiation Control
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5351

State Contracts and Advertised Bids

Department of Human Services

Faribault Regional Center

Request for Proposals for Services to be Performed on a Contractual Basis

NOTICE IS HEREBY GIVEN that Faribault Regional Center; Residential Facilities Division; Department of Human Services, is seeking the following services for the period of July 1, 1989 to June 30, 1990; these services as requested by the Chief Executive Officer of the Faribault Regional Center.

1. **A radiological consultant group** to provide services at the Faribault Regional Center upon the request of the Medical Director, at times mutually agreed upon by both parties. The duties shall involve radiological consultants for residents and patients of Faribault Regional Center, which consist of interpretation and diagnosis of x-ray films of chest, skull, skeleton, abdomen, gall bladder, kidneys, etc. as requested by staff physicians. In addition, supervision of the X-Ray Department in regard to equipment, methodology, safety, etc., will be included in this consultation service. The estimated amount of this contract will not exceed \$14,000.00.
2. **The services of a physician or physician group** to provide weekend coverage at Faribault Regional Center upon request of the Medical Director. Coverage services include making rounds in the Medical Hospital and Units, responding promptly to all emergency calls, admitting and transferring sick persons, performing physical examinations, writing therapeutic programs, and other services. The estimated amount of this contract will not exceed \$19,500.00.
3. **The services of psychiatrist(s) or psychiatrist group** to provide psychiatric services at Faribault Regional Center upon request of the Medical Director, at times mutually agreed upon by both parties. The duties shall include clinical examination and psychiatric diagnosis, formulation and implementation of individualized treatment plans, review of progress of plans, attendance of team meetings, and provision of inservice training programs to staff on selected topics. The estimated amount of the contract(s) will not exceed \$18,000.00.
4. **The services of a physical therapist** to provide written individual client physical therapy assessments for referred clients. Such assessments shall identify the current status of deformities, range of motion, functional motor skills, wheelchair mobility, adaptive equipment need, and a plan for staff intervention based upon assessment findings. Total assessments in a one-year period shall not exceed one hundred eighty-five (185) without a written amendment to this contract. Physical Therapist will consult with treating physicians to coordinate therapeutic program, provide inservice training sessions for staff, provide clinical supervision of physical therapist assistants and provide treatments physically handicapped clients. The estimated amount of the contract will not exceed \$441,760.00.

Responses for any of the above services must be received by May 17, 1989.

Direct inquiries to:

Catherine A. Pruin, Contract Liaison
Faribault Regional Center
802 Circle Drive
Faribault, MN 55021
Phone: (507) 332-3301

Department of Human Services

Fergus Falls Regional Treatment Center

Notice of Request for Proposals for Services to Be Delivered on a Contractual Basis

NOTICE IS HEREBY GIVEN that the Fergus Falls Regional Treatment Center, Department of Human Services, is seeking the following services which are to be performed as requested by the Administration of the Fergus Falls Regional Treatment Center. Contracts will be written for the period July 1, 1989 through June 30, 1990.

Services of a full time locum tenens board eligible psychiatrist at the Fergus Falls Regional Treatment Center for diagnosis and treatment of emotional disorders of mentally ill, chemically dependent and mentally retarded clients. The estimated amount of the contract will not exceed \$159,500.

Services of two (2) board eligible or board certified psychiatrists to provide diagnosis and treatment to mentally ill, chemically dependent and mentally retarded clients of Fergus Falls Regional Treatment Center. Each psychiatrist will provide 416 hours of service during the contract period. The estimated amount of each contract will not exceed \$78,000.

State Contracts and Advertised Bids

Provide the instrumentation needed to obtain EEG tracings and the services of physicians trained and experienced in EEG reading and interpretation to provide written reports of findings. The estimated amount of the contract will not exceed \$16,500.

Services of a registered occupational therapist to the patients of Fergus Falls Regional Treatment Center for approximately 1040 hours during the contract year. The estimated amount of the contract will not exceed \$49,425.

Services of a full-time licensed dentist to provide dental care for the clients of Fergus Falls Regional Treatment Center. The estimated amount of the contract will not exceed \$60,000.

Further information on position responsibilities may be obtained by contacting Richard C. Baker, M.D., Medical Director, Fergus Falls Regional Treatment Center, Box 157, Fergus Falls, MN 56537-0157. (218) 739-7200.

Minnesota Pollution Control Agency

Office of Waste Tire Management

Notice of Request for Proposal (RFP) to Evaluate Environmental Impacts of Using Chipped Waste Tires, Whole Waste Tires, or Baled Waste Tires as a Subgrade Construction Material

The Minnesota Pollution Control Agency (MPCA) is seeking proposals from qualified consultants to evaluate the environmental impacts of using waste tires or waste tire related products as a subgrade construction materials and lightweight fill applications.

The projected duration of the project is three to six months with an execution date anticipated for July 1, 1989. Services will be offered by the contractor on a mutually agreed upon time line. The contract cost for the entire project is estimated to be \$30,000. The Request for Proposal (RFP) document may be obtained from and other inquiries should be directed to:

Andrew Ronchak, Project Leader
Minnesota Pollution Control Agency
Office of Waste Tire Management
520 Lafayette Road
St. Paul, Minnesota 55155
Phone: 612/296-9773

The deadline for receipt of completed proposals is Monday, June 5, 1989. Proposals should be submitted to the attention of the above MPCA contact person. Late submittals will not be accepted.

Minnesota State Retirement System

Actuarial Consultant Contract Available for the Two-Year Period Ending June 30, 1991

The Minnesota State Retirement System intends to engage the services of an "approved actuary" as defined in *Minnesota Statutes* § 352.01, subd. 15, to review, analyze, and critique the actuarial valuations and experience studies required by *Minnesota Statutes* ch. 356 performed by the actuary retained by the Legislative Commission on Pensions and Retirement each of the two years ending June 30, 1989 and 1990; to prepare and submit the reports on the analysis to the Board of Directors of the Minnesota State Retirement System; to provide consulting and advisory services to the management on technical, policy or administrative problems; and to provide actuarial cost estimates of plan amendments as requested.

Estimated Cost: \$140,000

Contact Person: Paul L. Groschen, Minnesota State Retirement System, 529 Jackson Street, St. Paul, MN 55101, Telephone: (612) 296-2761

Final Submission Date: June 1, 1989

Department of Trade and Economic Development

Office of Development Resources

Notice of Request for Proposals for a Star City Program Video

The Department of Trade and Economic Development is seeking proposals for a 7-15 minute video about the Star City program.

State Contracts and Advertised Bids

Details of the requirements and scope of the project are included in the Request for Proposals (RFP). Copies of the RFP may be obtained from Joyce Simon, Department of Trade and Economic Development, 900 American Center Building, 150 East Kellogg, St. Paul, MN 55101, 612-297-1168.

Estimated cost of the project of \$50,000. Proposals will be accepted until 3:00 p.m., Wednesday, May 10, 1989.

Dated: 12 April 89

David J. Speer, Commissioner

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Corrections

Victim Service Unit

Notice of Availability of Funds for Sexual Assault Services in Crow Wing County

The Victim Services Unit of the Minnesota Department of Corrections, through its Minnesota Program for Victims of Sexual Assault, announces the availability of grant funds for *sexual assault services* in Crow Wing County. Existing or new private, non-profit programs and governmental agencies are eligible to apply for these funds.

A total of \$22,495.00 is available for direct services to victims of sexual assault, community education, professional training and coordination and consultation to enhance overall response to victims of sexual assault for a twelve-month period: 7/1/89-6/30/90. These funds are being made available through appropriation by the Minnesota Legislature and through the Federal Preventive Health and Health Services Block Grant. *The successful applicant will be eligible to apply for continued funding after the initial grant period.*

The deadline for grant proposal submission is *Friday, May 26, 1989*. To receive a request for proposals which describes how to apply for this funding, contact Barbara Sanderson, Director, Minnesota Program for Victims of Sexual Assault, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, MN 55104; telephone: 612-642-0256.

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

Cases Scheduled for May, 1989

Compiled by Dale A. Hansen, (612) 297-4050.

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN. 55155 (612) 296-2581.

Monday, May 1, 1989 9:00 AM

C5-87-2351 JAMES D. ROEMER, et al., Respondents (Attorney: Larry J. Peterson & Associates) vs. **DAVID E. MARTIN, M.D., et al., petitioners, Appellants** (Attorneys: Robert R. Dunlap and Laurie J. Miller of Dunlap, Keith, Finseth, Berndt & Sandberg), **TRI-STATE INSURANCE COMPANY, intervenor, Respondent** (Attorney: Finch, Johnson, Larson & Walsh). Opinion Court of Appeals.

Was the evidence sufficient to support the jury's finding that Respondent's negligence in severing Appellant's nerve during surgery was not the direct cause of Appellant's damages?

Did the court commit reversible error when it refused to instruct the jury that the damage questions must be answered regardless of its answers to the fault questions?

CX-88-1125 COUNTRYSIDE VILLAGE, Respondent (Attorney: Robert P. Laue of Olson, Snelling & Christensen) vs. **CITY OF NORTH BRANCH, petitioner, Appellant** (Attorney: Barry L. Blomquist, North Branch City Attorney). Opinion Court of Appeals.

Is notice to property owners of the right to appeal, as required by *Minnesota Statutes* § 429.061, a jurisdictional prerequisite to levying a tax under *Minnesota Statutes* §§ 444.16 to 444.21?

Tuesday, May 2, 1989 9:00 AM

C3-88-401 ELSIE R. HARTER, as Trustee Under Trust Agreement Regarding Foreclosure dated as of July 1, 1986, Respondent (Attorneys: David W. Larson and Steven C. Opheim of Dudley and Smith, P.A.; and Phillip Gainsley of Moss & Barnett) vs. **VOIGHT O. LENMARK and ESTATE OF CATHERINE S. LENMARK, deceased, petitioners, Appellants** (Attorney: Robert H. Torgerson of Luther, Ballenthin & Carruthers), **FIRST MINNESOTA SAVINGS BANK, F.S.B., Defendant**. Opinion Court of Appeals.

May a mortgage be foreclosed without presenting a claim in probate court against one of the mortgagors, now deceased?

Is a co-maker of a promissory note liable on the note when a renewal note is signed only by the other co-maker, and there is no surrender of the original note or consideration for the discharge of or written renunciation of the original indebtedness?

Are vague and uncertain oral extensions of the due date of promissory notes immaterial when there are undisputed defaults on interest payments and in the first mortgage which constitute defaults on junior mortgages?

C0-88-193 DUANE H. LIESER, et al., Respondents (Attorney: Robert D. Stoneburner) vs. **DAVID G. SEXTON, et al., petitioners, Appellants** (Attorney: Kevin S. Carpenter of Quinlivan, Sherwood, Spellacy & Tarvestad). Opinion Court of Appeals.

Wednesday, May 3, 1989 9:00 AM

C5-87-1524 STATE OF MINNESOTA, petitioner, Appellant (Attorneys: Paul R. Kempainen, Assistant State Attorney General and Jerome A. Schreiber, Wabasha County Attorney) vs. **JOANN HENNUM, Respondent** (Attorney: Michael F. Cromett, Assistant State Public Defender). Opinion Court of Appeals.

Was it proper for the trial court to allow the State to use as rebuttal evidence information obtained in an adverse mental examination of Defendant which had been ordered because Defendant would present her own expert testimony that she suffered from battered woman's syndrome?

Did the trial court have authority to order the adverse mental examination of Defendant?

C9-88-225 STATE OF MINNESOTA, Respondent (Attorneys: Robert A. Stanich, Special Assistant State Attorney General and Dennis M. Sobolik, Kittson County Attorney of Brink, Sobolik, Severson, Vroom & Malm, P.A.) vs. **CAL S. SORENSON, petitioner, Appellant** (Attorney: Bruce Nielsen). Opinion Court of Appeals.

May a conservation officer enter private land without probable cause and then carry out a warrantless search in open fields?

Does non-designation of the federal or state constitution as a basis for a probable cause objection to a warrantless search at the trial court level preclude application of the state constitution at the appeals court level?

Thursday, May 4, 1989 9:00 AM

C6-88-1445 STATE OF MINNESOTA, Respondent (Attorneys: Jeanne J. Graham, Special Assistant State Attorney General and Richard T. Jessen, Benton County Attorney) vs. **JEROLD BOITNOTT, Appellant** (Attorney: Jack Nordby of Meshbesh, Singer & Spence, Ltd.). Judgment Stearns County.

Did the trial court submit proper instructions to the jury where the court denied Appellant's request for instructions on self-defense and first degree manslaughter; gave an instruction that the victim's actions in pointing a gun at the Appellant who was also armed and demanding that Appellant leave victim's home were at all times lawful; submitted an instruction on intoxication; and did not submit an instruction on accidental actions?

Supreme Court Calendar

Was the prosecutor's summation proper where, among other things, the prosecutor referred to the people of the state as his client, urged the jury to protect society by holding the accused accountable, and vouched for a prosecution witness?

Did the trial court act within its discretion by admitting evidence of a phone call from Appellant which indicated his state of mind.

C1-88-512 MARY MAMMENGA, Respondent (Attorneys: Charles A. Thomas and Mark A. Bohnhorst of Southern Minnesota Regional Legal Service, Inc.) vs. **STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES, et al., petitioners, Appellants** (Attorneys: John L. Kirwin, Assistant State Attorney General and D. Gerald Wilhelm, Martin County Attorney). Opinion Court of Appeals.

Is the Commissioner of Human Services' rule implementing the general assistance eligibility for "a person completing a secondary education program" requiring six hours per week of GED classroom attendance within the statutory authority, issued pursuant to proper procedure and reasonable?

Did the court of appeals err in concluding that the Commissioner's rule arbitrarily and unreasonably excluded most rural poor people from qualifying for general assistance eligibility under *Minnesota Statutes* § 256D.05, subd. 1(a)(10)?

Monday, May 8, 1989 9:00 AM

CX-87-2412 & C0-88-565 In Re the Marriage of: MARY MCKEE-JOHNSON, Respondent (Attorneys: Phillip Gainsley and Susan C. Rhode of Moss & Barnett) vs. **LANCE C. JOHNSON, petitioner, Appellant** (Attorney: Robert W. Due of Jack S. Jaycox Law Offices, Ltd.). Opinion Court of Appeals.

Is a premarital agreement which purports to permit one spouse to unilaterally acquire property with marital funds, without the control or knowledge of the other spouse, and retain all such marital property upon dissolution of the marriage enforceable?

Where a trial court had demonstrated the intent to amend its judgment and decree but is deprived of jurisdiction by a party's premature appeal before the order amending the appeal can be entered, can an appellate court remand the case to the trial court for entry of amended findings and conclusions?

C9-87-2367 ESTATE OF EMLYN JONES, Deceased, by LORRAINE J. BLUME, its personal representative, Respondent (Attorneys: Daniel P. Taber and Kevin O'Connor Green) vs. **J. PEDER KVAMME, petitioner, Appellant** (Attorney: Jeffrey F. Shaw of Briggs and Morgan), **JOHN KVAMME, et al., defendants**. Opinion Court of Appeals.

Was the evidence sufficient to support the jury's special verdict findings that Appellant misled Respondent by stating that Appellant was buying Respondent's stock for the corporation as Respondent believed was required by the bylaws when in actuality Appellant was buying the stock for himself?

Was this action barred by the statute of limitations where the alleged fraudulent purchase of stock occurred in 1967 but was not entered into the corporation's books until 1980?

Was testimony admitted at trial of Respondent's belief that the stock could only be sold to the corporation hearsay?

Did the trial court err in adopting a rescissory measure of damages which permitted judgment in the amount that the stock was valued at eleven years after the sale?

Tuesday, 9 May 1989 9:00 AM

C2-88-1894 STATE OF MINNESOTA, Respondent (Attorney: Vernon D. Swanum, Assistant St. Louis County Attorney) vs. **ROBERT GENE WEBB, Appellant** (Attorney: Melissa Sheridan, Assistant Public Defender). Judgment St. Louis County.

Was the cross-examination by the prosecutor of Appellant concerning Appellant's prior cocaine use within the bounds of propriety where the trial judge had earlier ruled that evidence inadmissible for the prosecution's case-in-chief?

Was Appellant's statement to police the result of improper, coercive interrogation techniques where an officer, knowing the Appellant to be mentally handicapped, raised his voice and feigned anger to elicit a response?

Did the trial court abuse its discretion by ruling a prosecution witness competent to testify following an examination in which the trial judge questioned the witness and heard testimony from the witness' mother and where the jury was fully informed of the witness' mental handicap?

C5-88-688 PROGRESSIVE INSURANCE COMPANY, petitioner, Appellant (Attorney: Linc S. Deter of Donlin, McBride & Goetteman, P.A.) vs. **THOMAS GINDORFF, Respondent** (Attorney: Denise M. Norton of Larkin, Hoffman, Daly & Lindgren, Ltd.). Opinion Court of Appeals.

Is an injured party entitled to pursue underinsured motorist benefits against his insurer before that injured party has fully resolved his cause of action against the tortfeasor such that the extent of underinsured motorist coverage can be ascertained?

Wednesday, May 10, 1989 9:00 AM

C6-88-2644 DANO LANE OSTRANDER, a minor, by RONALD OSTRANDER and MARY OSTRANDER, his parents and natural guardians, and MARY OSTRANDER, individually, Plaintiffs (Attorney: John M. Steele) vs. CONE MILLS, INC., Defendant (Attorneys: Heidi Hoard and John P. Mandler of Faegre and Benson), PALMETTO GARMENT CO., Defendant (Attorneys: Susan D. Hall and Hal A. Shillingstad of Murnane, Conlin, White, Brandt & Hoffman) vs. CONE MILLS CORPORATION, Third Party Plaintiff vs. JODI (JENSEN) ENGA and PAUL ENGA, individually, Third Party Defendant. Certified Question United States District Court District of Minnesota, Third Division.

May parents delay a suit for medical expenses, services, loss of society, lost wages, and other out-of-pocket expenses resulting from their child's personal injuries until one year after the child's eighteenth birthday under *Minnesota Statutes* § 541.15?

C3-88-2245 In Re Petition of PAUL DOLAN for Review of the State Board of Law Examiners' Decision (Attorneys: Paul Dolan; and Eric J. Magnuson of Rider, Bennett, Egan & Arundel), AND

C9-89-97 In Re Application of MILTON WELSH SCHOBER for Admission to Practice Law in the State of Minnesota (Attorneys: Thomas K. Berg, Thomas M. Sipkins, and Bryan L. Crawford of Popham, Haik, Schnobrich & Kaufman, Ltd.). Petitions for Review of Board of Law Examiners Decision.

Should a 21-year-old law student be on constructive notice that to practice law in Minnesota he must graduate from an ABA-Approved law school?

If, after practicing law elsewhere for thirteen years the rule regarding graduation from an ABA-Approved law school in Minnesota came as a complete surprise, should the rule be waived?

Is the waiver of the bar examination requirement to be admitted to the Minnesota Bar of an attorney applicant also a waiver of the rule that the applicant have graduated from an ABA-Approved law school?

Is the fact that applicant has been a member of the Louisiana bar and a practicing attorney for over thirty years sufficient grounds to waive the rule requiring graduation from an ABA accredited law school as a prerequisite for admission to the Minnesota Bar?

Supreme Court Decisions

Decisions Filed 21 April 1989

C8-87-2327 In Re Petition for Disciplinary Action Against Eli C. Levenstein, An Attorney at Law of the State of Minnesota. Supreme Court.

Repeated instances of attorney neglect of client matters involving a similar pattern of procrastination, delay, and unconcern resulting in financial and other loss to clients, the continued practice of law while on restricted or suspended status, and failure to cooperate with the Lawyers Board of Professional Responsibility investigation of client complaints warrants indefinite suspension.

Indefinite suspension. Per Curiam.

Announcements

Environmental Quality Board (EQB): Comments on the following Environmental Assessment Worksheets are due May 24 at the regional governing unit listed with each project: Lake Point PUD, City of Woodbury; Nicollet County State Aid Highways No. 46 and 5, Nicollet County; Arlington Avenue Detention Basin, St. Paul, Minn. DNR; Goldenwood Utility Improvements, Minn. Pollution Control Agency (MPCA); West River Road between 73rd Avenue and TH 610 Brooklyn Park, City of Brooklyn Park. • The Minn. DNR will hold a public hearing on the alteration of a cross-section of Sturgeon Lake (69-939) by Donald Lokken without a permit by the commissioner of DNR. The hearing will take place on May 2, 1989 at 10:00 AM in the Chisholm City Hall Chambers, Chisholm, MN. Contact (612) 296-0686 to discuss informal disposition of the case or discovery procedures. Excerpted from *EQB Monitor*, April 17, Vol. 13, #20, Gregg Downing editor, (612) 296-8253.

Farmers Market/Pick-Your-Own Directory: The 1989 "Directory of Roadside Stands, Orchards, Pick-Your-Own Farms and Farmers Markets" is now being distributed. The directory, a listing of Minnesota growers who market directly to consumers at locations around the state, features over 300 Minnesota-grown fruits and vegetables, meats and poultry, herbs, flowers, organically-grown products, honey and Christmas trees. Recipes and canning information are also included. The directory is available by writing the Minnesota Travel Information Center, 375 Jackson St., 250 Skyway level, St. Paul, Minn. 55101-1810, or by calling (612) 296-5029 in the metropolitan area or toll-free 1-800-652-9747 from Greater Minnesota. Some 75,000 copies will also be available through public libraries, chambers of commerce, travel information centers, county extension agents and local producers. Individuals or organizations requesting a large number of directories should write to the Marketing Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, Minn. 55107.

Announcements

'Rinse and Win' Packets Available: "Rinse and Win!" information packets promoting the proper rinsing and management techniques for empty pesticide containers are now available upon request from the Minnesota Pesticide Container Advisory Committee. The packets, designed for groups, organizations and individuals concerned with maintaining ground-water quality, include a large poster with the committee's slogan and logo and a series of six fact sheets describing proper methods and references regarding proper container disposal. To receive your packet write to Rick Hansen, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, Minn. 55107 or Dean Herzfeld, Minnesota Extension Service, University of Minnesota, 495 Borlaug Hall, 1991 Upper Buford Hall, St. Paul, Minn. 55108.

DNR Seeks Campground Hosts: Minnesota state parks are looking for volunteers to serve as "campground hosts" during the upcoming camping season. A host's duties are to meet and assist fellow campers while providing minor services at the campground. They provide park visitors with information on park rules, inform the park manager of any problems in the campground, and help keep the grounds and buildings clean. Hosts are usually couples or individuals who live in their own campground units, and they are expected to stay a minimum of four weeks in any one park. Bill Morrissey, DNR state parks director, said campground hosts would be stationed in several state parks throughout Minnesota between Memorial Day and Labor Day. He added that the program has been very successful during the past seven seasons. Persons interested in being hosts this summer should write: "Campground Host Program", DNR Parks and Recreation, 500 Lafayette Road, St. Paul, MN 55155-4039 for a free campground host information kit, or call Carol Kullman (612) 296-9230.

Educational Computing Catalog: The Minnesota Educational Computing Consortium (MECC) has released its new *MECC Etc. Catalog*, featuring high-quality products complementing the many advanced technical opportunities available in education today. The "Etc." represents "Emerging Technologies in the Classroom." This comprehensive, concise nine-page catalog features both MECC and non-MECC products, including: LCD Computer Imaging or Projection Systems, Videodisc Players and Software, and Computer Peripheral Products, MECC promotes effective learning by developing high-quality, curriculum-based software in all major subject areas and by making them affordable through a variety of purchase plans. Approximately one-third of the nation's school districts have joined MECC through Direct License memberships, permitting them to duplicate MECC software products on site. MECC products are also available through authorized dealers nationwide or can be ordered directly from the MECC catalog. For more information or a free *MECC Etc. Catalog*, write or call MECC Customer Services at 1-800-228-3504, extension 527; or write MECC, 3490 Lexington Avenue North, St. Paul, MN 55126-8097, (612) 481-3500.

1989 Bear Hunting Rules: The 1989 statewide bear season will run Sept. 1 through Oct. 15, the Department of Natural Resources (DNR) announced this week. Information regarding regulations, a map of the zones, and application forms are now available from license agents throughout the state. Up to 5,520 permits will be issued to hunters applying for the permits and who are selected in a computerized drawing. Applications for the drawing are due May 1. Hunters are limited to taking one bear for the season and the cost of the hunting license is \$31 for residents and \$151 for non-residents. Anyone who submits an application obtained from a county auditor or license outlet and later receives a preprinted application from the DNR, should not submit the second application, since duplicate applications will be rejected and the applicant will not be eligible for the lottery. Hunters are advised to study the map and fill out applications carefully. Portions of the bear range will also be open to hunting on a no-quota basis. Licenses for the no-quota areas will be available at the DNR License Bureau and county auditor offices after July 1. Hunters chosen in the drawing for the permit areas are not eligible to purchase licenses for the no-quota areas. The no-quota areas was first implemented in 1987 in response to increased crop depredation by bears. Bears occur in limited numbers in the no-quota areas and most of the area is private land where landowners' permission to hunt is required.

Catching criminals is only one part of law enforcement.

Police Report Writing Style Manual 1986—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$12.50.

Background Investigation Manual 1986—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

Motor Vehicle Traffic Laws 1988—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$14.00.

Criminal Code & Selected Statutes 1988—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$16.00.

Blue Binder—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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Human Services Laws and Rules

Human Services Laws 1988

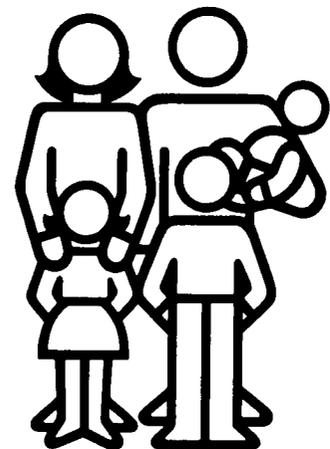
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$21.95.

Human Services Rules 1988

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$29.95.

3 ring binder, 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

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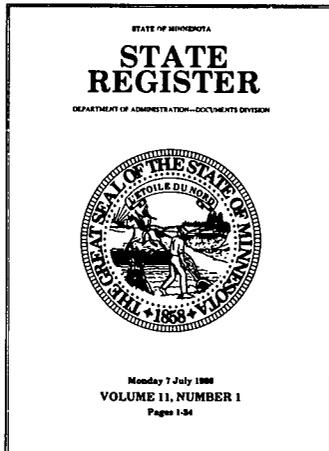
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Bird Portraits in Color, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

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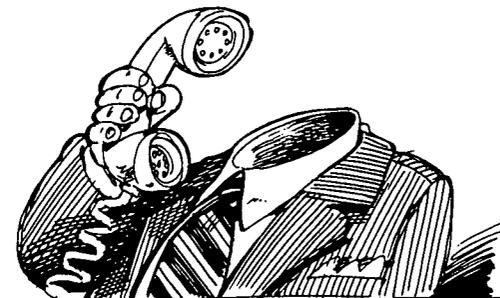
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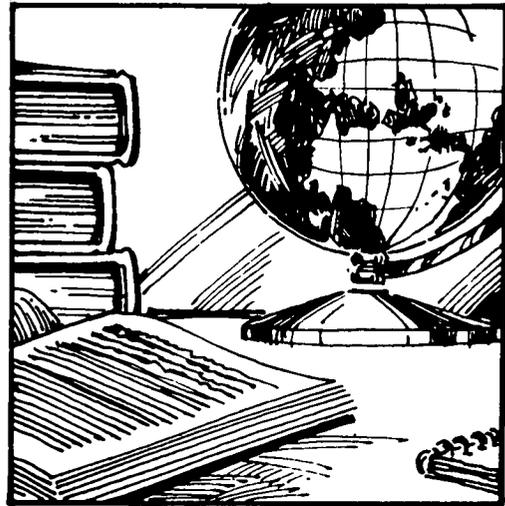
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Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

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Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax.



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Public Employment Labor Relations Act 1987. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$5.00 plus tax.

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Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax.



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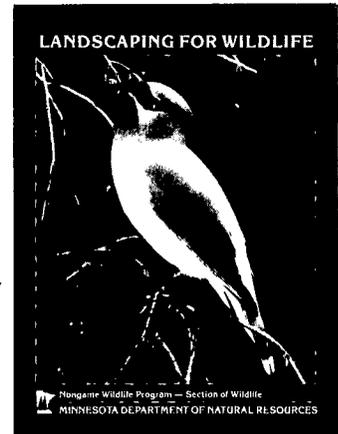
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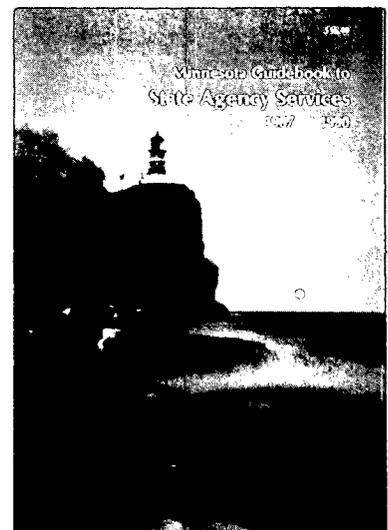
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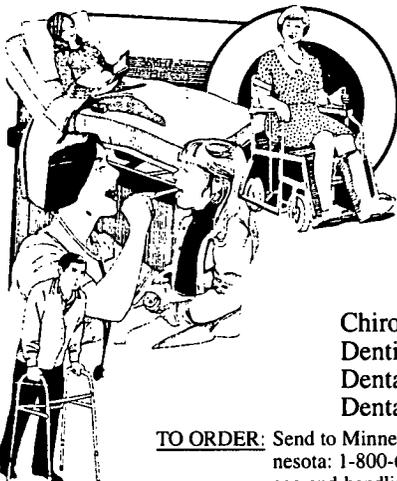
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