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State of Minnesota

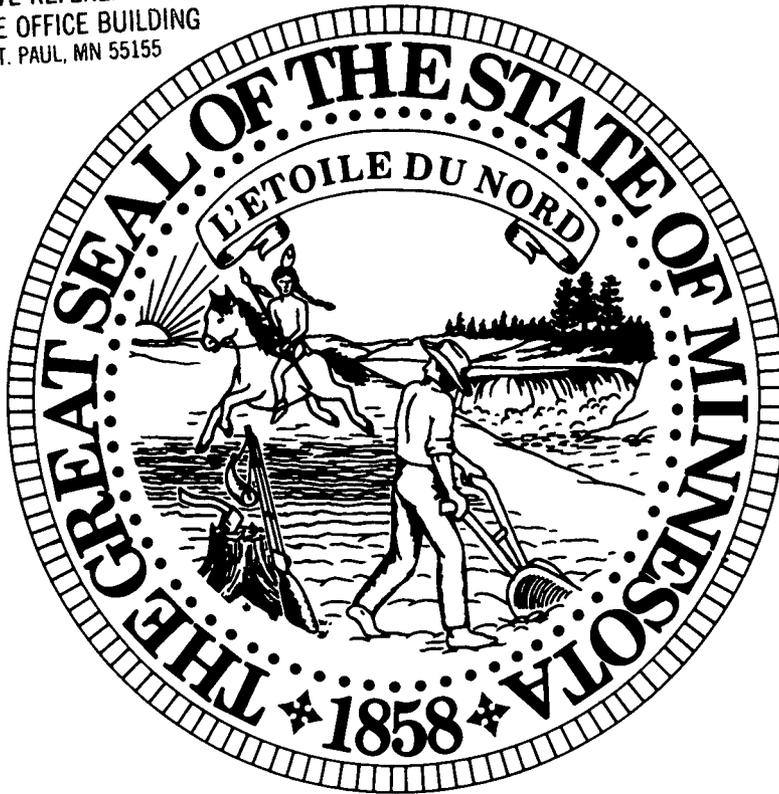
# STATE REGISTER

Department of Administration—Print Communications Division

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Rules edition

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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 and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

### Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
40	Monday 19 March	Monday 26 March	Monday 2 April
41	Monday 26 March	Monday 2 April	Monday 9 April
42	Monday 2 April	Monday 9 April	Monday 16 April
43	Monday 9 April	Monday 16 April	Monday 23 April

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

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

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

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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

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## FOR LEGISLATIVE NEWS

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

### SENATE

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

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Contact: Senate Public Information Office  
Room 231 State Capitol, St. Paul, MN 55155  
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**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

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Room 175 State Office Building, St. Paul, MN 55155  
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 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 1-800-9747.

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## Social workers', counselors' and therapists' guides and directories

**It's Never OK.** A handbook for professionals on sexual exploitation by counselors and therapists. It covers the therapeutic and prevention issues and employer responsibilities, plus recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16. \$19.95 + tax.

**Chemical Dependency Programs Directory 1989.** Features comprehensive listings for programs ranging from prevention/intervention services to a wide range of treatment services. Each type of program includes a listing of facilities and description of programs. Stock No. 1-12, \$15.00 + tax.

**Process parenting—Breaking the Addictive Cycle.** This training manual provides parent education and treatment techniques for professionals working with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 + tax.

**TO ORDER:** Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and \$2.00 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone. FAX: (612) 296-2265.

Publication editors: As a public service please reprint this ad in your publications. Thank you.

## 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.

## Board of Animal Health

### Proposed Permanent Rules Relating to Swine and Pseudorabies Control

#### Notice of Hearing

**NOTICE IS HEREBY GIVEN** that a public hearing will be held pursuant to *Minnesota Statutes*, 1986, Section 14.14, Subd. 1, in the above-entitled matter in the State Office Building, Room 5, 100 Constitution Ave., St. Paul, Minnesota, on May 8, 1990 commencing at 9:30 a.m. and continuing until all representatives of associations or other interested groups of persons have had an opportunity to be heard concerning the amendments of the proposed rules.

All interested persons will have an opportunity to participate. Statements may be made orally or in writing at the hearing and written material may be submitted and recorded in the hearing record by mailing the material to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South 4th Ave., Minneapolis, Minnesota 55415, telephone (612) 341-7645, either before the hearing or within five working days after the close of the hearing unless the hearing examiner orders a longer period of time not to exceed 20 calendar days. All comments received during the comment period shall 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 initial submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. The proposed rules are subject to change as a result of the hearing process. The Board of Animal Health, therefore, strongly urges those who may be affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

*Minnesota Laws 1983*, Chapter 367, codified as *Minnesota Statutes* § 35.255, directed the Board of Animal Health to adopt rules to implement a program to control pseudorabies in swine, including pseudorabies testing of breeding swine and the restricted movement of feeder pigs. The proposed rules are intended to implement this statutory mandate and further the control of pseudorabies as recommended by the Pseudorabies Advisory Committee. The rules provide for perimeters within which quarantine feedlots must operate; zoning of the state and control of movement of feeder pigs; herd monitoring and sale of feeder pigs and swine marketing. A copy of the proposed rules is attached to this notice and additional copies of the proposed rules are now available from the Board of Animal Health. One free copy may be obtained by writing to the Minnesota Board of Animal Health, 90 West Plato Boulevard, Attention: Dr. W. J. Mackey, St. Paul, Minnesota 55107, telephone (612) 296-3592. Copies will also be available at the door on the date of the hearing.

Ultimately, the amendments of these rules should benefit all owners of swine, whether or not such owners are defined as "small business" under the provisions of *Minnesota Laws 1983*, Chapter 188, through the control and eventual eradication of pseudorabies in Minnesota's breeding stocks. In the short run, however, these rules will have an impact upon small business in that they will require certain testing and reporting requirements which costs will be borne primarily by the owners of swine. The costs borne by the owners such tests to be performed by veterinarians. In addition, certain restrictions on the movement of pseudorabies infected swine will have an impact upon all owners whose herds contain infected swine. Small business are, therefore, encouraged to participate in the proposed rules. In addition, the Board has taken into consideration of the requirements of *Minnesota Statutes* § 14.11 (1982), and has found and determined that the proposed rule will not require the expenditure of public moneys by local public bodies and will not have a direct or substantial impact on agricultural land.

**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* Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, Subd. 11 (1979 Supp.) 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, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5148.

**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 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 that 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. This 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 the 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.

The rule hearing procedure is governed by *Minnesota Statutes*, 1986, 14.14 to 14.20, and by *Minnesota Rules* parts 1400.0200 to 1400.1200 (1985). Any questions about procedure may be directed to the Administrative Law Judge.

Dated: 8 March 1990

Dr. Thomas J. Hagerty  
Executive Secretary  
Minnesota Board of Animal Health

## Proposed Permanent Rules Relating to Swine

### Rules as Proposed

#### 1700.2800 CONTENTS OF CERTIFICATE OF VETERINARY INSPECTION.

Certificates of veterinary inspection for feeder swine must list identification numbers, the herd of origin, the destination, and one of the following statements: "these feeder swine originate from a pseudorabies monitored herd," "these feeder swine originate from a pseudorabies qualified herd," "these feeder swine have all been tested for pseudorabies within 30 days before importation and found negative," or "these feeder swine originate from an officially designated ~~low-prevalence~~ Stage III, IV, or V pseudorabies area," as defined in part 1705.2400, subpart 5a.

Certificates of veterinary inspection for breeding swine must show the individual identification number of each animal. Acceptable individual identification must be either eartag, tattoo, registration number, or approved ear notch system, the date of test, if tested, the validated and qualified herd number and date of last test, if not tested within 30 days before importation.

Certificates of veterinary inspection for feral swine must list individual eartag numbers and show that the swine were for pseudorabies and found negative within 30 days before importation.

One copy of the certificate of veterinary inspection approved by the animal health department of the state of origin must be forwarded to the board within 14 days.

#### 1700.2850 FEEDER SWINE.

Feeder swine must originate from pseudorabies monitored herds, qualified pseudorabies negative herds, or an officially designated ~~low-prevalence~~ Stage III, IV, or V pseudorabies area, or must be tested negative within 30 days, and must not be transported or confined with swine of unknown status. Feral swine may not be imported into Minnesota without a negative pseudorabies test within the previous 30 days.

#### 1700.2900 BREEDING SWINE.

Breeding swine must be:

A. negative to the brucellosis buffered antigen test conducted at a state or federal laboratory within 30 days prior to importation,

or originate from a validated brucellosis free swine herd, or originate directly from a nonquarantined herd in a validated brucellosis free state; ~~and~~

B. ~~negative to an official test for pseudorabies within 30 days prior to importation or originate from a qualified pseudorabies negative herd;~~ and

C. isolated from all other swine until tested negative not less than 30 nor more than 60 days following importation according to the following sample size:

(1) if there are ten or less breeding swine, all must be tested;

(2) if there are 11 to 35 breeding swine, ten must be tested; and

(3) if there are 36 or more breeding swine, 30 percent or 30 head, whichever is less, must be tested.

This item does not apply to breeding stock sales centers in Minnesota as provided in parts 1705.2400, subpart 15, and 1705.2480, subpart 9.

Breeding swine must not be transported or confined with swine of unknown status.

## **Proposed Permanent Rules Relating to Pseudorabies Control**

### **Rules as Proposed**

#### **1705.2400 DEFINITIONS.**

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

Subp. 3. **Breeding herd.** "Breeding herd" means all swine on one premises for a minimum of 60 days that are maintained for breeding purposes. These swine must be kept separated from all swine from other sources, and care personnel and equipment must not be interchanged with other herds.

[For text of subps 3a to 5, see M.R.]

Subp. 5a. **Low-prevalence pseudorabies area; Stage III area.** "Low-prevalence pseudorabies area" or "Stage III area" means a state or area that ~~has met the standards for class A or B states of the National Pseudorabies Control Board.~~ is cooperating in the national PRV eradication program. A Stage III area must have a surveillance program in operation that shows less than one percent herd infection rate and a mandatory herd cleanup program for infected herds.

[For text of subps 5b to 8, see M.R.]

Subp. 8a. **Quarantined feedlot Approved premises.** "~~Quarantined feedlot~~" "Approved premises" means a feedlot that has been inspected by board personnel and approved to feed out quarantined feeder pigs or light weight butcher hogs in isolation from other domestic animals and sell those pigs directly to slaughter, in compliance with part 1705.2434.

Subp. 9. **Quarantined herd.** "Quarantined herd" means an infected herd ~~which is~~ maintained on the quarantined premises so as not to have contact with animals belonging to other owners. "Quarantined herd" includes a herd quarantined because of the owner's refusal to test the herd as required by parts 1705.2400 to 1705.2530.

[For text of subps 10 to 12, see M.R.]

Subp. 13. **Official random sample test.** "Official random sample test" means a herd sampling procedure that considers each segregated group of swine at a particular site to be a separate group and sample as follows:

A. less than 100 head, test 25;

B. 100 to 200 head, test 27;

C. 201 to 999 head, test 28; and

D. 1,000 or over, test 29.

In each breeding herd, all parities must be included in the sample.

Subp. 14. **Official pseudorabies herd cleanup plan.** "Official pseudorabies herd cleanup plan" means a plan to eliminate pseudorabies from a swine herd, developed by the board in consultation with the herd owner and the owner's veterinary practitioner, when applicable, that is mutually acceptable to those parties and then approved by the state animal health official.

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

## Proposed Rules

Subp. 15. Breeding swine sales center. “Breeding swine sales center” means a swine facility where breeding swine are congregated for resale purposes.

### 1705.2430 INFECTED HERD QUARANTINE AND DISPOSAL PROCEDURES.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Permitted disposal.** Livestock Swine from an infected a quarantined herd of swine must be disposed of pursuant to item A or B.

[For text of item A, see M.R.]

B. Feeder pigs may only be sold, loaned, leased, or moved for ~~custom~~ custom/contract feeding to a quarantined feedlot approved premises accompanied by a shipping permit or an owner's notice of shipment. The quarantined swine feedlot approved premises must be a feedlot where purchased quarantined swine can be fed out in isolation from other domestic animals and where a state or federal veterinarian has determined that no breeding swine are on the premises, and the feedlot owner agrees to sell all the swine from the feedlot directly for slaughter accompanied by a shipping permit or owner's notice of shipment.

C. A quarantined swine herd may be sold to another owner if the buyer agrees to:

- (1) maintain them at the same place where the herd was quarantined, with the permission of the board; and
- (2) sign a herd cleanup plan.

No person may sell swine that are known to be infected with or have been exposed to pseudorabies, except directly to slaughter or, in the case of feeder pigs, to a quarantined feedlot approved premises. Breeding swine may be sold under item C. Quarantined animals may not be shown at public exhibitions.

Subp. 4. Movement to another location. Quarantined swine may be moved from their farm of origin to another location only with the prior approval of the district veterinarian. The new location may not be within the northern zone or within two miles of a qualified or controlled vaccinated herd. The new location must be quarantined by the district veterinarian and subject to the same restrictions as the original quarantined premises. All of the swine that are moved must be vaccinated for pseudorabies and the herd must be on an official herd cleanup plan.

### 1705.2434 QUARANTINED FEEDLOT APPROVED PREMISES PROCEDURES.

Subpart 1. **Qualifications.** No person may accept feeder swine from quarantined herds for purposes of feeding them out unless a permit is obtained from the board. A person seeking a permit must agree to provide access to the feedlot and records required by this part during business hours. The board shall grant a quarantined feedlot an approved premises permit when otherwise authorized by this part and part 1705.2472, subpart 2, item F. The permit allows the person to whom it is issued to obtain feeder pigs from quarantined herds and feed them out. A quarantined feedlot The approved premises must comply with the following requirements:

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

D. Feeder swine must be vaccinated for pseudorabies at the owner's expense on or before arrival at a quarantined feedlot the approved premises. Vaccination records must be maintained for one year for inspection by board personnel.

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

Subp. 2. **Location.** No quarantined feedlot approved premises may be established within the Minnesota northern zone established in part 1705.2472, subpart 1, or in a county in the southern zone that has been declared to be in Stage III of the national pseudorabies eradication program. Approved premises may not be established within a two mile radius of an existing qualified or controlled vaccinated herd.

Subp. 3. **Notification of neighbors.** The board shall notify neighbors owning livestock within a one-mile radius of the establishment of a quarantined feedlot approved premises.

Subp. 4. **Annual renewal.** Quarantined feedlot Approved premises permits must be renewed annually by the board, based upon an annual report of the district veterinarian for the district in which the feedlot is located. The permit must be renewed if the district veterinarian finds that the feedlot is and has been in compliance with the board's rules. The district veterinarian shall inspect a quarantined feedlot approved premises on the complaint of any person or at the board's direction. The board may suspend or cancel the permit of a quarantined feedlot approved premises for noncompliance with the requirements in this part. Whenever the permit of a quarantined feedlot approved premises is suspended, canceled, or not renewed, the feedlot remains under pseudorabies quarantine until the quarantine is released under part 1705.2440.

Subp. 5. **Phasing out quarantined feedlots located near qualified and controlled vaccinated herds** Continued operation of approved premises. In order to protect Minnesota's swine bloodlines and the health of Minnesota swine, quarantined feedlots located near qualified pseudorabies negative herds and controlled vaccinated herds must comply with the following restrictions:

A. After January 1, 1988, a quarantined feedlot located within a one-mile radius of a qualified or controlled vaccinated herd may no longer purchase and feed out quarantined swine.

B. After January 1, 1990, a quarantined feedlot located within a two-mile radius of a qualified or controlled vaccinated herd may no longer purchase and feed out quarantined swine.

C. Quarantined feedlots that are not within a two-mile radius of a qualified or controlled vaccinated herd as of January 1, 1988, are not subject to the restrictions of this subpart should a neighboring herd become subsequently a qualified or controlled vaccinated herd. Approved premises that have legally been established under this part must be permitted to continue to operate if a swine herd within two miles subsequently becomes a qualified or controlled vaccinated herd.

#### 1705.2440 RELEASE OF QUARANTINE.

Subpart 1. **Methods.** Swine herd quarantine release may be accomplished by any of the methods in items A to D.

[For text of item A, see M.R.]

B. Test and removal: All swine positive to an official test may be removed from the premises. All remaining swine in the breeding herd must then pass a negative official test at least 30 days after the removal of the infected swine. Herds must be released from quarantine if they have passed one negative test of their breeding herd after January 1, 1987 must be accomplished according to subitem (1) or (2).

(1) All swine positive to an official pseudorabies serologic test must be removed from the premises. All breeding swine that remain in the herd and a 28 head random sample of grower-finishing swine over two months of age must be subjected to an official pseudorabies serologic test and found negative 30 days or more after removal of swine positive to an official pseudorabies serologic test. A second test at least 30 days after the first is required if the state is in Stage III or IV of the pseudorabies program.

(2) During Stage I or II of the pseudorabies program, all swine present on the date a quarantine was imposed must be removed and there must be no clinical signs in the herd for at least six months. Two successive official random sample tests of the breeding herd, conducted at least 90 days apart, must be determined by the official pseudorabies epidemiologist to reveal no infection. Two successive official random sample tests of progeny at least four months of age, conducted at least 90 days apart, must be negative.

In finishing herds without any breeding swine, there must be two successive negative random sample tests, conducted at least 90 days apart, on hogs over four months of age. Herds removed from quarantine by the random sample testing schedule must be tested negative by an official random sample test one year later.

C. Offspring segregation: Progeny may be weaned, isolated from a quarantined herd under direction of the board, and pass two negative official tests of 100 percent of these pigs at least 30 days apart. The second test must be on pigs older than five months. If all tests are negative, the quarantine must be released.

[For text of item D, see M.R.]

[For text of subs 2 to 5, see M.R.]

#### 1705.2460 INTRASTATE MOVEMENT OF BREEDING SWINE.

Subpart 1. **Health certificate.** No person may sell, lease, exhibit, or loan, or move for contract farrowing breeding swine within the state of Minnesota except to slaughter unless the swine are accompanied by a health certificate or test chart provided by the seller which includes:

[For text of item A, see M.R.]

B. a negative official pseudorabies test conducted within 30 days prior to the sale, except for swine from a qualified pseudorabies-negative herd or a pseudorabies-controlled vaccinated herd. It is strongly recommended that any breeding swine purchased be isolated for 14 days and then pass a negative test prior to their introduction into the herd.

[For text of subs 2 to 8, see M.R.]

Subp. 9. Sale without test. Vaccinated hogs may be sold to another owner without a negative pseudorabies test if the buyer agrees to maintain them on the same premises, accepts a pseudorabies quarantine, and signs an approved herd cleanup plan.

#### 1705.2472 CONTROL AND ERADICATION OF PSEUDORABIES.

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

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## Proposed Rules

Subp. 2. **Phased in control of intrastate movement of feeder pigs.** After July 1, 1988, in the northern zone and after January 1, 1990, statewide, feeder swine ~~bought, sold, leased, loaned, or traded, including those moved for contract feeding,~~ from the premises of origin must comply with the feeder swine movement regulations in this subpart. ~~The current feeder swine movement requirements in part 1705.2470 remain in effect until those dates.~~

A. Feeder swine moving ~~in the covered areas~~ from the premises of origin must originate from one of the following source herds:

[For text of subitems (1) to (3), see M.R.]

(4) Stages III, IV, and V low-prevalence pseudorabies ~~area areas~~.

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

F. In order to prevent the spread of pseudorabies into the northern zone and into qualified pseudorabies-negative herds, the board shall take the following actions:

(1) The board shall establish no ~~quarantined feedlots~~ approved premises in the northern zone after January 1, 1988.

(2) The board shall establish no new ~~quarantined feedlots~~ approved premises within a two-mile radius of a qualified or controlled vaccinated herd in Minnesota.

[For text of subitem (3), see M.R.]

**Subp. 3. Participation in the national pseudorabies eradication program.** For the purposes of the eradication of pseudorabies in Minnesota, the following steps must be taken:

A. Efforts must be made to have the northern zone declared a low-prevalence (Stage III) area. If such a status is attained, it will be permissible for the feeder pig producers in that area to sell their feeder pigs without further testing.

B. In order to attain Stage III status, a plan of mandatory infected herd cleanup must be in effect. Herd cleanup plans must be submitted to the board on all quarantined herds in the northern zone.

C. In order to maintain the Stage III status, a system of surveillance must be carried out annually.

### 1705.2474 PSEUDORABIES MONITORED HERD PROCEDURES.

Subpart 1. **Initial herd certification.** In order to be certified as a pseudorabies monitored herd, a representative sample of the breeding herd must be tested annually and be negative for pseudorabies. Testing must be done at the owner's expense unless state funds are available for this purpose. The sample must include ~~all herd boars and~~ 30 percent of additions to the breeding herd since the last herd monitoring test. The sample sizes must be as follows:

A. in herds of ten sows or less, all must be tested;

B. in herds of 11 to 35 sows, ten must be tested; ~~or~~

C. in herds of 36 sows or more, 30 percent or 30 head, whichever is less, must be tested; or

D. have proof that they originated directly from a Stage III, IV, or V area.

[For text of subps 2 to 4, see M.R.]

### 1705.2476 PSEUDORABIES SURVEILLANCE AND CONTROL OF SPREAD.

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

Subp. 4. **Circle testing around all new qualified or controlled vaccinated herds.** The board shall require a test of a representative sample of swine in herds within a ~~one-mile one and one-half mile~~ one and one-half mile radius of all new Minnesota qualified pseudorabies-negative or controlled vaccinated herds. Currently qualified, controlled vaccinated, or monitored herds that have been tested within the last year need not be retested. The test sample size must be as follows:

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

Subp. 5. **Cleanup of herds disclosed to be positive near qualified and controlled vaccinated herds.** In order to protect Minnesota's swine bloodlines, all herds that are disclosed to be pseudorabies-positive within a ~~one-mile one and one-half mile~~ one and one-half mile radius of all qualified and controlled vaccinated herds must:

A. begin a board-approved herd cleanup plan within a ~~six-month~~ three-month period or vaccinate all breeding swine with an approved pseudorabies vaccine on a continuing basis; and

B. vaccinate all feeder pigs coming into finishing herds.

Subp. 6. **Circle testing around quarantined herds.** The board shall require a test of a representative sample of swine in herds within a ~~one-mile one and one-half mile~~ one and one-half mile radius of the following herds:

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

**Subp. 7. Mandatory herd monitoring.** In order to identify all the infected herds in Minnesota and to move ahead with the national pseudorabies eradication program, all swine herds must achieve the following:

A. By July 1, 1991, all herds in the northern zone must have begun an annual herd monitoring program.

B. By July 1, 1992, all herds in the southern zone must have begun an annual herd monitoring program.

The same hog bleeding schedule will be followed as is used in the feeder pig monitoring program, part 1705.2474, subpart 1, item A.

This bleeding must be done at the owner's expense and must be discontinued when the area in which the herd is located becomes a Stage III area.

If an owner refuses to carry out this herd monitoring, the herd must be considered to be infected and must be quarantined.

**Subp. 8. Quarantined herd cleanup.**

A. By July 1, 1991, all quarantined herds in the northern zone must have signed an approved herd cleanup plan.

B. By July 1, 1992, all quarantined herds in the southern zone must have signed an approved herd cleanup plan.

This herd cleanup testing must be paid for by state or federal funds.

#### **1705.2480 QUALIFIED PSEUDORABIES-NEGATIVE HERD PROCEDURES.**

Subpart 1. **Qualifications.** To qualify a herd for qualified pseudorabies-negative herd status:

[For text of item A, see M.R.]

B. all breeding stock six months of age or older must have passed an initial negative pseudorabies test plus a negative random sample test of the offspring over four months of age; and

[For text of item C, see M.R.]

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

Subp. 3. **Requalification testing.** The pseudorabies status of a qualified pseudorabies-negative herd must be monitored and its status maintained by having a negative test of at least 25 percent of the breeding herd every 80 to 100 days. All breeding swine must be subject to at least one official test once a year. No swine may be tested twice in one year to comply with the 25 percent test requirement.

All qualified herds must use one of the following herd bleeding schedules:

A. a negative test of 25 percent of the breeding herd and an official random sample test of the offspring over four months of age every 90 days; or

B. a negative test of ten percent of the breeding herd every 30 days and an official random sample test of the offspring over four months of age every 90 days.

If there are ten or fewer swine at least six months of age in the herd at any quarterly requalification test, all swine at least six months of age must be tested.

If the breeding herd is maintained on more than one premises, ~~25 percent~~ the appropriate percentage of the animals on each premises must be tested for each requalification.

[For text of subps 4 to 8, see M.R.]

**Subp. 9. Qualifications of breeding swine sales centers.** Breeding swine sales centers operated by breeding companies, in which animals are collected from qualified negative herds, must test ten percent of their hog inventory each month with a minimum of ten animals tested.

#### **1705.2500 COMMUNITY NOTIFICATION OF PSEUDORABIES INFECTION.**

Within 14 days of Following the declaration of a quarantine or approval of ~~quarantined feedlot~~ approved premises status, the board shall notify livestock owners within a one-mile radius of the infected herd or ~~quarantined feedlot~~ approved premises. The board shall also notify the clerk of the township board of the affected township in writing.

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## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

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

## Minnesota Housing Finance Agency

### Adopted Permanent Rules Relating to Income Units, Limited Unit Developments

The rule proposed and published at *State Register*, Volume 14, Number 26, pages 1477-1480, December 26, 1989 (14 S.R. 1477) is adopted as proposed.

## Housing Finance Agency

### Adopted Permanent Rules Relating to Qualifications for Housing

The rule proposed and published at *State Register*, Volume 14, Number 28, pages 1750-1751, January 8, 1990 (14 S.R. 1750) is adopted as proposed.

## Housing Finance Agency

### Adopted Permanent Rules Relating to the Urban Indian Housing Program

The rules proposed and published at *State Register*, Volume 14, Number 29, pages 1794-1796, January 16, 1990 (14 S.R. 1794) are adopted as proposed.

## Department of Human Services

### Adopted Permanent Rules Relating to Special Needs Rate Exception for Very Dependent Persons with Special Needs

The rules proposed and published at *State Register*, Volume 14, Number 21, pages 1199-1203, November 20, 1989 (14 S.R. 1199) are adopted with the following modifications:

#### Rules as Adopted

#### 9510.1070 COUNTY'S APPLICATION TO COMMISSIONER.

If the county approves the provider's application, the county shall apply to the commissioner for a special needs rate exception within ten working days of the date of receipt by the county from the provider of a complete application and supporting documentation. To apply for a special needs rate exception, the county shall submit to the commissioner a copy of the provider's approved application and supporting documentation and the following documents:

[For text of item A, see M.R. 1989]

B. a copy of the client's current individual service plan which explains the need to place or retain the eligible client in a regional treatment center if the requested services cannot be provided and ~~includes~~ the sections of the individual habilitation plan which include the methodology and measurable outcomes of the proposed intervention;

## Minnesota State Lottery

### Adopted Permanent Rules Relating to Prize Payments

The rules proposed and published at *State Register*, Volume 14, Number 27, pages 1657-1662, January 2, 1990 (14 S.R. 1657) are adopted with the following modifications:

**Rules as Adopted****7857.4020 INFORMATION TO BE FURNISHED BY CLAIMANT.**

A potential claimant must complete a claim form, supplying the required information, and surrender the apparent winning ticket. The director may require that additional information be supplied by the claimant as necessary to verify the validity of the ticket and the identity of the claimant.

**7857.6010 PAYMENT OF PRIZES TO PERSONS UNDER 18 YEARS OF AGE.**

If a prize is under \$5,000, the director may make payment prizes to a person under the age of 18, or to the person's parent, guardian, or adult member of the person's family. ~~If the prize is \$5,000 or over, the director shall deposit the prize with the district court as required by Minnesota Statutes, section 349A.08, subdivision 3, clause (2).~~ The following provisions govern the payment of a lottery prize to a person under age 18:

A. if the prize is less than \$5,000, the director may give a draft, payable to the order of the person under age 18, to the person's parents, custodial parent if one parent has custody, guardian, or other adult member of the person's family; and

B. if the prize is \$5,000 or more, the director shall deposit the prize with the district court and Minnesota Statutes, section 540.08, applies to the investment and distribution of the money.

## Secretary of State

**Adopted Permanent Rules Relating to State Primary Ballot**

The rules proposed and published at *State Register*, Volume 14, Number 22, pages 1320-1321, November 27, 1989 (14 S.R. 1320) are adopted with the following modifications:

**Rules as Adopted****8250.0350 FORM OF STATE PRIMARY BALLOT.**

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by *Minnesota Statutes*, section 204D.08, subdivision 2, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

**8250.1400 EXAMPLE BALLOT.**

At least ~~32~~ 42 days before the state primary and state general election, the secretary of state shall supply each auditor with a copy of an example ballot. ~~The secretary of state shall have printed on the example ballot the names of all candidates for all statewide offices appearing on~~ must illustrate the format required for the state primary and state general election ballots. The state primary and state general election ballots must conform in all respects to the example ballot.

## Department of Veterans Affairs Minnesota Veterans Homes Board

**Adopted Permanent Rules Relating to Veterans Homes Admissions, Discharges, Cost of Care Calculations, and Maintenance Charges**

The rules proposed and published at *State Register*, Volume 14, Number 15, pages 948-976, October 9, 1989 (14 S.R. 948) and Volume 14, Number 18, pages 1096-1098, October 30, 1989 (14 S.R. 1096) are adopted with the following modifications:

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# Adopted Rules

## Rules as Adopted

### 9050.0030 COMPLIANCE WITH STATUTES, RULES, AND CODES.

The Minnesota Veterans Homes Board shall ensure compliance by the facility and staff with applicable statutes, with applicable rules of the Minnesota Department of Health and the Minnesota Department of Human Services, and with applicable health, safety, sanitation, building, zoning, and operations codes, including the following:

K. the health care facilities grievance provisions in *Minnesota Statutes*, sections 144A.51 to 144A.53; ~~and~~

L. the patient's bill of rights in *Minnesota Statutes*, section 144.651 and the complaint and resident's rights provisions of *Minnesota Statutes*, section 144A.13; and

M. the United States Veterans Administration Code M-1, part 1, chapter 3.

### 9050.0040 DEFINITIONS.

Subp. 36. **Discharge.** "Discharge" means a termination of residence in the nursing home or boarding care home that is documented in the discharge summary signed by the attending physician. A discharge includes the movement of a resident from the campus of one board-operated facility to another, whether to the same or to a different level of care. For purposes of this definition, a discharge does not include:

Subp. 61. **Legal representative.** "~~Legal representative~~" means ~~an individual acting or speaking on behalf of an applicant or resident whose authority is granted or recognized by statute and the nature and extent of that authority is defined by statute, by a court of competent jurisdiction, by other legal action, or by recognition of the United States Department of Veterans Affairs or Social Security Administration in the matter under consideration. Examples are a guardian, conservator, person with power of attorney, custodian, and representative payee who has the legal authority to take a particular action on behalf of an applicant or resident. The legal authority can be granted by statute, by a court, or by federal or state regulation.~~

Subp. 99. **Rehabilitation program.** "~~Rehabilitation program~~" means a program of chemical dependency treatment or rehabilitation provided in a residential facility ~~as defined in Minnesota Statutes, section 245.782, subdivision 6.~~

### 9050.0050 PERSONS ELIGIBLE FOR ADMISSION.

Subpart 1. **General qualifications.** A person seeking admission to a board-operated facility must meet the admission requirements in *Minnesota Statutes*, sections 198.01, 198.02, and 198.03, and the criteria in part 9050.0070. The person must also provide current evidence of medical need for admission and financial information as specified in parts 9050.0800 to 9050.0900.

~~For purposes of subparts 2 and 3, a person is a resident of the state if the person has been physically present in the state on a continuous basis for six months before the date of application for admission.~~

For purposes of subparts 2 to 4, an applicant or resident has adequate means of financial support if the applicant or resident is financially able to live independently. A person is financially able to live independently if the person has assets in excess of \$3,000 or income sufficient to meet basic needs.

### 9050.0055 ADMISSIONS PROCESS, WAITING LIST, PRIORITY.

Subp. 5. **Limitations on refusals to exercise option for admission from active waiting list.** Refusal or failure to exercise the option for admission from the active waiting list is limited as set forth in items A and B.

A. A person who is placed on the waiting list after the effective date of parts 9050.0010 to 9050.0900 and who twice refuses an opportunity for admission must be removed from the active waiting list and placed on the inactive waiting list. The person is not permitted to transfer to the active waiting list for one year from the date the person refused an opportunity for admission unless the person can verify by an attending physician a significant change in health status since the date of last refusal. "Significant change" means the worsening of an applicant's medical condition due to an unexpected health condition such as a sudden stroke or heart attack.

### 9050.0060 ADMISSIONS COMMITTEE; CREATION, COMPOSITION, AND DUTIES.

Subp. 2. **Composition of admissions committee.** The admissions committee must consist of three or more of the following staff members of the board-operated facility: the administrator or a designee, a registered nurse, a social worker, a mental health professional or mental health practitioner, and a physical therapist. Additional admissions committee members may include any of the following staff members, as indicated by the diagnosis or diagnoses of the applicant to be reviewed: a chemical dependency counselor, a mental health professional or mental health practitioner, physical therapist, dietician, and clergy member. The applicant's attending physician must be included on the admissions committee if the physician chooses to participate.

### 9050.0070 TYPES OF ADMISSIONS.

Subp. 3. **Criteria for admission to and continued stay in a boarding care facility.** The decision about admission to or continued stay in a board-operated facility licensed to provide boarding care must be based on the facility's ability to meet the care needs of the

applicant or resident. A person whose care needs can be met by the board-operated facility must be admitted, placed on the waiting list, or retained as a resident if the admissions committee determines the person meets the criteria in items A to N. A person whose care needs cannot be met must be denied admission or continued stay if the admissions committee determines the person does not meet the criteria in items A to N.

C. The person's attending physician must document the person's need for the services provided in a boarding care facility. If a resident has not specified an attending physician, the attending physician must be a Minnesota veterans homes staff physician. If an applicant for admission has not specified an attending physician, Minnesota veterans homes facility staff must assist the applicant in finding a physician to provide an admitting diagnosis.

F. The person ~~must~~ has the right to participate in establishing ~~and comply with~~ the person's individual care plan ~~and~~. A resident must comply with the medical treatment plan prescribed by the attending physician elements of the individual care plan that are not medical in nature. Residents must be advised of their rights under part 4655.1500, subpart 2. Continuing compliance must be measured as specified in the compliance review process in part 9050.0300.

J. A staff psychiatrist or psychologist must ~~document that the person assess persons~~ with a history of violent or self-abusive behavior ~~does not pose and determine if significant risk factors currently exist which suggest that the individual poses~~ a threat of harm to self or others.

L. A person with a history of chemical abuse or a diagnosis of chemical dependency ~~must have successfully completed an in-patient residential chemical dependency treatment or rehabilitation program as defined in part 9050.0040, subparts 25 and 103, and must be chemically free. For purposes of this item, a person is chemically free if the person can document six months of nonuse or use with no symptoms of dependency prior to admission and demonstrates continued nonuse of chemicals during residence~~ diagnosis of chemical abuse within the past six months or a diagnosis of chemical dependency, excluding a chemical dependency diagnosis of "in remission," must have successfully completed a chemical dependency treatment program as prescribed in parts 9050.0040, subparts 25 and 99, and 9530.6620 to 9530.6650, or must be chemically free. For the purposes of this item, a person is chemically free if the person has six months of nonuse or use with no symptoms of dependency prior to admission and demonstrates no symptoms of abuse or dependency during residence.

M. The person must be able to comply with Minnesota veterans homes rules in parts 9050.0010 to 9050.0900. Ability to comply ~~is may be~~ demonstrated by a documented history of compliance in a prior placement, if any, ~~or other relevant evidence that demonstrates ability to comply.~~ Continuing compliance must be measured as specified in the compliance review process in part 9050.0300.

N. ~~The person must be free from any reportable communicable disease or infection as defined in part 4605.7040 that poses a threat to the health and safety of others~~ An attending physician shall determine whether the person is free from any communicable disease or infection that poses a threat to the health and safety of others. Exceptions may be made, however, subject to the authority granted by a waiver issued by the Minnesota Department of Health. This subpart complies with Laws 1989, chapter 282, article 3, section 4, subdivision 7.

Subp. 4. **Criteria for admission to and continued stay in a nursing home facility.** The decision about admission or continued stay in a board-operated facility licensed as a nursing home must be based on the facility's ability to meet the care needs of the person. A person whose care needs can be met by the facility must be admitted, placed on the waiting list, or retained as a resident if the admissions committee determines that the person meets all of the criteria in items A to F. A person whose care needs cannot be met must not be admitted or retained as a resident if the admissions committee determines the person fails to meet all of the criteria in items A to F.

B. The person must have a medical and, if appropriate, psychiatric diagnosis from the attending physician indicating placement in a nursing home is a medical necessity. If a resident has not specified an attending physician, the attending physician must be a Minnesota veterans homes staff physician. If an applicant for admission has not specified an attending physician, Minnesota veterans homes facility staff must assist the applicant in finding a physician to provide an admitting diagnosis.

D. The person must demonstrate a history of compliance with an individual treatment or care plan or with the medical treatment plan prescribed by the attending physician. Ability to comply may be demonstrated by a documented history of compliance in a prior placement, if any, or other relevant evidence which demonstrates ability to comply. The person with a history of noncompliance must be assessed by a staff registered nurse as to the facility's ability to meet the person's care needs.

E. An attending physician shall determine whether the person ~~must be~~ is free from any ~~reportable~~ communicable disease or

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## Adopted Rules

infection as defined in part 4605.7040 that poses a threat to the health and safety of others. Exceptions may be made, however, subject to the authority granted by a waiver issued by the Minnesota Department of Health. This subpart complies with Laws 1989, chapter 282, article 3, section 4, subdivision 7.

F. A staff psychiatrist or psychologist must ~~document that the person~~ assess persons with a history of violent or self-abusive behavior ~~does not pose and determine if significant risk factors currently exist that suggest that the individual poses~~ a threat of harm to self or others.

### 9050.0100 TRANSFER.

Subp. 2. **Notice.** Unless a situation occurs that is outside the board-operated facility's control, such as a utilization review, the accommodation of newly admitted residents, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or nonpayment of stay, a resident for whom the utilization review committee or the attending physician recommends a transfer must be notified of the recommendation at least:

A. 30 days before the anticipated transfer date, if to a non-board-operated facility or program, according to *Minnesota Statutes*, section 144.651, subdivision 29; ~~and~~

B. seven days before the anticipated transfer to another bed or level of care within the same board-operated facility, or to another board-operated facility located at the same campus, according to *Minnesota Statutes*, section 144.651, subdivision 29; or

C. a reasonable time before the anticipated transfer in situations outside the board-operated facility's control. The reasonable time must be determined by the facility administrator or designee, based upon the particular facts of the situation prompting the transfer.

### 9050.0150 BED HOLD.

Subp. 4. **Personal absence.** A resident's bed must be held when the person leaves the board-operated facility on a personal absence. A personal absence may be no longer than 96 hours, unless the resident has made a definitive arrangement with the administrator regarding a longer absence. The resident shall advise the administrator of the total length of the absence and the resident shall agree to pay the maintenance charge during the absence.

### 9050.0200 DISCHARGE.

Subp. 2. **Types of discharge.** A resident must be discharged from the facility either voluntarily or involuntarily according to items A and B.

B. A discharge is involuntary if it is without mutual consent of the resident, the resident's legal representative who has the legal authority, or spouse, if any, the resident's attending physician, and the administrator of the facility ~~or if it is contrary to the expressed preference of the resident.~~

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

A. the resident or resident's legal representative fails or refuses to comply with ~~the resident's admissions agreement payment obligations in the admission agreement as provided for in part 9050.0040, subpart 5, item C;~~

D. the resident is absent from the facility for more than 96 consecutive hours or more without notice a definitive arrangement has been made for an absence longer than 96 hours and the resident fails to comply with that arrangement; or

E. the resident or resident's legal representative ~~or spouse;~~

Subp. 4. **Notice of involuntary discharge.** Unless the time for the notice is extended by the administrator of a board-operated facility or a situation arises that is outside the facility's control, such as a utilization review, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or nonpayment of stay, a resident must be notified in writing by the administrator of the facility of its intent to proceed with involuntary discharge of the resident at least 30 days before the scheduled date of discharge as provided by *Minnesota Statutes*, section 144.651, subdivision 29. In situations outside the board-operated facility's control, notice of discharge must be given a reasonable time before the discharge and the reasonable time must be determined by the facility administrator or designee, based upon the particular facts of the situation prompting the discharge.

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

A. state that the discharge is involuntary;

B. state the grounds for the discharge as specified in subpart 3; ~~and~~

C. contain documentation supporting the grounds alleged for the discharge; and

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

Subp. 6. **Exceptions.** ~~A resident absent from a board-operated facility for 96 consecutive hours without notice is subject to immediate~~

institution of involuntary discharge procedures. A resident's discharge under ~~this subpart~~ subpart 3, item D, is subject to a ~~reinstatement hearing reconsideration~~ if the resident reports his or her whereabouts to the administrator of the facility and requests the ~~reinstatement hearing reconsideration~~ within 30 days from the resident's departure from the facility without notice.

#### **9050.0220 INVOLUNTARY DISCHARGE PROCEDURES.**

Subp. 6. **Appeals process.** An applicant or resident, or legal representative, may appeal a discharge or transfer order. Appeals must be in accordance with contested case procedures under the Administrative Procedure Act, *Minnesota Statutes*, sections 14.48 to 14.56, until rules are adopted under *Minnesota Statutes*, section 144A.135, by the commissioner of health. ~~Unless otherwise decided by the administrator of the board-operated facility, Once the rules adopted under Minnesota Statutes, section 144A.135, have taken effect, all appeals must be in accordance with those rules. The administrator shall inform the resident or applicant of the rules that govern the appeal in the notice provided under part 9050.0100, subpart 2, or 9050.0200, subpart 4.~~ A final discharge order issued by the administrator following the Office of Administrative Hearings' review remains in effect pending any appeal ~~according to Minnesota Statutes, section 14.65.~~ Notwithstanding this provision, the administrator may, for good cause shown, waive imposition of the discharge order until all appeals have been concluded.

Nothing in this part may be construed to limit, change, or restrict other appeal or review procedures available to a resident under law.

#### **9050.0560 MAINTENANCE CHARGE DETERMINATION; TIME AND CALCULATION METHOD.**

Subp. 2. **Method of calculation.** The amount that a resident must pay, or have paid on the resident's behalf, as a maintenance charge must be determined as specified in items A and B.

A. If an applicant's or residents net worth exceeds \$3,000, the person's maintenance charge must be the full cost of care for the applicant's or resident's level of care less the United States Department of Veterans Affairs per diem reimbursement, when applicable, until the applicant's or resident's net worth is reduced to ~~\$2,500~~ \$3,000.

B. If the applicant's or resident's net worth is less than ~~\$2,500~~ \$3,000, the applicant's or resident's income must be considered in calculating the person's maintenance charge. The person's monthly maintenance charge is the person's total chargeable income, up to the full cost of care. The person's chargeable income must be calculated according to part 9050.0755.

#### **9050.0600 PROPERTY LIMITATIONS.**

Subpart 1. **General provisions of property ownership.** The equity value of all nonexcluded real and personal property owned by an applicant or resident must not exceed \$3,000. The facility financial staff must use the equity value of legally available real and personal property, except property excluded in subpart 2 or 3, to determine the resources available to or on behalf of an applicant or resident.

B. Real or personal property owned by or on behalf of an applicant or resident is presumed legally available unless the applicant or resident documents that the property is not legally available to the applicant or resident. If real or personal property is not legally available, its equity must not be applied against the limits of subparts 2 and 3. Examples of property not available to a person are an estate that has not been probated, property owned together with one or more other people that the facility financial staff determines cannot be liquidated or reduced to cash through exercise of the applicant's or resident's legal rights, and property of an applicant or resident who is determined incompetent by a court and whose guardianship is pending. The facility financial staff shall consider as available property that property which a person has failed to make available for purposes of gaining admission to a board-operated facility or avoiding payment of the maintenance charge. An example of a person's failure to make property available occurs when the person refuses to accept a share of an inheritance.

E. The facility financial staff shall consider as available the proceeds that a person receives in a tort settlement, whether the settlement is entered into by the person or the person's guardian. If the settlement is received as a one-time payment, the facility financial staff shall treat it as a lump sum. If the settlement is structured to be paid over a period of time, the facility financial staff shall evaluate the property ~~on the basis of the discounted net present value of all funds that will be deposited at any time in the future.~~ In determining present value, an annual interest rate of six percent must be used as those funds become available to the resident. This item applies only to settlements entered into after the effective date of parts 9050.0010 to 9050.0900.

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

F. Other real property must be excluded ~~according to~~ if required by federal law, federal regulations, or state law.

**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.

## Adopted Rules

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

A. one motor vehicle, for personal use;

B. the value of a prepaid burial account, burial plan, burial contract, or burial trust up to \$2,500 for persons who are already residents of a board-operated facility when the investment is made, regardless of the amount invested or value, if made by the person before admission to a board-operated facility. If the investment is made by the person before admission to a board-operated facility, the entire amount of the investment must be excluded;

### 9050.0650 TRANSFERS OF PROPERTY.

Subpart 1. **Generally.** A person whose application for admission is pending or a current resident of a board-operated facility shall declare all transfers or sales of property within ten days of the transfer or sale. The value of property transferred or sold must be treated as an available resource for payment of the resident's maintenance charge. The value of the property transferred or sold that will be applied against the property limits in parts 9050.0560 and 9050.0600 is the market value of the property at the time of the sale or transfer less any encumbrances on the property. A transfer for purposes of preserving an estate for heirs is the same as a transfer for the purposes of establishing eligibility for admission to a board-operated facility or avoiding payment of a maintenance charge, except for transfers permitted under subpart 2, item B.

### 9050.0900 AUTHORIZATION FORMS.

Subp. 3. **Refusal to sign authorization forms; consequences.** The applicant or resident, applicant's or resident's legal representative, or spouse must complete the following tasks within 30 days of the financial interview or other authorized request:

E. provide verification of information given on financial disclosure forms.

~~Failure to comply with items A to E results in a determination that the applicant or resident can pay the full cost of care.~~ Providing false information relating to items A to E results in disqualification of an application for admission or in discharge of a resident under part 9050.0200, item E. The maintenance charge must be redetermined or the application for admission must be reinstated or the discharge proceeding discontinued if the applicant, resident, or spouse takes the required action.

## State Board of Vocational Technical Education

### Adopted Permanent Rules Relating to License to Teach Swine Production Management

The rule proposed and published at *State Register*, Volume 14, Number 13, pages 846-847, September 25, 1989 (14 S.R. 846) and Volume 14, Number 28, pages 1772-1773, January 8, 1990 (14 S.R. 1772) is adopted as proposed.

## State Board of Vocational Technical Education

### Adopted Permanent Rules Relating to Business and Office Occupations

The rules proposed and published at *State Register*, Volume 14, Number 8, pages 364-375, August 21, 1989 (14 S.R. 364) are adopted as proposed.

## Official Notices

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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.

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## Department of Commerce

### Notice of List of Unavailable Coverages in the Matter of *Surplus Lines* Insurance

NOTICE IS HEREBY GIVEN that *Minnesota Statutes* 60A.201, Subd. 4, Lists of unavailable lines of insurance; maintenance provides that:

The commissioner shall maintain on a current basis a list of those lines of insurance for which coverages are believed by the commissioner to be generally unavailable from licensed insurers. The commissioner shall republish a list and make available to all

licensees that list every six months. Any person may request in writing that the commissioner add or remove coverage from the current list at the next publication of the list. The commissioner's determinations of coverage to be added to or removed from the list shall not be subject to the administrative procedure act but prior to making determinations the commissioner shall provide opportunity for comments from interested parties.

The attached revised list includes amendments to Section 6B reflecting changes in insurance coverages presumed to be generally unavailable in the admitted market. Effective April 15, 1990, the listed coverages may be placed with eligible surplus lines insurers by surplus lines agents without evidence of declination by licensed insurers. It is not necessary to file affidavits regarding evidence of placement with the Department of Commerce for these coverages.

Any person requesting changes in this list at the time of the next publication may do so by submitting their recommendation and reasons for the change to: William Kyle, Commerce Department, Policy Analysis Section, 133 East 7th Street, St. Paul, MN 55101.

Dated: 27 March 1990

Thomas H. Borman  
Commissioner of Commerce

### **Commissioners List of Lines of Insurance and Insurance Coverages Which are Presumed Unavailable in the Admitted Market As Amended March 15, 1990**

#### **1. Accident and Health—Individual and Group**

##### A. Not Covered in Standard Contracts

1. Cosmetic
2. Custodial Care
3. Excess over scheduled or usual, customary and reasonable charges
4. War Risk

#### **2. Automobile Physical Damage Including Comprehensive Collision and Combined Additional Coverages**

##### A. Commercial and Personal

1. Not Eligible Under the Minnesota Automobile Insurance Plan
2. Auto Renters Conversion
3. Logging Trucks
4. Long-Haul Trucks
5. Taxi-Cabs

#### **3. Aviation and Aircraft**

##### A. All Perils

1. Air Cargo
  - a. Hazardous
  - b. Slung
2. Antique
3. Applicators (including crop damage and chemical drift)
4. Charters
5. Experimental
6. Fixed Base Operations
7. Flight Training
8. Gliders

**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.

## Official Notices

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9. Helicopters
10. Hot Air Balloons
11. Parachute Clubs and Skydiving
12. Racing
13. Skyjack

B. Excess Passenger

C. Comprehensive P. D. - Hull

#### 4. Fire, Extended Coverages or Allied Lines and Other Property Perils

A. Difference in Conditions

B. Personal and Commercial Properties of the type normally insurable in the Fair Plan, but ineligible because of vacancy, occupancy, physical condition, etc.

C. Water Damage (not available from Federal Flood Insurance Program)

#### 5. Liability

A. Automobile

1. Assigned Risk (excess over Minnesota Automobile Insurance Plan)
2. Auto Racing
3. Charter Bus Services (excess over Minnesota Automobile Insurance Plan)
4. Taxi-Cabs (excess only)

B. General/Excess

1. Alarm Companies
2. Ambulance Service
3. Amusement Devices
4. Amusement Parks
5. Anhydrous Ammonia Dealers/Haulers
6. Animal Rides
7. Animal Racing
8. Asbestos Abatement Contractors
9. Broad Form Property Damage
10. Buffer Layer Umbrella
11. Canoe Outfitters
12. Carnivals and Circus
13. Citizen Participation Groups
14. Commercial Aviation
15. Community Development Corporations
16. Company Reimbursement
17. County Park Districts
18. Crane Operators
19. Day Care Providers
20. Developmental Achievement Centers
21. Drag Strip
22. Environmental Impairment (pollution)
23. False Arrest (municipal or other public body)
24. Foster Parents and Foster Homes (including adult foster care)

25. Go-karts/Midgets-Spectators
26. Ground Applicators-Chemical Drift
27. Group Homes
28. Ladder Equipment Testing Services
29. Logging Operators
30. Mechanical Contractors
31. Monorails
32. Non-profit Agencies
33. Oil and Gas Exposures (excluding filling station, garages, and bulk dealers)
34. Outfitters and Guides
35. Private Security Firms
36. Publishers (excess)
37. Rafting
38. Resorts
39. Riding Stables
40. Security Guard Services
41. Sheltered Workshops
42. Ski-lifts and Tows
43. Slides (giant, super, mountain or water)
44. Snowmobile Dealers
45. Tanning Salons
46. Workers' Compensation (excess only which is not available from Workers' Compensation Reinsurance Association)

**C. Professional Liability and Malpractice (including Errors and Omissions; Directors and Officers)**

1. Architects and Engineers
2. Associations
3. Building Inspectors
4. Certified Public Accountants
5. Chiropodists
6. Clinical Laboratories
7. Electronic Data Processors
8. Engineers
9. Hydrogeologists
10. Industrial Safety and Health Consultants
11. Insurance Companies/Agent
12. Investment Advisors
13. Lawyers
14. Maternal and Child Health Care Coordinator
15. Mutual Funds
16. Paid Guardian Programs
17. Physicians and Surgeons
18. Public Health Professionals
19. Public Officials

## Official Notices

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20. Real Estate Syndicates
21. Registered Representatives
22. Sewer Districts
23. Stockbrokers
24. Surveyors
25. System Analysis/Software Design Program Services
26. Unauthorized Computer Access

### 6. Marine and Transportation—All Risk

- A. Inland Floater
  1. Contact Lenses
  2. Contractors Equipment
  3. Control of Well
  4. Grain Contamination
  5. Grain Title
  6. Tank Leakage
  7. Weather Coverages
- B. Railroad
  1. Cargo
  2. Railroad Liability
  3. Railroad Protective Coverage
- C. Truck
  1. Long Haul
  2. Hazardous Cargo

### 7. Miscellaneous/Specialty Lines

- A. Bank—Mortgagers All Risk
- B. Bonds—Grain Storage/Buyers
- C. Crime
  1. Extortion
  2. Kidnap
  3. Ransom
- D. Mortality (Animal)
  1. Livestock
  2. Pets
  3. Poultry
- E. Short Term Specific Events/Happenings
- F. Twin-Birth Insurance
- G. Retroactive
- H. Retro Penalty Insurance
- I. DRG Stop Loss

## **Department of Health**

### **Office of Health Systems Development**

#### **Notice of Intent to Solicit Outside Opinions on Waiver of HMO Statutes and Rules for GroupCare Inc.**

**NOTICE IS HEREBY GIVEN** that the Department of Health is seeking opinions and comments pertaining to a request by GroupCare, Inc. for a waiver of HMO statutes and rules regarding outpatient prescription drug benefits offered to The Walgreen Corporation under GroupCare, Inc. Standard Group Membership Contract. Such waivers are authorized for demonstration projects by *Minnesota Statutes* 62D.30.

The request submitted by GroupCare, Inc. is available for inspection during normal business hours at the following location:

Alternate Delivery Systems  
Room 472  
Minnesota Department of Health  
Minneapolis, Minnesota 55440  
(612) 623-5365

Comments on the request must be received by April 16, 1990.

## **Department of Health**

### **Division of Environmental Health**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules and Amendments to Rules Governing Public Swimming Pools**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health is seeking information or opinions from sources outside the department in preparing to propose the adoption of new rules and revision of existing rules governing public swimming pools. The adoption of the rules is authorized by *Minnesota Statutes*, section 144.05. The Department of Health requests information and comments on the subject matter of the rules. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to:

Milton R. Bellin  
Minnesota Department of Health  
Division of Environmental Health  
925 Delaware Street Southeast  
P.O. Box 59040  
Minneapolis, Minnesota 55459-0040

All statements of information and opinions will be accepted until the rules are formally proposed for adoption. Any written material received by the Department of Health will become part of the rulemaking record to be submitted to the Office of the Attorney General or the Office of Administrative Hearings in the event that a rule is adopted.

Dated: 21 March 1990

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

## **Department of Human Services**

### **Notice of Health Services Requiring Prior Authorization for MA/GAMC**

As authorized by *Minnesota Statutes*, section 256B.02, subdivision 8(20), the following list includes all health services that require prior authorization as a condition of MA/GAMC reimbursement. The list is presented in five sections: dental services, vision care services, medical supplies and durable medical equipment, hearing aids, and all other services. The criteria used to develop this list are as follows:

1. The health service could be considered, under some circumstances, to be of questionable medical necessity.
2. Utilization of the health service needs monitoring in order to control the expenditure of program funds.

## Official Notices

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3. Less costly, appropriate alternatives to the health service are generally available.
4. The health service is investigative.
5. The health service is newly developed or modified.
6. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
7. The health service is comparable to a service provided in a skilled nursing facility or hospital but which is provided in a recipient's home.

\*This list of health services requiring prior authorization is presently in effect. Services that were added to this list since it was last published are identified with an asterisk(\*) to the left of the code. These newly added codes will require prior authorization for services provided on or after October 30, 1988.

### I. DENTAL SERVICES

In addition to the specific services and procedures listed below, the following dental services always require prior authorization:

1. Hospitalization for dental treatment.
2. Surgical services, except emergencies and alveolectomies.
3. All removable prosthesis.

Please Note: It is essential that as you submit requests for prior authorization consideration they are accompanied by adequate case information and appropriate diagnostic materials (i.e., x-rays, prosthesis information, teeth to be replaced.)

Service Code	Service Description
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#### TESTS AND LABORATORY EXAMINATIONS

D0999	Unspecified diagnostic procedure, by report
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DENTAL PROPHYLAXIS (Prior authorization required only if provided more than once in a six-month period)

D1110	Prophylaxis, adults
D1120	Prophylaxis, children

#### OTHER RESTORATIVE SERVICES

D2960	Labial veneer (laminare)
D2999	Unspecified restorative procedure, by report

ROOT CANAL THERAPY (includes treatment plan, clinical procedures, and follow-up care)

Prior authorization is required for root canal therapy involving more than one molar only.

Service Code	Service Description
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#### PERIAPICAL SERVICES

D3460	Endodontic endosseous implant
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#### OTHER ENDODONTIC PROCEDURES

D3999	Unspecified endodontic procedure
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SURGICAL SERVICES (including usual post-operative services)

D4210	Gingivectomy or gingivoplasty—per quadrant
D4211	Gingivectomy or gingivoplasty—per tooth

#### PERIODONTICS

D4220	Gingival curettage—by report
D4240	Gingival flap procedures, including root planning—per quadrant
D4260	Osseous surgery, including flap entry and closure per quadrant
D4261	Osseous graft—single site including flap entry, closure, and donor site
D4262	Osseous grafts—multiple sites including flap entry, closure, and donor site
D4270	Pedicle soft tissue grafts
D4271	Free soft tissue grafts including donor site
D4272	Apically repositioning flap procedure

#### ADJUNCTIVE PERIODONTAL SERVICES

D4320	Provisional splinting, intracoronal
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**Service Code**
**Service Description**

D4321 Provisional splinting, extracoronal  
 D4340 Periodontal scaling, and root planning—entire mouth  
 D4341 Periodontal scaling, and root planning—per quadrant

**OTHER PERIODONTIC SERVICES**

D4910 Periodontal maintenance procedures following active therapy (periodontal prophylaxis)  
 D4999 Unspecified periodontal service (by report)

**PROSTHODONTICS, REMOVABLE**
**COMPLETE DENTURES**

D5110 Complete upper  
 D5120 Complete lower  
 D5130 Immediate upper  
 D5140 Immediate lower

**PARTIAL DENTURES (including six months post-delivery care)**

D5211 Upper partial—acrylic base (including any conventional clasps and rests)  
 D5212 Lower partial—acrylic base (including any conventional clasps and rests)  
 D5213 Upper partial—predominantly base cast base with acrylic saddles (including any conventional clasps and rests)  
 D5214 Lower partial—predominantly base cast base with acrylic saddles (including any conventional clasps and rests)  
 D5215 Upper partial—high noble cast base with acrylic saddles (including any conventional clasps and rests)  
 D5216 Lower partial—high noble cast base with acrylic saddles (including any conventional clasps and rests)

**OTHER PROSTHETIC SERVICES**

D5810 Denture—temporary complete upper  
 D5811 Denture—temporary complete lower  
 D5820 Denture—temporary (partial-stayplate) upper  
 D5821 Denture—temporary (partial-stayplate) lower  
 D5860 Overdenture complete, by report  
 D5861 Overdenture partial, by report  
 D5862 Precision attachment, by report  
 D5899 Unspecified removable prosthodontic procedure, by report

**IMPLANTS**

D5971 Simple implant  
 D5972 Complex implant  
 D5973 Subperiosteal implant  
 D5974 Endossious implant (in the bone)  
 D5976 Mandibular staple implant

**OTHER FIXED PROSTHETIC SERVICES**

D6940 Stress breaker  
 D6950 Precision attachment

**ORAL SURGERY EXTRACTION**

D7210 Surgical removal of erupted tooth, requires elevation of mucoperiosteal flap and removal of bone and/or section of tooth  
 X7216 Removal and/or excision supernumerary tooth, impacted  
 D7220 Removal of impacted tooth—soft bone  
 D7230 Removal of impacted tooth—partially bone  
 D7240 Removal of impacted tooth—completely bone  
 D7241 Removal of impacted tooth—completely bone, with unusual surgical complications

**OTHER SURGICAL PROCEDURES**

D7271 Tooth implantation  
 D7272 Tooth transplantation  
 D7280 Surgical exposure of impacted or unerupted tooth for orthodontic reasons (including orthodontic attachments)

## Official Notices

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Service Code	Service Description
D7281	Surgical exposure of impacted or unerupted tooth to aid eruption
D7290	Surgical repositioning of teeth
D7291	Transseptal fiberotomy
VESTIBULOPLASTY	
D7340	Vestibuloplasty—ridge extension (secondary epithelialization)
D7350	Vestibuloplasty—ridge extension (including soft tissue grafts, muscle re-attachments, revision of soft tissue attachment, and management of hypertrophied and hyperplastic tissue)
EXCISION OF BONE TISSUE	
D7470	Removal of exostosis—mandible or maxilla
D7480	Partial ostectomy guttering or saucerization
D7490	Radical resection of mandible with bone graft
REDUCTION OF DISLOCATION AND MANAGEMENT OF OTHER TEMPOROMANDIBULAR, JOINT DYSFUNCTIONS	
D7830	Manipulation under anesthesia
D7840	Condylectomy
D7850	Meniscectomy
D7860	Arthrotomy
D7870	Arthrocentesis
D7880	Occlusal orthotic appliance
OTHER ORAL SURGERY	
REPAIR OF TRAUMATIC WOUNDS	
D7920	Skin grafts wounds, identify defect covered, location and type of graft
OTHER REPAIR PROCEDURES	
D7940	Osteoplasty for orthognathic deformities
D7941	Osteotomy, ramus, closed
D7942	Osteotomy, ramus, open
D7943	Osteotomy, ramus, open with bone graft
D7944	Osteotomy segmented or subapical per sextant or quadrant
D7945	Osteotomy, body of mandible
D7946	Maxilla, total (Le Fort I)
D7947	Maxilla, segmented (Le Fort I)
D7948	Osteoplasty facial bones for midface hypoplasia or retrusion (Le Fort II or III) without bone graft
D7949	Le Fort II or III with bone graft
D7950	Osseous, osteoperiosteal, periosteal, or cartilage graft of the mandible—autogenous or nonautogenous
D7955	Repair of maxillofacial soft and hard tissue defect
D7970	Excision of hyperplastic tissue, per arch
D7991	Coronoidectomy
D7992	Eminectomy
D7999	Unspecified oral surgical procedure, by report
ORTHODONTICS	
MINOR TREATMENT FOR TOOTH GUIDANCE	
D8110	Removable appliance therapy
D8120	Fixed or cemented appliance therapy
MINOR TREATMENT TO CONTROL HARMFUL HABITS	
D8210	Removal appliance therapy
D8220	Fixed or cemented appliance therapy
INTERCEPTIVE ORTHODONTIC TREATMENT	
D8360	Removable appliance therapy
D8370	Fixed appliance therapy

<b>Service Code</b>	<b>Service Description</b>
<b>COMPREHENSIVE ORTHODONTIC TREATMENT TREATMENT OF THE TRANSITIONAL DENTITION</b>	
D8460	Class I malocclusion
D8470	Class II malocclusion
D8480	Class III malocclusion
<b>TREATMENT OF THE PERMANENT DENTITION</b>	
D8560	Class I malocclusion
D8570	Class II malocclusion
D8580	Class II malocclusion
D8650	Treatment of the atypical or extended skeletal case
D8750	Post-treatment stabilization
X0515	Orthodontic full case study
D8999	Unspecified orthodontic treatment
<b>MISCELLANEOUS SERVICES</b>	
D1202	Topical application of fluoride (including prophylaxis), adult
D1204	Topical application of fluoride (excluding prophylaxis), adult
D9940	Occlusal guards, by report
D9941	Fabrication of athletic mouth guards
D9951	Occlusal adjustment, limited
D9552	Occlusal adjustment, complete
D9999	Unspecified adjunctive procedure, by report

## **II. VISION CARE SERVICES**

In addition to the codes specified below, all noncontract eyeglasses, lenses, and frames require prior authorization.

### **CONTACT LENS TREATMENT SERVICES**

92070	Fitting of contact lens for treatment of disease, including supply of lens
92310	Prescription of optical and physical characteristics of and fitting of contact lens, with medical supervision of adaptation; corneal lens, both eyes, except for aphakia
92325	Modification of contact lens
92326	Replacement of contact lens

### **OPHTHALMIC TREATMENT SERVICES (PA required if the recipient utilized any service under this heading in the past 24 months)**

92004	Comprehensive service, new patient
92014	Comprehensive service, established patient
92340	Fitting of spectacles, except for aphakia; monofocal
92341	bifocal
92342	multifocal, other than bifocal
92352	Treatment with spectacles for aphakia; monofocal
92353	multifocal
92358	Prosthesis service for aphakia; temporary

### **LOW VISION TREATMENT SERVICES**

92354	Treatment with spectacle mounted low vision aid; single-element system
92355	Telescopic or other compound lens system

### **VISION THERAPY SERVICES**

92065	Orthoptic and/or pleoptic training
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### **PROSTHETIC EYE SERVICES**

92330	Prescription, fitting, and supply of ocular prosthesis (artificial eye), with medical supervision of adaptation
92335	Prescription of ocular prosthesis (artificial eye) and direction of fitting and supply by independent technician, with medical supervision of adaptation

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Service Code	Service Description
OTHER SPECIALIZED SERVICES	
92285	External ocular photography with medical diagnostic evaluation for documentation of medical progress
92354	Fitting of spectacle mounted low vision aid; single element system
92355	telescopic or other compound lens system
92390	Supply of spectacles, except prosthesis for aphakia and low vision aids
92391	Supply of contact lenses, except prosthesis for aphakia
92392	Supply of low vision aids
92393	Supply of ocular prosthesis (artificial eye)
MATERIAL CODES (exceptional cases only)	
V2500	Contact lens, PMMA, spherical, per lens
V2501	Contact lens, PMMA, toric or prism ballast, per lens
V2502	Contact lens, PMMA, bifocal, per lens
V2503	Contact lens, PMMA, color vision deficiency, per lens
V2510	Contact lens, gas permeable, spherical, per lens
V2511	Contact lens, gas permeable, toric prism ballast, per lens
V2512	Contact lens, gas permeable, bifocal, per lens
V2513	Contact lens, gas permeable, extended wear, per lens
V2520	Contact lens hydrophilic, spherical, per lens
V2521	Contact lens hydrophilic, toric, or prism ballast, per lens
V2522	Contact lens hydrophilic, bifocal, per lens
V2523	Contact lens hydrophilic, extended wear, per lens
V2530	Contact lens, scleral, per lens (for contact lens modification, see 92325)
V2599	Not otherwise classified, contact lens
V2600	Hand held low vision aids and other nonspectacle mounted aids
V2610	Single lens spectacle mounted low vision aids
V2615	Telescopic and other compound lens system, including distance vision telescopic, near vision telescopes and compound microscopic lens system
V2629	Not otherwise classified, prosthetic eye
V2718	Press-on lens, Fresnell prism, per lens
V2743	Tint other than rose 1 or 2
V2744	Tint photochromic
V2755	U-V lens

### III. MEDICAL SUPPLIES AND DURABLE MEDICAL EQUIPMENT, INCLUDING PROSTHETIC AND ORTHOTIC ITEMS

In addition to the specific supplies and equipment listed below, providers must obtain prior authorization for items in the following general categories:

1. Durable medical equipment when the purchase or projected cumulative rental cost exceeds \$350, except oxygen supplies and wheelchair rental.
2. All wheelchairs and wheelchair accessories. This includes wheelchair rentals that exceed two consecutive months.
3. Nondurable medical supplies when the cost exceeds \$250 per month, except for home health agencies which are excluded from this requirement.
4. Prostheses and orthoses when the purchase or projected cumulative rental cost exceeds \$2,000.
5. Repairs to durable medical equipment, prostheses, and orthoses when the cost exceeds \$300.
6. Maintenance of durable medical equipment.
7. Any individual item for which a specific HCPCS code has not been assigned, e.g., E1399 (over \$25) or any other HCPCS code ending in "99."
8. Adaptations to communication and locomotion devices (durable medical equipment). Use the transaction code "XX" with the applicable HCPCS code.
9. All hospital beds and mattresses.

The following items require Prior Authorization:

<b>Service Code</b>	<b>Service Description</b>
B4150*1	Enteral formulae; Category I: semi-synthetic, Intact protein/protein isolates (e.g., Enrich, Ensure, Ensure HN, Ensure powder, Isocal, Lonalac powder, meritene, meritene powder, osmolite, osmolite HN, portagen powder, sustacal, Renu, sustagen powder, travasorb) 100 calories = 1 unit
B4151*1	Enteral formulae; Category I: Natural intact protein/protein isolates (e.g., compleat B, vitaneed, compleat B modified) 100 calories = unit
B4152*1	Enteral formulae; Category II: (Intact protein/protein isolates) (calorically dense) (e.g., Magnacel, Isocal HCN, Sustacal HC, Ensure Plus, Ensure Plus HN) 100 calories = 1 unit
B4153*1	Enteral formulae; Category III: Hydrolized protein/amino acids (e.g., Criticare HN, Ensure HN, Vivonex T.E.N. (total enteral nutrition), Vivonex HN, Vital (Vital HN), Travasorb HN, Isotein HN, Precision HN, Precision Isotonic) 100 calories = 1 unit
B4154*1	Enteral formulae Category IV: Defined formula for special metabolic need, (e.g., Hepatic-aid, Travasorb hepatic, Travasorb MCT, Travasorb renal, Traum-Aid, Tramacal, Aminaid) 100 calories = 1 unit
B4155*1	Enteral formulae; Category V: Modular components (Protein, carbohydrates, fat) (e.g., Propac, gerval protein, Promix, Casec, Moducal, Controlyte, Polycose liquid or powder, Sumacal, Microlipids, MCT oil, nutri-source) 100 calories = 1 unit
B4156*1	Enteral formulae; Category VI: Standardized nutrients (Vivonex Std., Travasorb Std. and Precision LR and Tolerex) 100 calories = 1 unit
B9004	Parenteral nutrition infusion pump, portable
B9006	Parenteral nutrition infusion pump, stationary
B9998	Not otherwise classified enteral supplies
E0160	Sitz type bath, portable, fits over commode seat
E0161	Sitz type bath, portable, over commode with faucet attachments
E0162	Sitz bath chair
E0202	Phototherapy (bilirubin) light with photometer
E0205	Heat lamp, with stand, including bulb, or infrared element
E0236	Pump for water circulating pad
E0237	Water circulating heat pad with pump
E0607*2	Home blood glucose monitor
E0609	Blood glucose monitor with special features (e.g., voice synthesizers, automatic timers, etc.)
E0620	Seat lift chair, motorized to assist patient in standing and sitting
E0621	Sling or seat, patient lift, canvas or nylon
E0625	Patient lift, kartop, bathtub or toilet
E0630	Patient lift-hydraulic, with seat or sling
E0635	Patient lift-electric, with seat or sling
E0650	Pneumatic compressor, nonsegmental home model, lymphodema pump
E0651	Pneumatic compressor, segmental home model (lymphedema pump) without calibrated gradient pressure
E0652	Pneumatic compressor, segmental home model (lymphedema pump) with calibrated gradient pressure
E0655	Pneumatic appliance for use with pneumatic compressor, half arm
E0660	Pneumatic appliance for use with pneumatic compressor, full leg
E0665	Pneumatic appliance for use with pneumatic compressor, full arm
E0666	Pneumatic appliance for use with pneumatic compressor, half leg
E0667	Pneumatic appliance for use with segmental pneumatic compressor, leg
E0668	Pneumatic appliance for use with segmental pneumatic compressor, arm
E0690	Ultraviolet cabinet, appropriate for home use
E0720*3	TENS, 2 lead, localized stimulation
E0730*3	TENS, 4 lead, larger area/multiple nerve stimulation
E0745	Neuromuscular stimulator, electronic shock unit, nonclinical model
E0747	Osteogenesis stimulator, noninvasive
E0781	External ambulatory infusion pump with administrative equipment
E1310	Whirlpool, nonportable built-in type
E1350	Repair or nonroutine service, e.g., breaking down sealed components requiring the skill of a technician
E1399	Durable medical equip, not otherwise classified
E1510	Kidney dialysate delivery system, kidney machine, pump recirculating, air removal syst., flowrate meter, power off, heater and temperature control with alarm, I.V. poles, pressure gauge, conc. container

## Official Notices

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Service Code	Service Description
E1520	Heparin infusion pump for dialysis
E1530	Air bubble detector for dialysis
E1540	Pressure alarm for dialysis
E1550	Portable conductivity meter for dialysis
E1560	Blood leak detector for dialysis
E1570	Adjustable chair, for ESRD patients
E1575	Transducer protectors/fluid barriers, any size, each
E1580	Unipuncture control system for dialysis
E1590	Hemodialysis machine
E1592	Automatic intermittent peritoneal dialysis system
E1594	Cycler dialysis machine
E1600	Delivery and/or installation charges for renal dialysis equipment
E1610	Reverse osmosis water purification system
E1615	Deionizer water purification system
E1620	Blood pump for dialysis
E1625	Water softening system
E1630	Reciprocating peritoneal dialysis system
E1632	Wearable artificial kidney
E1635	Compact portable travel hemodialyzer system
E1636	Sorbent cartridges, per case
E1640	Replacement components for hemodialysis and/or peritoneal dialysis machines that are owned or being purchased by the patient
E1699	Dialysis equipment, unspecified, by report
L3230	Orthopedic footwear, custom shoes, depth inlay
L3250	Orthopedic footwear, custom molded shoes, removable inner molds, prosthetic shoe
Y4950	Enteral therapy (entire system)
Z0010	Augmentative communication device
Z0619	Home uterine monitoring device
Z0999	Replacement, supply or accessory necessary for effective use of medically necessary medical equipment owned by the beneficiary (by report)

\*<sup>1</sup> Prior authorization is required only if these services are provided for treatment of a condition other than phenylketonuria, hyperlysinemia, maple syrup urine disease, or a combined allergy to human milk and soy formula; and the cost exceeds the nondurable medical supply limitation of \$250 per month. A 30-day supply of an enteral nutritional product may be provided without prior authorization to a recipient being discharged from a hospital to a residence other than a long-term care facility.

\*<sup>2</sup> Prior authorization only for individual who is not an insulin dependent diabetic.

\*<sup>3</sup> Prior authorization for rental beyond 3 month trial period, or for purchase.

In addition to the specific services listed below, services in the following categories require prior authorization:

1. Repairs to hearing aids when the cost of parts and labor exceeds \$100, or if a repair was made in the preceeding 12 months.
2. Home visits performed by a hearing aid dispenser in the recipient's home in excess of one visit per year.
3. The purchase of a noncontract hearing aid.
4. The provision of more than one hearing aid in a five-year period.

Supply Code	Supply Description
V5299	Hearing aid, NOC
X5260	Home visits by hearing instrument dealers

### V. ALL OTHER SERVICES

The following health services require prior authorization:

1. All air ambulance transportation which occurs outside of Minnesota must receive prior authorization from the Department.
2. All partial hospitalization programs, pain programs, cardiac rehabilitation programs, eating disorder programs, diabetic education programs, and other structured outpatient programs.
3. Investigative health services and procedures.

4. Elective plastic and reconstructive procedures.
5. Nonformulary drugs.
6. All medical, surgical, or behavioral modification services aimed specifically at weight reduction.

In addition, the following specific procedures require prior authorization:

Service Code	Service Description
X1420	Acupuncture
X2010* <sup>1</sup>	Manual manipulation of the spine by a chiropractor, initial treatment
X2020* <sup>1</sup>	Manual manipulation of the spine by a chiropractor, subsequent treatment
X2393-22* <sup>3</sup>	Nutritional consultation, evaluation by P.D.
X2393* <sup>3</sup>	Nutritional consultation, follow-up visit
X2395	Diabetic education—Type I
X2396	Diabetic education—Type II
X4020* <sup>2</sup>	Private duty nursing by RN
X4021* <sup>2</sup>	Private duty nursing by LPN
X5315	Cardiac rehabilitation
X5329	Lithotripsy when used for treatment of gallstones
X5330	Partial hospitalization program—adult
X5331	Partial hospitalization program—adolescent
X7010	ICF-MR and DAC special needs—service (review by Long-term Care Division)
X7020	ICF-MR and DAC special needs—equipment (review by Long-term Care Division)
11920	Tattooing, intradermal introduction of insoluble opaque pigments to correct color defects of skin
11921	6.1 to 20.0 sq cm
11922	each additional 20.0 sq cm
11950	Subcutaneous injection of “filling” material; 1 cc or less
11951	1.1 to 5 cc
11952	5.1 to 10 cc
11954	over 10 cc
11960	Insertion of tissue expander
15775	Punch graft for hair transplant; 1 to 15 punch grafts
15776	more than 15 punch grafts
15780	Dermabrasion of skin
15781	less than total face
15782	regional
15783	Superficial, any site (e.g., tattoo removal)
15786	Abrasion; single lesion
15787	each additional four lesions or less
15790	Chemical peel; total face
15791	regional, face, hand, or elsewhere
15810	Salabrasion; 20 sq cm or less
15811	over 20 sq cm
15820	Blepharoplasty, lower eyelid
15821	with extensive herniated fat pad
15822	Blepharoplasty, upper eyelid
15823	with excessive skin weighting down lid
15824	Rhytidectomy; forehead
15826	glabellar frown lines
15828	cheek, chin and neck
15831	Excision, excessive skin and subcutaneous tissue (including lipectomy), abdomen (abdominoplasty)
15832	thigh
15833	leg
15834	hip
15835	buttock
15836	arm
15837	forearm or hand
15838	submental fat pad
15839	other area

## Official Notices

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Service Code	Service Description
15876	Suction assisted lipectomy, head and neck
15877	Suction assisted lipectomy, trunk
15878	Suction assisted lipectomy, upper extremity
15879	Suction assisted lipectomy, lower extremity
17360	Chemical exfoliation for acne
17380	Electrolysis epilation
19316	Mastopexy
19318	Reduction mammoplasty
19324	Mammoplasty, augmentation without prosthetic implant
19325	with prosthetic implant
19350	Nipple/areola reconstruction
19355	Correction of inverted nipples
21010	Arthrotomy, temporomandibular joint
21050	Condylectomy, temporomandibular joint (separate procedure)
21060	Meniscectomy, temporomandibular
21070	Coronoidectomy (separate procedure)
21200	Osteotomy; mandible, total or horizontal
21202	mandible, segmental
21204	maxilla, total
21206	maxilla, segmental
21240	Arthroplasty, temporomandibular joint
21242	Arthroplasty, temporomandibular joint, with allograft
21243	Arthroplasty, temporomandibular joint with prosthetic joint replacement
21244	Reconstruction of mandible, extraoral, with transosteal bone plate
21245	Reconstruction of mandible or maxilla, subperiosteal implant, partial
21246	Reconstruction of mandible or maxilla, subperiosteal implant, complete
21248	Reconstruction of mandible or maxilla, endosteal implant, partial
21249	complete
21250	Osteoplasty of maxilla and/or other facial bones; without bone graft
21254	with bone graft
21260	Periorbital osteotomies for orbital hypertelorism
21261	combined intra and extracranial approach
21263	with forehead advancement
21267	Orbit repositioning
21268	combined intra and extracranial approach
21270	Malar augmentation, bone or alloplastic material
21275	Secondary revision of orbitocraniofacial reconstruction
21462**	Open treatment of closed or open mandibular fracture, with interdental fixation
21485	Complicated manipulative treatment of TMJ dislocation, initial or subsequent
30120	Excision or surgical planing of skin of nose
30400	Rhinoplasty, primary
30410	complete
30420	including major septal repair
30430	Rhinoplasty, secondary
30435	intermediate
30450	major revision
40650	Repair lip, full thickness, vermilion only
40652	up to half vertical height
40654	over one half vertical height, or complex
40700**	Plastic repair of cleft lip
40701**	primary bilateral, one stage
40702**	primary bilateral, one of two stages
40720**	secondary, by recreation of defect and reclosure
42200**	Palatoplasty for cleft palate, soft and/or hard palate
42205**	Palatoplasty for cleft palate, with closure of alveolar ridge
42210**	with bone graft to alveolar ridge

Service Code	Service Description
42215*6	Palatoplasty for cleft palate, major revision
42220*6	secondary lengthening procedure
42225*6	attachment pharyngeal flap
43810	Gastroduodenostomy
43820	Gastrojejunostomy
43825	with vagotomy, any type
43844	Gastric bypass for morbid obesity
43845	Gastroplasty, any method, for morbid obesity
43846	Gastric bypass with Roux-en-Y gastroenterostomy
43850	Revision of gastroduodenal anastomosis with reconstruction; without vagotomy
43855	with vagotomy
43860	Revision of gastrojejunal anastomosis (gastrojejunostomy) with reconstruction; without vagotomy
43865	with vagotomy
44131	Enteroenterostomy, anastomosis of intestine; intestinal bypass for morbid obesity
47135	Liver transplant, with or without recipient hepatectomy
50590	Lithotripsy, extracorporeal shockwave (when used for treatment of gallstones)
54400	Insertion of penile prosthesis; non-inflatable
54405	Insertion of inflatable penile prosthesis
54660	Insertion of testicular prosthesis
55970	Intersex surgery; male to female
55980	female to male
59015	Chorionic Villus Sampling, any method
61850	Twist drill or burr hole(s) for implantation of neurostimulator electrodes; cortical
61855	subcortical
61860	Craniectomy or craniotomy for implantation of neurostimulator electrodes, cerebral; cortical
61865	subcortical
61870	Craniectomy for implantation of neurostimulator electrodes; cerebellar; cortical
61875	subcortical
61880	Revision or removal of intracranial neurostimulator electrodes
61885	Incision for subcutaneous placement of neurostimulator receiver, direct or inductive coupling
61888	Revision or removal of intracranial neurostimulator receiver
63185	Laminectomy for rhizotomy; 1 or 2 segments
63190	Laminectomy for rhizotomy; more than 2 segments
63650	Percutaneous implantation of neurostimulator electrodes; epidural
63652	intradural (spinal cord)
63655	Laminectomy for implantation of neurostimulator; epidural
63656	endodural
63657	subdural
63658	spinal cord (dorsal or ventral)
63660	Revision or removal of spinal neurostimulator electrodes
63685	Incision for subcutaneous placement of neurostimulator receiver
63688	Revision or removal of spinal neurostimulator receiver
64550	Application of surface (transcutaneous) neurostimulator
64553	Percutaneous implantation of neurostimulator electrodes, cranial nerve
64555	peripheral nerve
64560	autonomic nerve
64565	neuromuscular
64573	Incision for implantation of neurostimulator electrodes; cranial nerve
64575	peripheral nerve
64577	autonomic nerve
64580	neuromuscular
64585	Revision or removal of peripheral neurostimulator electrodes
64590	Incision for subcutaneous placement of neurostimulator receiver, direct or inductive coupling
64595	Revision or removal of peripheral neurostimulator receiver
67901	Repair blepharoptosis, frontalis muscle technique with suture
67902	frontalis muscle technique with fascial sling

## Official Notices

Service Code	Service Description
67903	(tarso) levator resection, internal approach
67904	(tarso) levator resection, external approach
67906	superior rectus technique with fascial sling
67907	superior rectus tendon transplant
67909	Reduction of overcorrection of ptosis
67911	Correction of lid retraction
69300	Otoplasty, protruding ear, with or without size reduction
88230* <sup>7</sup>	Tissue culture for chromosome analysis; lymphocyte
88233* <sup>7</sup>	skin or other solid tissue biopsy
88237* <sup>7</sup>	bone marrow (myeloid) cells
88239* <sup>7</sup>	other tissues
88260* <sup>7</sup>	Chromosome analysis; count 5 cells, screening, with banding
88261* <sup>7</sup>	count 5 cells, 1 karyotype
88262* <sup>7</sup>	count 15-20 cells, 2 karyotypes
88263* <sup>7</sup>	count 45 cells for mosaicism 2 karyotypes
88280**	Chromosome analysis, additional karyotypes
88283**	additional specialized banding technique
88285**	additional cells counted
88289**	additional high resolution study
88299	Unlisted cytogenetic study
90843-90844* <sup>4</sup>	Psychotherapy
90844-22* <sup>4</sup>	Individual psychotherapy, discretionary visits, 45 to 50 minutes
90847* <sup>4</sup>	Family medical psychotherapy (bill using 90846 when family member being treated is not present)
90853* <sup>4</sup>	Group medical psychotherapy
90899* <sup>5</sup>	Unlisted psychiatric service or procedure, e.g., pain clinics
90915* <sup>4</sup>	Biofeedback training, other

\*<sup>1</sup> Prior authorization is required for treatments in excess of 6 per month and 24 per calendar year.

\*<sup>2</sup> All hours of private duty nursing provided in a hospital or facility certified as an ICF, SNF, or ICF/MR.

\*<sup>3</sup> Prior authorization is required for nutritional counseling services in excess of one nutritional counseling evaluation and two nutritional counseling, follow-up visits per calendar year.

\*<sup>4</sup> A. PA is required for more than twenty-six (26) hours (52 visits/units of 90843) or 90915 (when billed in one unit increments) and twenty (20) hours of 90844 or 40 units of 90915 (when billed in two-unit increments) per calendar year. Note: The 90915 when billed as one unit and 90843 combined decrements from the total 26 hours per calendar year. There is *not* a separate benefit level for each code. Likewise, 90915 when billed as two units and 90844 combined decrement from the total 20 hours per calendar year. There is not a separate benefit level for each code.

B. In addition to the twenty hours of 90844 allowed in A above, a recipient is entitled to six (6) 90844-22's (the 22 modifier should be placed in boxes 28, 37, 46 of the practitioner invoice, Form DHS-1497) which are discretionary visits and may be used in any frequency or in combination with any other psychotherapy which is subject to the prior authorization requirement *without* requiring prior authorization. For example, a provider may choose to provide a group therapy session (90853) and an individual therapy session (90844 or 90844-22) during the same five (5) day calendar period. This would normally require prior authorization if the 90844 code was used. See F below. However, by using one of the six (6) 90844-22's the prior authorization system can be bypassed. THE PURPOSE OF THESE 90844-22s IS TO PROVIDE FLEXIBILITY WITHOUT THE NEED FOR OBTAINING PRIOR AUTHORIZATION. PLEASE UTILIZE THEM CAREFULLY AND THOUGHTFULLY.

C. PA is required when 90843 or one unit of 90915 is provided more frequently than once every five (5) calendar days.

D. PA is required either when more than three (3) hours of 90853 are provided within a five (5) calendar day period, or when more than seventy-eight (78) hours per calendar year has been reached.

E. PA is required for 90847 in excess of 26 hours per calendar year or when provided more frequently than once every five (5) calendar days. (Note: 90846 must be used when the family member being treated is not present during the family therapy session. CPT 90846 is subject to the same P.A. requirements and limitations as those imposed on CPT 90847. Use of this code does *not* result in an additional benefit level but counts against the benefit level available for 90847.)

F. PA is required when more than one type of psychotherapy (individual, group, or family) is provided within a five (5) calendar day period. However, 90843 and 90844 cannot be provided more frequently than once every ten (10) calendar days without prior authorization. (Note: 90846 and 90847 are both considered to be family therapy.)

G. PA is required for 90844 or two units of 90915 when provided more frequently than once every ten (10) calendar days, and when 90843 or one unit of 90915, and 90844 or two units of 90915 are provided more frequently than one every ten (10) calendar days.

Calendar days are calculated by starting to count on the first day after rendering a service as day one (1) and counting forward for a total of five (5) or ten (10) days as applicable. Another service may not actually be provided until the sixth (6th) or eleventh (11th) day.

\*5 Prior authorization is required for pain clinic programs, eating disorder, and other structured outpatient programs.

\*6 Prior authorization required only when the service is performed on a patient 18 and over.

\*7 Prior authorization is not required when these services are provided in the cases of still births or congenital abnormalities in children. These services, when provided to adults over 18, always require prior authorization.

\*8 Prior authorization is required if this code is used more than 30 days after documented fracture.

## **Department of Human Services**

### **Notice of Payment Methodology Change for Hospice Providers**

The Department of Human Services will change the Medical Assistance payment methodology for payment to a hospice for residents of a skilled nursing facility or an intermediate care facility. This change is being made to comply with the requirements of the Omnibus Budget Reconciliation Act of 1989 and is effective July 1, 1990.

Beginning on July 1, 1990 the Department will pay the hospice 95 percent of the long-term care facility's payment rate for the recipient's resident class, as determined under *Minnesota Rules*, parts 9549.0010 to 9549.0080. If the facility is not subject to *Minnesota Rules*, parts 9549.0010 to 9549.0080, the Department will pay the hospice 95 percent of the recipient's certification level. Currently the Department pays the hospice 83 percent of the facility's payment rate.

The change in payment methodology is expected to increase expenditures in the Medical Assistance Program by \$4,000 in FY 1991.

Additional information about this change in payment methodology may be obtained from:

Department of Human Services  
Health Care Management Division  
Health Care Services Policy Section  
444 Lafayette Rd.  
St. Paul, Minnesota 55155-3853

## **Department of Public Safety**

### **Crime Victims Reparations Board**

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Claim Procedures and Determination of Eligibility for Reparations**

**NOTICE IS HEREBY GIVEN** that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing claim procedures for reparations. The adoption of the rule is authorized by *Minnesota Statutes*, section 611A.56, subdivision 1(b), which directs the agency to adopt rules to implement and administer the manner in which applications for reparations be made.

The State Department of Public Safety 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 to:

Fran Sepler  
Crime Victims Reparations Board  
N465 Griggs Midway Building  
1821 University Avenue  
St. Paul, MN 55104

Any written material received by the State Department of Public Safety 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.

Paul J. Tschida, Commissioner  
Department of Public Safety

## **Department of Public Service**

### **Energy Division**

#### **Notice of Extension of Deadline**

The deadline of April 4, 1990 established by publication on December 18, 1989, by the Department of Public Service to seek opinions and information on proposed amendment to *Minnesota Rules* Chapter 7670 governing energy matters within the State Building Code, is hereby extended to June 30, 1990.

The deadline is being extended because the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 90.1-1989, which is being considered for adoption by reference in the proposed rulemaking, was published in February 1990, and not January as expected. The department has also received requests from the public for an extension of the solicitation of outside opinion to review Standard 90.1. In addition, the department is conducting an assessment of training needs that will be required if Standard 90.1 is adopted, which is expected to be completed by June 30.

## **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.

**Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.**

## **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:** Multigraphics Printing Products  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 4  
**Agency:** Print Shops  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** A.B. Dick/Itek Printing Products  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 5  
**Agency:** Print Shops  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Truck-30,000 GVW  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 6  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79382-01883

**Commodity:** Polychrome Printing Products  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 5  
**Agency:** Print Shop  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Silver Master Printing Plates & Chemistry  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 6  
**Agency:** Print Shops  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Tractor Loader  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 6  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29000-53821

## State Contracts and Advertised Bids

**Commodity:** Crawler Dozer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 6  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29000-53819

**Commodity:** Repair 1977 Piper Aircraft  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 6  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29000-53816

**Commodity:** Materials Moving Shelving System—Rebid  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** April 6  
**Agency:** Natural Resources Department  
**Deliver to:** Hibbing  
**Requisition #:** 29000-53733-1

**Commodity:** Sickle Bar & Mounted Mower  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 9  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79382-01933

**Commodity:** Automated weather observation systems—rebid  
**Contact:** Joe Gibbs 296-3750  
**Bid due date at 2pm:** April 9  
**Agency:** Aviation Division—Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79000-03944-1

**Commodity:** Printing inks  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 9  
**Agency:** Print shops  
**Deliver to:** Various  
**Requisition #:** Print Contract

**Commodity:** Misc. printing plates and chemistry  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 9  
**Agency:** Print shops  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Various printing supplies  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 10  
**Agency:** Print shops  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Mower 27 hp  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 10  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070-13994

**Commodity:** Concrete work—rebid  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 2pm:** April 11  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Shipping boxes  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** April 6  
**Agency:** Minnesota State Lottery  
**Deliver to:** St. Paul  
**Requisition #:** 09400-00078

**Commodity:** New gen printer  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** April 6  
**Agency:** Trade & Economic Development Department  
**Deliver to:** St. Paul  
**Requisition #:** 22400-03779

**Commodity:** IBM equipment  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** April 5  
**Agency:** Trade & Economic Development Department  
**Deliver to:** Blaine  
**Requisition #:** 22300-03741

## 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.

**Printing vendors NOTE:** Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

**Commodity:** Northland Viewbook 1990-92, 10M 8 pages + cover, 8½" x 11" type to set, 2-sided, saddle stitch  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 4  
**Agency:** Northland Community College  
**Deliver to:** Thief River Falls  
**Requisition #:** 6060

**Commodity:** Household Report Envelopes, 30M 9½" x 4½" (#10), with double poly window, type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 4  
**Agency:** Human Services Department  
**Deliver to:** New Brighton  
**Requisition #:** 5973

**Commodity:** Registration Planning Forms, 30M 3-part sets, 5" x 8", type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 4  
**Agency:** Anoka-Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** 6030

## State Contracts and Advertised Bids

**Commodity:** Turkey Hunter Survey Forms, 5,700 continuous 1-ply, type to set, 13 $\frac{7}{8}$ " x 11" detached, 2-sided, tractor feed margins  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 4  
**Agency:** DNR-Wildlife  
**Deliver to:** St. Paul  
**Requisition #:** 6091

**Commodity:** Titled Registration Card, 300M 12" x 7" overall 2-up, 1/2" pinfeed each side, camera ready, 2-sided, several perfs  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 4  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 6102

**Commodity:** Certificate of Recovery, 15M 3-part sets, 8 $\frac{1}{2}$ " x 6 $\frac{1}{4}$ " overall, camera ready + negs, 1-sided, preprinted numbering  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 4  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 6106

**Commodity:** Adhesive Catch & Release Yardsticks, 1 $\frac{1}{2}$ " x 36", 2-color, polyester lamination, camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 9  
**Agency:** Department of Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 6071

**Commodity:** Title Application, 650M 4-part snapout, 8 $\frac{1}{2}$ " x 11 $\frac{3}{4}$ " overall, carbon interleave  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 10  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 6100

**Commodity:** Return Envelopes, self-sealing, 12M 9 $\frac{1}{2}$ " x 5 $\frac{3}{4}$ " + 1 $\frac{5}{16}$ " flap, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 4  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 6049

**Commodity:** Envelopes, expansion type, 10M 12" x 15" x 2", type to set, 1-sided, grip seal closure, 18 Sub. Tyvek, V bottom open end style  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 5  
**Agency:** Minnesota State Lottery  
**Deliver to:** Roseville  
**Requisition #:** 6045

### Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, Monday edition only, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, Monday and Thursday editions, 1 year	\$195.00	90-1
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Trial State Register, 3-months, Monday and Thursday	\$ 60.00	90-2
Human Services Bulletin List	\$ 55.00	90-7	Tax Court/Property Decisions	\$225.00	90-11
PERB (Public Employee Relations Board) Awards and Decisions, 1 year	\$285.00	90-9	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
			Workers Compensation Decisions Vol. 41	\$110.00	90-13
			Minnesota Rules, Set + Supplement	\$160.00	18/200

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

# Professional, Technical & Consulting Contracts

## Office of Administrative Hearings

### Notice of Request for Proposal for Administrative Law Judge Services

The Minnesota Office of Administrative Hearings will be contracting with qualified attorneys to serve as administrative law judges for fiscal year 1991, beginning July 1, 1990 and ending on June 30, 1991.

Attorneys must be admitted to practice law in the State of Minnesota at the time they apply. Additional information on the requested services is detailed in the Request for Proposal which will be sent to all persons who ask to receive one. Proposals are particularly sought from attorneys who office in the Northwest or Southeast portions of Minnesota for work in those areas. Persons who serve as contract Administrative Law Judges, or members of their firm, may not appear as an attorney in any hearing conducted by this office. Compensation will be at the rate of \$45 per hour.

Persons desiring to receive a Request for Proposal must request one by notifying William G. Brown, Chief Administrative Law Judge, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7640, *no later than* 4:30 p.m. on Monday, April 23, 1990. Final proposals must be *received* by the Office of Administrative Hearings by 4:30 p.m. on Monday, April 30, 1990.

## Office of Administrative Hearings

### Notice of Request for Proposal for Court Reporting and Transcription Services

The Minnesota Department of Administration is acting as a contracting agent for state departments and agencies that have a need for:

1. Court reporting services to provide an accurate and verbatim record of proceedings and depositions required by state and federal law, and
2. Transcription services to prepare an accurate and verbatim typewritten record from proceedings recorded on single track, two track, or four track audio magnetic recording devices, such as 5" reel-to-reel tapes and standard cassette tapes.

All state agencies needing one or both of these services for fiscal year 1991 beginning July 1, 1990 and ending June 30, 1991 will be required to use the contracts resulting from this proposal. Some of the state agencies having a need for the services are the Attorney General's Office, Office of Administrative Hearings (Administrative Procedure Act and Workers' Compensation Law hearings), Department of Labor and Industry, Tax Court, Public Utilities Commission, Department of Public Service, Environmental Quality Board, Pollution Control Agency, Mediation Services, Human Services, Transportation and Economic Security.

**IT IS UNLIKELY THAT WE WILL BE SOLICITING ADDITIONAL PROPOSALS DURING FISCAL YEAR 1991.**

Additional information on the requested services will be included in the Request for Proposal which will be sent to all persons or associations asking to receive one. Persons or associations who wish to receive a Request for Proposal must request one by notifying Dennis Reek, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7643, *no later than* 4:30 p.m., on Monday, April 23, 1990. Final proposals must be returned to the Office of Administrative Hearings at the above address by 4:30 p.m., on Monday, April 30, 1990.

## Department of Education

### Child Nutrition Section

### Notice of Request for Proposal for Revision of a Nutrition Course for School Food Service Personnel

This request for proposal (RFP) is designed to provide potential grant recipients with sufficiently detailed information to enable them to submit a proposal for the development and preparation of a 12 hour Nutrition course to be taught in the classroom and a 12 hour Nutrition correspondence course for school food service personnel. The content of the two courses should be the same.

The RFP is issued by the Child Nutrition Section of the Division of School Management and Support Services, Minnesota Department of Education. The formal RFP may be requested from and inquiries should be directed to:

Susan Rudberg, Nutritionist  
Martrene Wicks, Nutritionist Supervisor  
(612) 296-6986

## Professional, Technical & Consulting Contracts

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Child Nutrition Section  
Minnesota Department of Education  
550 Cedar Street  
St. Paul, MN 55101

It is anticipated that the cost of services, as described in the Request for Proposal, to be provided during the contract period from May 18, 1990 to September 28, 1990, will be no more than \$10,000. This is the maximum price to be paid and the Child Nutrition Section does not commit itself to spend this entire amount. The deadline for submission of completed proposals will be the 4:00 p.m. April 27.

### Department of Education

#### Child Nutrition Section

#### Notice of Request for Proposal for Development of a Sanitation and Food Safety Course for School Food Service Personnel

This request for proposal (RFP) is designed to provide potential grant recipients with sufficiently detailed information to enable them to submit a proposal for the development and preparation of a 16 hour Sanitation and Food Safety course to be taught in the classroom and a 16 hour Sanitation and Safety correspondence course for school food service personnel. The content of the two courses should be the same.

The RFP is issued by the Child Nutrition Section of the Division of School Management and Support Services, Minnesota Department of Education. The formal RFP may be requested from and inquiries should be directed to:

Susan Rudberg, Nutritionist  
Martrene Wicks, Nutritionist Supervisor  
(612) 296-6986  
Child Nutrition Section  
Minnesota Department of Education  
550 Cedar Street  
St. Paul, MN 55101

It is anticipated that the cost of services, as described in the Request for Proposal, to be provided during the contract period from May 18, 1990 to September 28, 1990, will be no more than \$10,000. This is the maximum price to be paid and the Child Nutrition Section does not commit itself to spend this entire amount. The deadline for submission of completed proposals will be the 4:00 p.m. April 27, 1990.

### Department of Education

#### Child Nutrition Section

#### Notice of Request for Proposal for Revision of a Food Service Techniques Course for School Food Service Personnel

This request for proposal (RFP) is designed to provide potential grant recipients with sufficiently detailed information to enable them to submit a proposal for the development and preparation of a 12 hour Food Service Techniques course for school food service personnel.

The RFP is issued by the Child Nutrition Section of the Division of School Management and Support Services, Minnesota Department of Education. The formal RFP may be requested from and inquiries should be directed to:

Susan Rudberg, Nutritionist  
Martrene Wicks, Nutritionist Supervisor  
(612) 296-6986  
Child Nutrition Section  
Minnesota Department of Education  
550 Cedar Street  
St. Paul, MN 55101

It is anticipated that the cost of services, as described in the Request for Proposal, to be provided during the contract period from

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## Professional, Technical & Consulting Contracts

May 18, 1990 to September 28, 1990, will be no more than \$5,000. This is the maximum price to be paid and the Child Nutrition Section does not commit itself to spend this entire amount. The deadline for submission of completed proposals will be the 4:00 p.m. April 27.

### Department of Education

#### Child Nutrition Section

#### Notice of Request for Proposal for Revision of a Solving People Problems Course for School Food Service Personnel

This request for proposal (RFP) is designed to provide potential grant recipients with sufficiently detailed information to enable them to submit a proposal for the development and preparation of a 12 hour Solving People Problems course for school food service personnel.

The RFP is issued by the Child Nutrition Section of the Division of School Management and Support Services, Minnesota Department of Education. The formal RFP may be requested from and inquiries should be directed to:

Susan Rudberg, Nutritionist  
Martrene Wicks, Nutritionist Supervisor  
(612) 296-6986  
Child Nutrition Section  
Minnesota Department of Education  
550 Cedar Street  
St. Paul, MN 55101

It is anticipated that the cost of services, as described in the Request for Proposal, to be provided during the contract period from May 18, 1990 to September 28, 1990, will be no more than \$5,000. This is the maximum price to be paid and the Child Nutrition Section does not commit itself to spend this entire amount. The deadline for submission of completed proposals will be the 4:00 p.m. April 27.

### Minnesota Health Care Access Commission

#### Notice of Availability of Request for Proposal (RFP)

The MN Health Care Access Commission was created by the 1989 Legislature to recommend a plan to provide access to health care for all state residents. The Commission is requesting proposals for the following project: Media Relations Plan.

The overall objectives are to educate the public about the scope of the problem of the uninsured; build support for the process including support for public hearings schedule and developing a public communication plan for the Commission. The Commission seeks proposals from public relations firms which have been involved in statewide activities and are experienced with all forms of media. A copy of the RFP is available from:

Health Care Access Commission  
658 Cedar St., St. Paul, (612) 297-5980

All proposals are due no later than April 13, 1990.

### Department of Health

#### Notice of Request for Proposal to Contract With a Voluntary Nonprofit Reporting Organization

##### I. Introduction

The Minnesota Department of Health is soliciting proposals from nonprofit organizations having as one of their primary functions the collection and dissemination of acute care cost information, to become a Voluntary Nonprofit Reporting Organization (VNRO) for hospital reporting for the period July 1, 1990 to June 30, 1991. A VNRO for hospital reporting is responsible for administering the hospital reporting requirements of the Minnesota Health Care Cost Information Act (*Minnesota Statutes* 144.695-703) and associated rules. This includes the collection of required information from each covered hospital, the maintenance of complete, accurate, and up-to-date computer data bases of hospital financial and statistical data, the timely response to public requests for hospital information and the provision of specific information and deliverables to the Minnesota Department of Health.

# Professional, Technical & Consulting Contracts

## II. Background

The Health Care Cost Information System was established in 1984. Its purpose is to ensure that financial and statistical information about hospitals and freestanding outpatient surgical centers is available to public policymakers and consumers. Hospitals and outpatient surgical centers are required to file, on an annual basis, copies of their statements of financial position, rate schedules and interim rate increases, and selected utilization information.

The commissioner of health is responsible for collecting, verifying and disseminating the information to the public. The authorizing statute provides that the Department of Health may administer the system directly, or may approve an outside organization, a "Voluntary Nonprofit Reporting Organization," to administer aspects of the system.

## III. Scope Of The Project

### A. Tasks to be Performed

1. Notify hospitals of reporting requirements.
2. Collect required information from hospitals.
3. Report hospital filing status to the Department of Health.
4. File hospital documents with the Department of Health.
5. Maintain computer databases of Revenue and Expense Report and Audited Financial Statement data.
6. File computer files with the Department of Health.
7. Prepare and file hospital commentaries with the Department of Health.
8. Prepare and file industry and hospital-specific profile reports with the Department of Health.
9. Prepare system development projects for the Department of Health.
10. Respond to public requests for hospital information.

### B. Project Costs

It is anticipated that the cost of this activity will not exceed \$400,000.00. Costs incurred in meeting the terms of the contract are to be recovered by the contractor assessing fees on hospitals. There is no direct compensation from the Department of Health to the VNRO.

## IV. Content Of Application

A complete application must include:

1. Organization's name, address, telephone number and contact person.
2. Background information about the organization, including a description of its computing facilities.
3. Information on proposed staff, including resumes, current job title and percentage of time committed to the program.
4. A description of the procedures the applicant organization will use to carry out the tasks and responsibilities described for this project.
5. An estimated budget, itemized at a minimum by salaries, computer costs, supplies and equipment, overhead expenses and other.
6. A proposed hospital fee schedule to cover estimated VNRO operating expenses.

## V. Department Contract

Copies of the Request for Proposal for Contract Services including a detailed description of project tasks and responsibilities are available from:

Marianne Miller, Director  
Health Economics Program  
Health Systems Development Division  
Department of Health  
717 South East Delaware Street  
P.O. Box 9441  
Minneapolis, Minnesota 55440  
Telephone: (612) 623-5520

All proposals must be submitted to the Department of Health no later than 4:30 p.m., Friday, May 11, 1990.

## Minnesota Historical Society

### Advertisement for Bids for Split Rock Lighthouse Restoration Phase I

#### 1. BIDS

Sealed bid proposals for Restoration Work at the Split Rock Lighthouse, Two Harbors, Minnesota, in accordance with bidding documents dated 26 March 1990 and prepared by MacDonald and Mack Architects, Ltd., will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, Saint Paul, Minnesota 55101 until 2:00 p.m., Central Daylight Time on 19 April 1990, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., 19 April 1990 will be returned unopened. A mandatory pre-bid conference will be held Friday, 13 April 1990, at 1:00 p.m. Central Daylight Time, at the project site. Bids received from those not in attendance at the pre-bid conference will not be considered and will be returned unopened.

#### 2. BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, for the sum of not less than 5% of the total bid, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the bid proposal and will furnish the required Payment and Performance bond.

#### 3. PLANS AND SPECIFICATIONS

Copies of Contract Documents for preparation of bids will be available for inspection at the offices of MacDonald and Mack Architects, Ltd., 712 Grain Exchange Building, Minneapolis, Minnesota 55415; at the Builders Exchanges in Duluth, Saint Paul and Minneapolis, Minnesota; and at the F. W. Dodge Corporation Plan Room, Edina, Minnesota. Copies of the Contract Documents for use by contractors submitting a bid may be obtained from the Architects upon deposit of \$50. Checks are to be made out to MacDonald and Mack Architects, Ltd. Deposits will be returned to bidders who return Contract Documents in good condition within ten (10) days following the scheduled closing time for the receipt of bids.

#### 4. CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

#### 5. ACKNOWLEDGEMENT

This restoration project has been financed in part with federal funds in the amount of \$9,287 from the National Park Service, Department of the Interior.

## Minnesota Historical Society

### Cancellation of Solicitation of Bids for Reprinting, Manufacturing, and Delivery of *Northern Lights: The Story of Minnesota's Past*

The Advertisement for Bids for reprinting, manufacturing and delivery of *Northern Lights: The Story of Minnesota's Past* printed in last week's *State Register* (Vol 14, #39) March 26, 1990 on page 2327, is hereby withdrawn.

## Department of Human Services

### Willmar Regional Treatment Center

### Notification of Request for Proposal for Various Medical, Psychological and Chaplaincy Services

**NOTICE IS HEREBY GIVEN** that the Willmar Treatment Center, Mental Health Division, Department of Human Services, is seeking the following services for the period of July 1, 1990 through June 30, 1991. These services are to be performed as requested by the Administration of the Willmar Regional Treatment Center:

1. **Services of Psychiatrist** to provide consultation to Adolescent Treatment Unit, Psychiatric Rehabilitation Unit and Chemically Dependent Unit; special skills in adolescent and chronic mental illness psychiatry. Estimated amount of the contract will not exceed \$58,240.00.

## Professional, Technical & Consulting Contracts

**2. Services of two Protestant Chaplain**—1 full-time Chaplain and 1 for 16 hours per week to conduct services and other other ministries to Mentally Ill, Developmentally Disabled and Chemically Dependent client. Estimated amount of the contract will not exceed \$39,300.00.

**3. Services of a Psychiatrist** to provide consultation for newly admitted mentally ill clients, consultative services in the clinical management of developmentally disabled clients and related educational guidance of treatment staff. Estimated amount of contract will not exceed \$37,544.00.

**4. Services of Nurse Practitioner** responsibilities will include health assessment, management consultations to medical staff, and services to clients in the area of annual physical and admission exams. Estimated amount of contract will not exceed \$36,500.00 annually.

**5. Services of Physicians** to provide medical and surgical consultations as needed to clients of Willmar Regional Treatment Center. Estimated amount of contract will not exceed \$15,000.

**6. Services of Psychiatrist** to provide consultation for newly admitted M.I. clients and consultive services in the clinical management of developmentally disabled clients and related educational guidance of treatment staff. Estimated amount of contract will not exceed \$24,480.

**7. Services of Physical Therapist** to provide consultative services for the developmentally disabled, clients, assessments, evaluations, treatment plans, instructional services to staff and follow up reviews on physical therapy programs. Estimated amount of contract will not exceed \$17,500.

**8. Services of Psychiatrist** to provide consultation for newly admitted M.I. clients and consultive services in the clinical management of M.I. clients and related educational guidance of treatment staff. Estimated amount of contract will not exceed \$46,240.

Questions: 612-231-5396—Stephen Grams

**Written Responses for the Above Services Must Be Received by April 27, 1990.**

**Addressed to:** Mr. Stephen Grams, Business Manager  
Willmar Regional Treatment Center  
Box 1128  
Willmar, MN 56201

## Department of Human Services

### Anoka-Metro Regional Treatment Center

#### Notice of Request for Proposal for Medical Services

**NOTICE IS HEREBY GIVEN** that the Anoka-Metro Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of Anoka-Metro Regional Treatment Center. Contracts will be written for the period beginning July 1, 1990, and ending June 30, 1991.

**1. Psychiatric Services.** Responsibilities will include psychiatric assessments, psychiatric treatment, attendance at Medical Staff meetings, participation in the Utilization Review program, appearances at Special Review Board hearings, probate court hearings, and in-service education. The estimated total amount for all psychiatric contracts will not exceed \$179,620.00 annually.

**2. Neurological Services.** Responsibilities will include furnishings of computerized tomography (CAT Scans) and interpretation of results, neurological consultation and supervisory training and assistance with neurological research and evaluation at Anoka-Metro Regional Treatment Center. The total will not exceed \$10,500.00 annually.

**3. Podiatry Services.** Responsibilities will include providing proper podiatry services in relation to Medical Assistance and Medicare guidelines, at times arranged by Medical Director or his designee. Total estimated amount of contract will not exceed \$2,500.00 annually.

**4. Optometry Services.** Responsibilities will include eye exams and referrals, dispensing of eyewear, and consultation with medical staff. Total amount of contract will not exceed \$8,000.00 annually.

**5. Radiology Services.** Responsibilities will include the interpretation of all X-rays and conduct fluoroscopy examinations, and provide consultation to medical staff. Total amount of contract will not exceed \$17,000.00 annually.

**6. Electroencephalogram (EEG) Testing.** Responsibilities will include conducting the EEG tests with a tracing for each test. Equipment will be furnished by Anoka-Metro Regional Treatment Center. Total amount of contract will not exceed \$2,000.00 annually.

**7. Family Practice Services.** Responsibilities will include specialized medical care for mentally ill and chemically dependent patients. Total estimated amount of contract will not exceed \$8,000.00 annually.

Responses must be received by April 15, 1990. Direct inquiries to: Robert F. Rosenthal, Chief Operating Officer, Anoka-Metro Regional Treatment Center, 3300 Fourth Avenue N., Anoka, Minnesota 55303. Telephone: (612) 422-4300.

## **Department of Jobs and Training**

### **Division of Rehabilitation Services**

#### **Notice of Proposed Contracts for the State Fiscal Year 1991**

The Minnesota Department of Jobs and Training, Division of Rehabilitation Services is publishing notice that the contract listed below will be available and be awarded for State fiscal year 1991 (July 1, 1990 to June 30, 1991):

##### **A. Notice of Proposed Contract for State, Psychiatric, and Psychological Services**

The Minnesota Department of Jobs and Training, Division of Rehabilitation Services, Workers' Compensation Program is seeking to employ an individual under contract who will meet with Professional staff in order to provide them with advice, consultation, and training on psychiatric or psychological aspects affecting the rehabilitation process for specific clients and for the agency, in general. This agency will be seeking only one psychiatric or psychological contractor for the office located at 1441 Energy Park Drive, East Building, St. Paul. The individual will be paid \$60-\$70 per hour. Most contract work will require an average of 3 hours per month. Total cost is not expected to exceed \$2,520.00. Inquiries should be directed to:

Philip L. Slotvig, Workers' Compensation Area Manager  
Division of Rehabilitation Services, Workers' Compensation Program  
1441 Energy Park Drive, East Building  
St. Paul, MN 55108

All proposals must be received by 4:30 p.m. on April 17, 1990.

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## **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.

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## **Housing Finance Agency**

### **Request for Proposals for Neighborhood Preservation Home Improvement Loan Program**

The Minnesota Housing Finance Agency (MHFA) announces the availability of up to \$10,000,000 in funds to assist cities in the preservation and rehabilitation of residential housing in designated neighborhoods. This request for proposal does not obligate the state to complete this project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

#### **Goals and Objectives**

The Neighborhood Preservation Loan Program is a program which provides property improvement financing with attractive terms and conditions as an incentive for neighborhood preservation activities. Eligible neighborhoods are designated by cities, and must meet basic criteria established by the MHFA. Cities are expected to participate in the program by designating neighborhoods and local lenders, and contributing to the total neighborhood preservation effort.

A more complete description of the program is contained in the Neighborhood Preservation Home Improvement Loan Program Summary. See "Application Process," below.

# State Grants

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## City Responsibilities

Cities or their designees, shall perform the following minimum tasks:

1. market the program in designated neighborhood;
2. provide a local contribution of funds, property, or services equal in value to no less than 25% of the amount of MHFA's commitment to purchase loans;
3. take loan applications and make eligible loans in the designated neighborhood;
4. operate the program as specified in the agreements establishing the program in the designated neighborhoods.

Responders may propose additional responsibilities or activities if they will improve the results of the program.

## Application Process

All applications for funds must be in a form specified by MHFA. Prospective responders who have questions regarding this request for proposal or who would like to receive an Application for Funding and a Neighborhood Preservation Home Improvement Loan Program summary may call or write:

Gregory Baron  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
Telephone: (612) 297-3123  
Toll Free 1-800-652-9747, Extension 7-3123

Please note that other agency personnel are not allowed to discuss the project with responders before the application deadline.

Completed Applications for Funding must be sent to and received at the address shown above no later than 4:30 p.m. on Monday, July 2, 1990.

Late applications will not be accepted. Submit three copies of the application. Applications are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the application must be signed, in ink, by an authorized representative of the city.

## Contract Amounts

The Minnesota Housing Finance Agency has not established a minimum or maximum contract amount. MHFA may reduce amounts requested at its sole option and discretion.

## Project Dates

Generally, all loans to be purchased under the program must be made and local contributions expended within one year of execution of program agreements.

## Selection Criteria

All completed applications submitted in response to the Request for Proposals will be reviewed by the MHFA staff and others as approved by the MHFA Commissioner. Final selections are anticipated to be made by the MHFA Board no later than August 23, 1990. All applicants will be notified of the selections.

**The MHFA may request and consider additional clarifying information which may not originally be in the application. The selection of the proposal for funding may be made contingent upon receiving the additional information.**

**The MHFA additionally reserves the right to negotiate with applicants regarding various components of their proposal including, but not limited to, the amount of funding requested, the administrative capabilities and fiduciary responsibilities proposed, and the proposed goals, objectives, and activities.**

Only those Applications for Funding which contain the required documentation shall be considered for funding. *Incomplete applications will be immediately disqualified from consideration.* The Application for Funding and its related documentation is expected to clearly demonstrate the need for the program, the expected impact of the program, and the implementation method of the program.

MHFA will take the following criteria into consideration when determining whether an application will be selected to be funded.

- A. the relative neighborhood preservation needs described in the proposal which needs may include, but not be limited to, housing needs, the needs of commercial and public properties, and infrastructure;
- B. the extent to which other resources are or will be allocated to address the stated needs;
- C. the expected impact of the neighborhood preservation activities;

- D. the extent to which other conditions or resources exist for long-term preservation of the designated neighborhood;
- E. the extent to which low and moderate income residents will benefit from the neighborhood preservation activities;
- F. the extent to which displacement of residents will be minimized;
- G. the geographic area to be serviced, the size of the request for funds or other factors that will achieve a reasonable distribution of resources across the state;
- H. the priority rating a city may assign to a proposal if the city submits more than one proposal;
- I. the extent to which the proposal is more innovative than other proposals.

This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

## **Housing Finance Agency**

### **Request for Proposals for Housing Preservation Program**

The Minnesota Housing Finance Agency (MHFA) announces the availability of up to \$1,500,000 in grants to assist cities in the preservation of residential housing in designated target areas. Budget decisions made by the Minnesota State Legislature in its 1990 Session may reduce the amount of funds that are available for grants. This request for proposal does not obligate the state to complete this project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

#### **Goals and Objectives**

The Housing Preservation Program provides grants to cities for the purpose of establishing revolving loan funds for the acquisition, improvement, or rehabilitation of residential buildings within eligible target areas. Repaid loan funds shall be used to make additional loans in the target areas.

#### **City Responsibilities**

Cities or their designees, shall perform the following minimum tasks:

1. establish an advisory committee to assist in implementing the program;
2. market the program in the target area(s);
3. provide a match of funds or property equal in value to the amount of the grant;
4. take loan applications and make eligible revolving loans in the target area(s);
5. service and collect loan payments;
6. operate the program as specified in the grant agreement establishing the program in the target area(s).

Responders may propose additional responsibilities or activities if they will improve the results of the program.

#### **Application Process**

All application for funds must be in a form specified by MHFA. Prospective responders who have questions regarding this request for proposal or who would like to receive a Housing Preservation Program Application and Housing Preservation Program summary may call or write:

Susan Ude  
Program Supervisor  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
Telephone: (612) 296-8844  
Toll Free 1-800-652-9747, Extension 6-8844

Please note that other agency personnel are not allowed to discuss the project with responders before the application deadline.

Completed applications must be sent to and received at the address shown above no later than 4:30 p.m. on Monday, July 2, 1990.

Late applications will not be accepted. Submit three copies of the application. Applications are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the application must be signed, in ink, by an authorized representative of the city.

## State Grants

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### Grant Amounts

The Minnesota Housing Finance Agency has established the minimum grant to be \$30,000 and the maximum grant to be \$200,000. Cities may use up to 10% of the Grant to pay administrative expenses of the program.

### Project Dates

Grant funds must generally be committed to Revolving Loan borrowers and matching funds spent or property donated within 18 months of executing a grant agreement.

### Selection Criteria

All completed applications submitted in response to the Request for Proposals will be reviewed by the MHFA staff and others as approved by the MHFA Commissioner. Final selections are anticipated to be made by the MHFA Board no later than August 23, 1990. All applicants will be notified of the selections.

**The MHFA may request and consider additional clarifying information which may not originally be in the application. The selection of the proposal for funding may be made contingent upon receiving the additional information.**

**The MHFA additionally reserves the right to negotiate with applicants regarding various components of their proposal including, but not limited to, the amount of funding requested, the administrative capabilities and fiduciary responsibilities proposed, and the proposed goals, objectives, and activities.**

Only those applications which contain the required documentation shall be considered for funding. ***Incomplete applications will be immediately disqualified from consideration.*** The Program Application and its related documentation is expected to clearly demonstrate the need for the program, the expected impact of the program, and the implementation method of the program.

MHFA will take the following criteria into consideration when determining whether an application will be selected to be funded.

1. The extent of substandard or hazardous housing conditions in the target area and the impact the program will have in reducing or eliminating such conditions.
2. The extent to which displacement of low and moderate income tenants will be minimized.
3. The adequacy of documentation, including that required to establish target area eligibility.
4. The revolving loan fund characteristics, and the extent to which proposed lending activities do not duplicate adequately funded MHFA programs.
5. The administrative capabilities of the city or the entity that will administer the program on behalf of the city.
6. The geographical area to be serviced, the size of grant request or other factors, to the end that a reasonable distribution of resources can be achieved across the state.

This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

## Supreme Court Decisions, Opinions & Rules

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### Decisions Filed 22 March 1990

**C9-89-1868 State of Minnesota v. Jody Thomas Goar, Appellant. Court of Appeals.**

The amount of jail credit a defendant receives against a prison sentence or a probationary jail term should not turn on matters subject to manipulation by the prosecution, on irrelevant matters such as whether the defendant pleads guilty or insists on his right to a trial, or on whether the defendant is indigent and unable to post bail.

Affirmed as modified. Popovich C.J.

Dissenting, Kelley, J.

### Decisions Filed 30 March 1990

**CX-88-2551 Steven L. Imlay, et al., petitioners, Appellants v. City of Lake Crystal d/b/a Lake Crystal Municipal Liquor Store, et al., defendants and third-party plaintiffs v. Vicki Carver, Administrator of the Estate of Virgil H. Miller, Deceased, State of Minnesota. Court of Appeals.**

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## Supreme Court Decisions, Opinions & Rules

1. Rational bases exist for both *Minnesota Statutes* §§ 604.02, subd. 1, and 548.36 (1986) sufficient to withstand an equal protection constitutional challenge.
2. Respondent city did not waive its statutory joint and several liability limits by purchasing liability insurance.
3. Collateral source payments should not be deducted from appellants' judgment against respondent city when subrogation rights have been asserted to the payments and when appellants would have no double recovery.
4. Pre-verdict interest can be awarded when the statutory limit on the judgment is a percentage of fault cap.

Affirmed in part, reversed in part, and remanded. Popovich, C.J.

### **C7-89-69 Louis Benoit v. Commissioner of Revenue, Relator. Tax Court.**

1. Respondent had legal control of the payment of wages within the meaning of *Minnesota Statutes* § 290.92, subd. 1(4) (1988), so as to be personally liable for unpaid withholding taxes owing by the corporation.
2. Respondent was a "person" within the meaning of *Minnesota Statutes* § 297A.01, subd. 2 (1988), who had the "control, supervision or responsibility" for filing returns and making payments of the amount of sales tax owing by the corporation so as to be personally liable for the unpaid tax.

Reversed; order of the Commissioner of Revenue reinstated. Wahl, J.

### **C9-89-719 In Re Petition for Disciplinary Action against Wayne A. Pokorny, an Attorney at Law of the State of Minnesota. Supreme Court.**

Indefinitely suspended. Per Curiam.

## Orders

### **C7-89-2274 In Re Petition for Disciplinary Action against Gregory D. Evenson, an Attorney at Law of the State of Minnesota. Supreme Court.**

Suspended. Kelley, J.

### **Order C6-90-649—Interactive Audio-Video Communications Experiment in Fourth Judicial District—Mental Health Division Price and Jarvis Proceedings**

**WHEREAS**, the Department of Human Services (DHS), the Attorney General of the State of Minnesota, the presiding judge of the Mental Health Division of the Fourth Judicial District, the Fourth Judicial District Court Administration, the Hennepin County Commitment Defense Panel, the Ebenezer Society that provides guardians ad litem for *Jarvis* and *Price* hearings, and the Hennepin County Attorney have agreed to participate in, on an experimental basis, the use of interactive audio-video communications in the Mental Health Division of the Fourth Judicial District for receiving the testimony of petitioner's physicians in proceedings pursuant to *Jarvis v. Levine*, 418 N.W.2d 139 (Min. 1988); and *Price v. Sheppard*, 307 Minn. 250, 239 N.W.2d 905 (Minn. 1976); and,

**WHEREAS**, the Department of Human Services has received approval to use funds from the InterTechnologies Group (InterTech) of the Minnesota Department of Administration to conduct research in the use of interactive audio-video communications to more efficiently conduct DHS business on condition that the funds be encumbered by June 30, 1990; and,

**WHEREAS**, DHS has agreed to assume all costs associated with the installation and operation of interactive audio-video communication equipment and a transmission path for the purposes authorized by this order; and

**WHEREAS**, it may be useful to investigate alternative hearing methods to carry out the mandates of *Price v. Sheppard* and *Jarvis v. Levine*,

#### **NOW, THEREFORE, IT IS ORDERED:**

1. The Mental Health Division of the Fourth Judicial District is authorized to conduct an experimental program for ninety days in Courtroom 356 using interactive audio-video communications to receive the testimony of physicians who will be physically located at the Anoka-Metro Regional Treatment Center (AMRTC), Anoka, Minnesota.
2. The use of interactive audio-video communications in this experiment is excepted from the provisions of Canon 3A(7) of the Minnesota Code of Judicial Conduct.

**IT IS FURTHER ORDERED** that the following guidelines will apply to this experimental program:

1. **Transmission:** The experiment will consist of interactive audio-video communication between only two sites, Courtroom 356 at the Hennepin County Government Center and one secured witness room at AMRTC. The transmission will be either point to point microwave or digital compressed video via land line. The transmission path will be secured against electronic eaves-dropping.
2. **Equipment in the Courtroom:** There will be four small desktop audio-video terminals in the courtroom. Each terminal will have a built-in television monitor, camera, microphone, and audio speaker. The terminals will be used to communicate with the physician

## Supreme Court Decisions, Opinions & Rules

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at AMRTC. A separate terminal will be provided for the judge or referee, the respondent's attorney, the petitioner's attorney, and the witness stand in the courtroom. The physician at AMRTC will testify using the same type of audio-video terminal which will be located in the secured witness room.

Two separate television monitors will also be located in the courtroom. One will be for the court reporter. A second television monitor will be located in the courtroom so that all other participants and spectators will be able to observe the testimony of the petitioner's physician.

A separate telephone will be provided in the courtroom to assure a back-up communication path between the courtroom and the witness room at AMRTC. A separate telephone will also be provided in the witness room at AMRTC for the same purpose.

One facsimile machine will be provided in the courtroom and one at the AMRTC witness room for document transmittal during the hearing.

There will be no audio or video recording equipment attached to any part of this communication system.

3. **Record:** The experiment consists of audio-video transmission only and will not affect the official record of the court proceedings. The court proceedings will be recorded by the court reporter in the customary manner.

4. **Medical Records:** The original medical records shall be brought to the hearing and copies shall be provided to the physicians.

5. **Operation of the Equipment:** All equipment will be tested to assure proper functioning prior to each court hearing by suitably trained DHS personnel or Fourth Judicial District Mental Health Division Staff. The test will also consist of establishing audio-visual communication between the courtroom and the AMRTC witness room prior to the scheduled time of a hearing. The tests should be done at least fifteen minutes prior to the hearing time.

### 6. Court Hearing:

(a) The court or the court administrator shall, upon the scheduling of a hearing, provide each attorney and guardian ad litem who may appear in the court a copy of this order, so as to protect the right of respondent to object under paragraph (f) below.

(b) At the commencement of proceedings, the judge or referee will ensure that contact is made with the physician at AMRTC and that the physician is promptly and properly administered an oath. There shall be no person other than the physician in the witness room during the physician's testimony.

(c) The audio-video communication link with the AMRTC witness room will be maintained from the swearing in of the AMRTC physician until the conclusion of the hearing, or termination of the communication link by the judge or referee.

(d) The equipment will allow the physician at AMRTC to hear objections made to testimony. However, in the event the physician at AMRTC speaks or continues to speak after an objection is made, the judge or referee will be able to interrupt the testimony of that physician without terminating the communication link.

(e) To protect the attorney-client privilege and the effective right to counsel there will be no audio transmission of the conferences which occur in court between attorneys and their clients, between opposing counsel, or between counsel and the trial judge at the bench.

(f) A respondent may object to the use of audio-video communication for receiving the testimony of the petitioner's physician during the ninety-day experiment. The objection must be made at least five days, excluding weekends or holidays, prior to the scheduled hearing. Argument on respondent's motion may be held by telephone conference call. The court may grant respondent's motion upon showing that the use of audio-video communication for receiving the testimony of the petitioner's physician will hinder ascertainment of the truth or result in unfair prejudice to respondent. The court must notify all parties of its ruling 72 hours prior to the time of the scheduled hearing.

(g) This order does not prohibit conducting *Jarvis* and *Price* hearings in the traditional manner during the ninety-day experiment when all parties stipulate that is in the best interests of justice to do so.

(h) A person from DHS shall attend all hearings covered by the experiment and keep a log to provide a record of observations, occurrences, participant comments, and problems that arise as a result of this experiment.

7. **Training:** DHS will train judges, referees, physicians, court personnel, respondents' attorneys, guardians ad litem, and petitioner's attorneys in the proper use of the audio-video terminals.

8. **Security:** The audio-video communication system will be designed so that the establishment of communications with the AMRTC witness room can only be initiated from Courtroom 356 at the Hennepin County Government Center. It will not be possible to access Courtroom 356 from any other site.

9. **Evaluation:** The Supreme Court shall appoint an Evaluation Committee consisting of the following membership: A Fourth Judicial District Court Judge, a representative of the Minnesota Department of Human Services, a representative of the Hennepin County Attorney, a representative of the Minnesota Attorney General, three representatives of the Hennepin County Commitment Defense

Panel who shall be nominated by the Panel, and a representative of the Ebenezer Society. The Supreme Court Administrator shall serve as liaison to the Committee. The three representatives of the Commitment Defense Panel may bill for the time served on the Evaluation Committee, subject to the approval of the judge, and such funds shall be paid by the DHS.

The Evaluation Committee shall address the quality of transmission, ease of use of the equipment, reliability of the equipment and transmission path, any disruptions to the proceedings, the ability to assess physician demeanor, and shall particularly address whether there is prejudice to any party as a result of the procedures used in this experiment.

The Evaluation Committee shall file with the Supreme Court a final report evaluating this experiment six months after the date of this Order.

DATED: 22 March 1990

BY THE COURT

Peter S. Popovich  
Chief Justice

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## Announcements

**Bills Signed by the Governor:** The following bills were signed into law by Governor Rudy Perpich this past week. SF = Senate File; HF = House File (\_\_\_\_) = author. Chapter #357—**Moberg Trail Designation**—SF 1947 (Randy Peterson) and HF 2090 (Loren Jennings) signed on March 21. Chapter #358—**County Recorder; Fees**—SF 1238 (Kathleen Blatz) and HF 1555 (Randy Peterson) signed on March 23. Chapter #359—**Hazardous Waste Stabilization**—SF 956 (Leroy Stumpf) and HF 1071 (Wally Sparby) signed on March 23. Chapter #360—**Alternative Dispute Resolution Pilot Program**—SF 1917 (John Marty) and HF 1895 (Randy Kelly) signed on March 27. Chapter #361—**Town Ordinance or Rule Collections Publication**—SF 1979 (Jim Vickerman) and HF 2188 (Bernie Lieder) signed on March 27.

**Sentencing Guidelines Commission** will meet on Thursday 5 April at 4 p.m. at the Embassy Suites Hotel, 175 E. 10th Street, St. Paul, MN 55101 in the Lexington/Summit Room. Among items on the agenda are the development of severity ranking principles. Call (612) 296-0144 for more information.

**Governor's Appointments:** Appointed as a District Court Judge was **Harold Kalina** for the Fourth Judicial District. He replaces the Honorable John W. Borg who resigned effective April 8.

**Capitol Child Care:** Capitol Child Care, a child care center in the State Capitol Complex, will hold an open house for interested parents on Saturday, April 21, from 10 a.m. to noon. The center is scheduled to open in early April and will have 90 slots for children from six weeks to pre-school. First priority will be given to children of state employees, next to those of public employees, and then to the general public. Market based fees will be charged. The public is welcome to attend. Capitol Child Care is located at 671 North Robert and is operated by Associates for Child Development, Inc. Call 227-9409 for more information.

**Minnesota Hospitals Report on Free Health Care:** Minnesota's 163 licensed hospitals provided over \$65 million in free health care services during fiscal 1987, according to a new report by the Minnesota Department of Health (MDH). That compares with \$56 million in free care provided by 165 hospitals during fiscal 1985—the first year that hospitals were required to provide that information to MDH as part of their annual Revenue and Expense Reports (RERs). The \$65 million in free care provided during 1987 included both "charity care" and "bad debt"—hospital charges that patients were either unable or unwilling to pay. Because most hospitals do not separate charity care from bad debt in their expense reports, the report used the combined figure as an overall measure of the care provided by hospitals without payment. Hospitals in the Twin City area accounted for 76 percent of all charity care and bad debt in the state. The report notes that charity care and bad debt amounted to only 2.3 percent of total patient charges in Minnesota during 1987, compared to 4.5 percent nationally. That may simply reflect a greater need for charity care at the national level—up to 18 percent of the U.S. population has no health insurance, compared to 9 percent in Minnesota. The report recommends that a survey be done, to determine whether Minnesotans have adequate access to the care they need.

# Minnesota: national leader in education

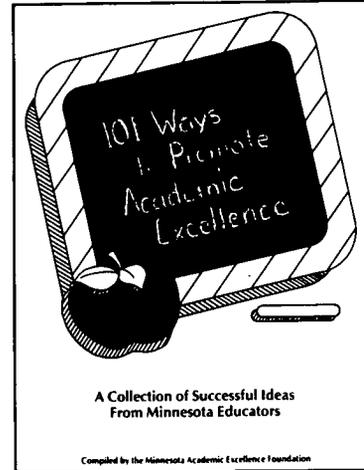
## 101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting the public educators' great challenge: helping every single child learn. Code #5-1, \$4.50.

## Education Directory, 1989-90

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers and enrollment. 170 pages, paperbound. Code #1-93, \$8.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



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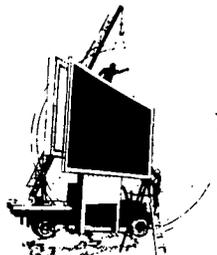
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# Minnesota Manufacturer's Directory 1989-90



**UPDATED:** Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50.

**NEW:** In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



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*Voices of the Loon*, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

*The Loon: Voice of the Wilderness*, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$17.95.

*Love of Loons*. A Voyageur Wilderness Book, with color photos and lore of this delightful state bird make this a beautiful gift. Stock #9-22, \$12.95 + tax.

*Loon Lapel Pin*. Code #15-30, \$2.49.

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*Loon Nature Print*, full-color poster 16" x 22", Code #15-18, \$3.00.

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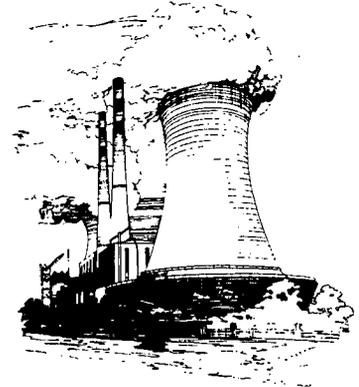
### 1989 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$24.95.

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Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

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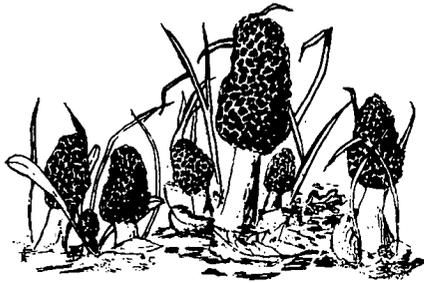
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**Edible Mushrooms,** a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

**Malfred Ferndock's Morel Cookbook,** brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

**Northland Wildflowers,** the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$14.95.

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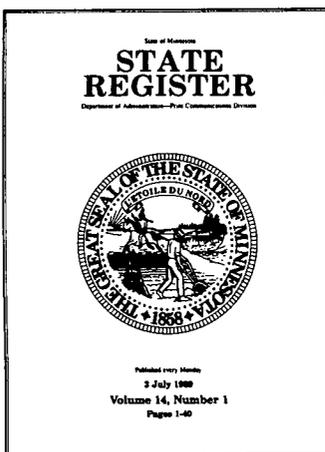
**Robber and Hero:** On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

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