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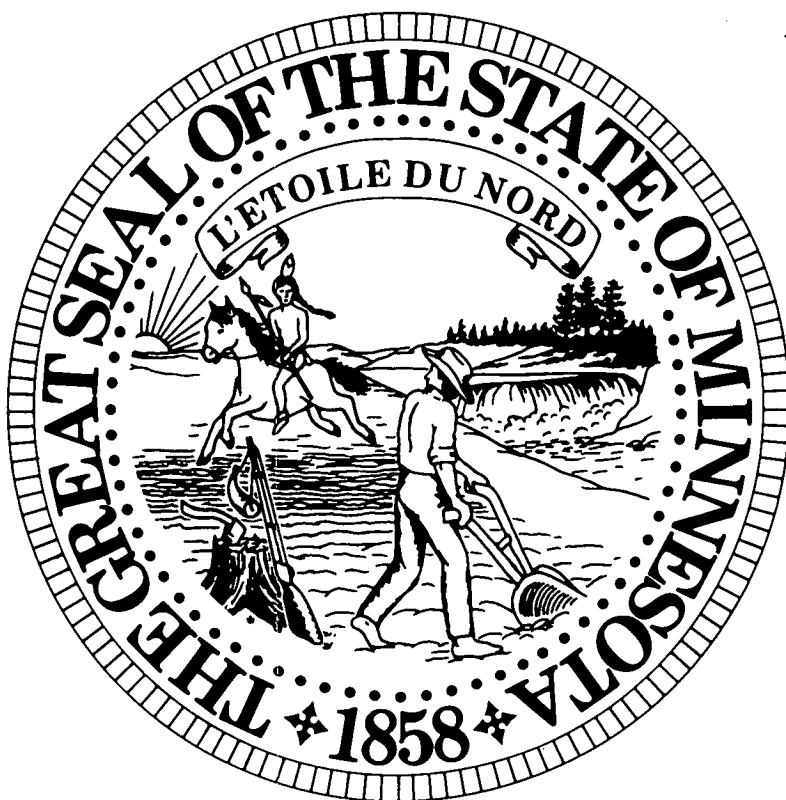
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The Minnesota  
**State  
Register**

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ST. PAUL, MIN 55155

Department of Administration—Print Communications Division



Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

**Monday 28 February 1994**  
**Volume 18, Number 35**  
**Pages 1913-1980**

# 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 and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 18 Issue Number	PUBLISH DATE	Submission deadline for Adopted and Proposed Rules	Submission deadline for: Emergency Rules, Executive Orders, Commissioner's Orders, Revenue Notices, Official Notices, State Grants, Professional, Technical and Consulting Contracts, Non-State Bids and Public Contracts
35	Monday 28 February	Monday 14 February	Friday 18 February
36	Monday 7 March	Friday 18 February	Monday 28 February
37	Monday 14 March	Monday 28 February	Monday 7 March
38	Monday 21 March	Monday 7 March	Monday 14 March

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul MN 55155, pursuant to *Minnesota Statutes* § 14.46.

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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 1-800-657-3757.

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## Proposed Rules

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

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

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

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

## Department of Administration

### Proposed Permanent Rules Relating to Certified Building Officials

#### Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

**Introduction.** The Department of Administration, Building Codes and Standards Division intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by March 30, 1994, a public hearing will be held on April 6, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after March 30, 1994 and before April 6, 1994.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Peggi White  
Building Codes and Standards Division  
408 Metro Square Building  
7th & Robert Streets  
St. Paul, MN 55101  
Voice: 612-0296-4626 or,  
TTY/TDD 612-297-5353, 800-657-3529 (ask for 296-4622)

**Subject of Rule and Statutory Authority.** The proposed rule is about amending the Minnesota State Building Code Chapter 1301, Building Official Certification. The statutory authority to adopt the rule is found in *Minnesota Statute* 16B.61 subd. 1 and 16B.65 subdivisions 3 and 7. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the proposed rule is available upon request from Peggi White.

**The proposed rule includes:** Two new classifications of certification known as certified building official - limited and accessibility specialist; certification maintenance requirements for the two new certification classifications; prerequisites for all classifications of certifications.

**Comments.** you have until 4:30 p.m. on March 30, 1994 to submit written comment in support of or in opposition to the proposed rule or any part of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on March 30, 1994. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for April 6, 1994 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing.

whether or not the hearing will be held. You may also call Peggi White at 612-296-4626 after March 30, 1994 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on **April 6, 1994** in the Building Codes and Standards Division conference room, at 408 Metro Square Building, 121 7th Place East, St. Paul, Minnesota, beginning at **9:00 a.m.** and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Howard L. Kaibel Jr. Judge Kaibel can be reached at the Office of Administrative Hearings, 1090 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, 612-341-7608.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may also respond in writing within five business days after the comment period ends to the new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day response period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** Pursuant to *Minnesota Statutes*, section 14.115, subd. (7) 2, the Building Codes and Standards Division has evaluated the effect of the proposed rules on small business and has determined there will be no effect as these rules do not affect small businesses directly.

**Expenditure of Public Money by Local Public Bodies.** Pursuant to *Minnesota Statutes*, Section 14.11 subd. 1, the expenditure of public money will not exceed \$100,000 in either of the two years following the adoption of these rules.

**Impact on Agriculture Lands.** Pursuant to *Minnesota Statutes*, section 14.11, subd. 2, the adoption of these rules will not have any impact on agricultural land.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, 612-296-5148.

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Peggi White listed above.

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified 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 rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rules is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 2 February 1994

Debra Rae Anderson  
Commissioner

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# Proposed Rules

## Statement of Need and Reasonableness

### I. Introduction

The Commissioner of the Minnesota Department of Administration proposed to adopt amendments to chapter 1301 of the Minnesota State Building Code entitled Building Official Certification. In addition to substantive changes, reorganization and grammatical changes are proposed to improve clarity and to conform with current style requirements.

The Department began the present rule notification process on July 8, 1991 publishing a note in the *State Register* (16 S.R. 68) soliciting opinions and information from the public on the rules regarding the Minnesota State Building Code.

### II. Statement of Agency's Statutory Authority

The commissioner's authority to adopt the rule amendments is set forth in *Minnesota Statute* 16B.04, subdivisions 1, 16B.61 subdivision 1, and 16B.65 subdivisions 3 and 7 which state:

#### Subd. 3. Certification. The commissioner shall:

- (1) prepare and conduct written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;
- (2) accept documentation of a successful completion of testing programs developed by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or
- (3) determine qualifications by both clauses (1) and (2).

Upon a determination of qualification under clause (1), or (2), or both of them, the commissioner shall issue a certificate to the building official stating that the official is certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$70. The commissioner or a designee may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subdivision 2, no person may act as a building official for a municipality unless the commissioner determines that the official is qualified. The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

The department of employee relations may, at the request of the commissioner, provide statewide testing services.

**Subd. 7. Continuing Education.** Subject to sections 16B.59 to 16B.73, the commissioner may by rule establish or approve continuing education programs for municipal building officials dealing with matters of building code administration, inspection, and enforcement.

Effective January 1, 1985, each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner every three calendar years to retain certification.

Each person certified as a state building official must submit in writing to the commissioner an application for renewal of certification within 60 days of the last day of the third calendar year following the last certificate issued. Each application for renewal must be accompanied by proof of satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner.

For persons certified prior to January 1, 1985, the first three-year period commences January 1, 1985.

Under these statutes, the Building Codes and Standards Division has the necessary authority to adopt the proposed rules.

### III. Statement of Need

Currently there exists a shortage of building officials to both replace those who are retiring and to administer the code for those local governments who now desire to adopt the state building code. *Minnesota Rules* governing building official certification were last modified effective July 16, 1990. The main purpose of the rules of July 16, 1990 was to base the prerequisites to certification as a building official on established, recognized standards of building code competency rather than the previous subjective guidelines. However, the current building official prerequisites are very narrow in scope. Many prospective applicants possess a wide range of qualifications which should be adequate to become a building official but they do not fit any of the current five prerequisites. Therefore, the means to demonstrate competency has been opened up through the proposed point system. The other part of the problem is that over the past three and one-half years, the division has learned that very few individuals from greater Minnesota either possess or are able to obtain the required prerequisites and therefore, are unable to become certified. This has been traced in part to a lack of opportunity of those living beyond the limits of the metropolitan area where the prerequisites can be readily attained. The amendments proposed by the division are needed to ensure that persons possessing the necessary qualifications are available to become certified in order to administer both the Minnesota State Building Code and Facilities For the Handicapped.

**IV. Statement of Reasonableness**

*Minnesota Statutes* Chapter 14 requires the agency to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. This means that the agency must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the department is appropriate. The reasonableness of the proposed rules is discussed below.

**A. Reasonableness of the Rules as a Whole**

The proposed rules are reasonable as the prerequisites for certified building official will be more achievable through a combination of education, training and experience. This should enable a greater number of persons that possess a variety of qualifications to apply for certification as a building official without sacrificing competency. Also with the introduction of two additional classes, more persons throughout greater Minnesota where training opportunities for potential building officials is limited, and/or where the predominate building type is residential and small commercial, should possess the necessary qualifications to become certified to administer the state building code or just the statutorily required provisions for the handicapped.

**B. Reasonableness of Individual Rules****Part 1301.0200, Form of Certification****Subpart 1, Certified Building Official**

This new title is needed to more accurately identify the one responsible for building code administration as required in *Minnesota Statute* Section 16B.65 subdivision 1 by removing the terms "state" or "class II". The proposal is reasonable because although the designation changes, the authority of those who were certified as either a state or class II does not.

**Subpart a, Grandfathered Certification**

This change is needed because these proposed rules eliminated the separate designation "Class II certification" and redefined it as "certified building official". This changes the reference accordingly.

**Subpart 2, State Certification**

This is repealed as the state certification is equivalent to the proposed "certified building official".

**Subpart 3, Class I Certification**

In addition to the changes needed to coordinate with that proposed in subpart 1, a revision is proposed to encourage holders of this classification to convert their certification to the new class established in subpart 5. The Class I building official has proved to have limited application as extremely few municipalities consist only of one and two family dwellings. The proposed rule is reasonable because it assists current holders of the Class I certification to convert to a classification that has wider scope by including administration on smaller nonresidential buildings.

**Subpart 4, Class II Certification**

This is repealed as the Class II certification is equivalent to the proposed "Certified Building Official".

**Subpart 5, Certified Building Official-limited**

This is a new classification that is needed to address the need for more certified building officials. It is reasonable because the majority of buildings in many of the smaller jurisdictions in greater Minnesota are one and two family dwellings and exempt classes of buildings. the specific expertise required to administer the code in these areas would now be available where they otherwise would be unable to attract persons with the expertise required of a certified building official. Therefore, many of the smaller jurisdictions in greater Minnesota that have not the majority of buildings encompassed within the jurisdiction.

**Subpart 6, Accessibility Specialist**

This classification is needed primarily for those communities in grater Minnesota that are required by *Minnesota Statute* 16B.72 to administer the provisions of *Minnesota Rules* Chapter 1340, Facilities for the Handicapped, but have not adopted the state building code and, therefore, do not need a certified building official. The rule is reasonable as it now enables local governments to readily obtain a certified person to fulfill their statutory obligation.

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### Part 1301.0300 Certification Prerequisites

This change is needed because under current rules, many otherwise qualified persons are unable to take the state building official exam. They possess a variety of qualifications none of which individually, fully satisfies one of the current four prerequisite categories but which can add up to equivalent expertise.

The proposed point system is reasonable as it provides greater flexibility in satisfying the prerequisites by recognizing a combination of qualifications that are equivalent to those possessed by an individual who satisfied one of the previous prerequisite categories.

It is necessary that a certified building official obtain a minimum of 100 points to reasonably ensure that a person possesses the necessary technical background to administer the entire state building code on all buildings. This is reasonable because 100 points generally corresponds to the current prerequisites for a Class II Building Official.

It is necessary that a certified building official-limited obtain a minimum of 30 points and attend the training course in order to administer the state building code on a majority of residential and smaller nonresidential buildings. This is reasonable as the training course is designed for the types of buildings governed by this certification class and provides the necessary information to prepare a person to administer the state building code.

It is necessary that an accessibility specialist attend the training course in order to obtain the skills necessary to administer the accessibility provisions of the state building code on all buildings. This is reasonable as the training course provides all the necessary information to prepare a person to administer the accessibility provisions.

#### A. Education

- (1) One-hundred (100) points for the BI/IT AAS degree is reasonable as the degree is one of the current recognized prerequisite standards to become certified.
- (2) Sixty (60) points for the BI/BIT Certificate is reasonable because it consists only of the technical course work portion of the ASS degree and yet represents 60 percent of a current recognized prerequisite standard to become certified.
- (3)
  - (a) Twenty (20) points for these four courses is reasonable because although they represent about 17 percent of the 60 point BI/BIT certificate, they are the most relevant and beneficial to becoming a certified building official.
  - (b) Four (4) points each per other BI/BIT courses is reasonable because each course represents four percent of the remaining 60 point BI/BIT certificate.
- (4) One (1) point each per the specified type of post secondary courses is reasonable because their content is typically not more than 25 percent as relevant to building code administration as the BI/BIT courses listed in subitem (3). A maximum accumulation of 30 points is reasonable because it approximates the number of courses required in subitem (5) for an associate's degree.
- (5) Thirty (30) points for the appropriate associate's degree is reasonable because it represents about one-third of the background necessary in becoming a certified building official.
- (6) Sixty (60) points for the appropriate bachelor's degree is reasonable because the length of the course work is twice that of an associate's degree as in subitem (5) and represents about two-thirds of the background necessary in becoming a certified building official. As additional nonbuilding code specific post-secondary coursework does not provide additional substantive benefit in becoming a certified building official, it is reasonable that additional points not be claimed under subitems (4) or (5).

#### B. Certificates

- (1) One-hundred (100) points for possessing the three parts of this certification by C.A.B.O. is reasonable because they are one of the currently recognized prerequisite standards to becoming certified. Thirty-five (35) points each for possessing the administration or technology segments is reasonable because they cover more relevant subject matter to a certified building official than does the law portion.
- (2) One-hundred (100) points for possessing both certificates by I.C.B.O. is reasonable because they are one of the currently recognized prerequisite standards to becoming certified. Sixty (60) points for possessing only the plans examiner certification is reasonable as it covers a greater range of relevant subject matter to a certified building official than does the building inspector certification exam by I.C.B.O.
- (3) Forty (40) points for possessing a Minnesota Class I certification is reasonable because the knowledge demonstrated by obtaining a Class I certification generally equates to that demonstrated by possessing the building inspector certification as in subitem (2)(a).
- (4) Fifty (50) points for possessing a Minnesota certified building official-limited certification is reasonable because of

the 30 points already demonstrated as a prerequisite by part 1301.0300 and having had completed the required course and examination.

**C. Experience**

(1) Twenty (20) points per year of the listed type of municipal code experience is reasonable because this is consistent with one of the currently recognized prerequisite standards to becoming certified. A maximum accumulation of 80 points is reasonable because on-the-job building code experience with appropriate supervision provides a major part of the background necessary to become a certified building official.

(2) Ten (10) points per year of the listed type of design or construction experience is reasonable because this type of experience does not typically provide more than 50 percent as much relevant building code administration experience as the municipal building code experience listed in subitem (1). A maximum accumulation of 30 points is reasonable because this type of experience is dependent on additional specific training in building codes to adequately prepare to become a certified building official.

D. It is reasonable that points be assigned to other relevant education, certifications, and experience deemed by the State Building Inspector to compare with A to C because these items do not represent all the potential sources of applicant training to becoming a certified building official.

**Part 1301.0400 Application for Certification**

These changes are needed to clear up confusion that exists among applicants as to how payment is made, when an applicant is scheduled for examination, and who schedules the examination. The amendments are reasonable as they clarify that the payment made for certification is to be made to the state treasurer and that the department of employee relations schedules the applicant to take the examination.

**Part 1301.0700 Authority; Purpose**

This part is revised to include the new titles of building officials-limited and accessibility specialist in the certification maintenance plan of the rule.

**Part 1301.0900 Units of Instruction**

This part adds the identity of the certification classes that require recertification. In accordance with *Minnesota Statute 16B.65* subdivision 7, these subitems are needed to ensure individuals certified in the new categories, continue to inform themselves on current technologies. This is reasonable as building construction technology changes and these certified persons must keep up to date.

Items B and C. This is a reformatting of the existing requirements whereby the: Grandfathered and "certified building official" are now identified individually.

Item D. As this class of certified building official may have a minimal amount of training and experience and often be located outside of the metropolitan area, it is necessary that they demonstrate their on-going training on a regular yearly basis for the first three year cycle. This is reasonable as they must achieve the same 24 units of instruction within three years as a certified building official.

Item E. It is necessary that an accessibility specialist obtain a minimum of one-half the units of instruction required of the building official certifications. This is reasonable as an accessibility specialist is not responsible for enforcement of the entire state building code. Six of the units to be related to building accessibility is needed because at least 50 percent of the duties of this person will be specifically technical. The remaining six units may be in other areas of building code administration.

**Part 1301.1000 Credit for Instruction**

Subpart 1, item M, is needed to recognize those who are certified by the International Conference of Building Officials and receive credit by successfully completing a reexamination once every three years. One unit is reasonable as the exam is approximately one-fourth as long as the original examination in item J where four units are recognized.

**Part 1301.1100 Requirements for Recertification**

Subpart 1. This subpart contains a grammatical change to clarify its application to all persons certified according to this

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subpart. The reference to 60 days is deleted as it precludes persons from including units of instruction achieved within the last 60 days of their certification period.

### Part 1301.1200 Removal from Office and Relocation of Certification

The change in this section is needed to make the statement gender neutral and to clarify that the rule applies to building officials certified according to this chapter.

### V. Small Business Considerations

*Minnesota Statute* 14.115, subdivision 2 (1988) requires the department, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

The division has evaluated the effect of the proposed rules on small businesses and determined there will be no effect as these rules do not affect small businesses directly. See *Minnesota Statutes* 14.115 subdivision 7 (2).

### VI. Fiscal Impact

*Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

### VII. Conclusion

Based on the foregoing the proposed amendments to *Minnesota Rules* Chapter 1301 are both needed and reasonable.

Dated: 2 February 1994

Debra Rae Anderson, Commissioner  
Department of Administration

### Rules as Proposed

#### 1301.0200 FORMS OF CERTIFICATION.

**Subpart 1. Certified building official.** A "certified building official" is a person currently identified on the certification card as a "certified building official," "building official class II," or "building official Class S." Effective July 1, 1993, all newly certified or recertified officials of these certifications must be identified as "certified building official" on the certification card. This classification is granted to a person who has met the "certified building official" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this certification may serve as the building official for any municipality.

**Subp. 1a. Grandfathered certification.** A grandfathered certification is identified with the letter "M" on the certification card. This classification is was granted to a person who was serving a community as a building inspector on May 27, 1971, and continued to serve in that position through July 1, 1972. A person with this certification may only serve the community the person was serving on July 1, 1972. This certification requires continuing education the same as a Class II certified individual under subpart 4.

**Subp. 2. [See repealer.]**

**Subp. 3. Class I certification.** A Class I certification is identified as "Class I" on the certification card. This classification is was granted to a person who met a prerequisite and passed a written examination. This classification places a restriction to only allow restricts the person holder to administer administering the code only for one- and two-family dwellings and their accessory structures. Effective As of July 1, 1990, this class will is no longer be issued. A person Persons with this classification may continue to hold this classification by submitting evidence of fulfilling the appropriate continuing education programs program established by parts 1301.0700 to 1301.1200 part 1301.0900, item A. A person with this classification may apply for a Class II certification if the person meets the qualifications and passes the test in part 1301.0300.

**Subp. 4. [See repealer.]**

**Subp. 5. Certified building official-limited.** This certification is identified as "certified building official-limited" on the certification card. This classification is granted to a person who has met the "certified building official-limited" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification may perform



code administration for one- and two-family dwellings, their accessory structures, and "exempt classes of buildings" as provided in part 1800.5000 of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture rules, as well as "facilities for the handicapped" provisions in chapter 1340 of the Minnesota State Building Code. Code administration for all other buildings must be performed by a certified building official as defined in subpart 1. However, the certified building official-limited may conduct inspections at the direction of a certified building official or the state building inspector.

**Subp. 6. Accessibility specialist.** This certification is identified as "accessibility specialist" on the certification card. This certification is granted to a person who has met the "accessibility specialist" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification is limited to the administration of those provisions of the Minnesota State Building Code which provide access for persons with disabilities.

Use of this certification is restricted to municipalities that according to *Minnesota Statutes*, sections 16B.72 and 16B.73, do not administer the code. If a municipality adopts the Minnesota State Building Code, the responsibilities for code administration and enforcement are under the authority of the certified building official or the certified building official-limited.

### **1301.0300 CERTIFICATION PREREQUISITES.**

After June 30, 1990, a person desiring certification as a building official shall comply with one of the prerequisites in items A to E and pass a written examination on the appropriate laws and administration requirements for the state. The person must:

A. possess a certificate as a certified building official issued following successful passage of a written examination given by the Council of American Building Officials;

B. be certified as a certified building inspector and a certified plans examiner by the International Conference of Building Officials;

C. have a certificate issued by a nationally recognized testing agency in subject matter that would compare to item A or B;

D. have a certificate offered through a community college system in the discipline of building inspection technology and a minimum of two years of experience with a building inspection department of a municipality; or

E. have an Associate in Applied Science degree in building inspection technology offered through the community college system.

Prior to making application for certification as a certified building official, a person shall accumulate a minimum of 100 points from the categories in items A to C.

Prior to making application for certification as a certified building official-limited, a person shall accumulate a minimum of 30 points from categories in items A to C and attend the course specified by the state building inspector.

Prior to making application for certification as an accessibility specialist, a person shall attend the course specified by the state building inspector.

**A. Education:** BI/BIT refers to building inspection technology programs offered in the community college system. Points shall be awarded as follows for successful completion of the program or courses listed:

(1) BI/BIT AAS degree, 100 points;

(2) BI/BIT certificate, 60 points;

(3) BI/BIT code-related courses:

(a) field inspection, nonstructural plan review, building department administration, and building codes and standards, 20 points total for all four courses; zero points if any of the courses in this unit have not been successfully completed;

(b) upon successful completion of the courses named in unit (a), additional BI/BIT building code courses, four points each up to a maximum accumulation of 40 points;

(4) postsecondary courses in building construction, building construction-oriented architecture or engineering, or public administration, one point each up to a maximum accumulation of 30 points;

(5) an associate's degree in building construction, building construction-oriented architecture or engineering, or public administration, 30 points;

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(6) a bachelor's degree in building construction-oriented architecture or engineering, 60 points. If points are claimed in this category, additional points may not be claimed in subitem (4) or (5).

**B. Certifications:** Points shall be awarded for certifications obtained as follows:

(1) Council of American Building Officials building officials examination:

(a) administration, 35 points;

(b) law, 30 points;

(c) technology, 35 points;

(2) International Conference of Building Officials examination:

(a) building inspector, 40 points;

(b) plans examiner, 60 points;

(3) Minnesota Class I certification, 40 points;

(4) Minnesota certified building official-limited certification, 50 points.

**C. Experience:** Points shall be awarded for experience obtained as follows:

(1) municipal building code inspection or plan review experience under the supervision of a currently certified building official, 20 points each year up to a maximum accumulation of 80 points;

(2) experience in the design of buildings or in the construction of buildings with specific skilled participation in the assembly of foundations, superstructures, or installation of the building's mechanical systems, ten points per year up to a maximum accumulation of 30 points.

**D. Other education, certifications, and experience relating to the field of the construction industry that is not enumerated in items A to C must be given credit as determined by the state building inspector based on comparison with the prerequisites in items A to C.**

### 1301.0400 APPLICATION FOR CERTIFICATION.

A person seeking certification as a building official shall submit a completed application to the state building inspector on an application form provided by the commissioner, along with a nonrefundable \$70 fee payable to the state treasurer. The state building inspector shall review applications for compliance with prerequisites in part 1301.0300. If the prerequisites are satisfied, the state building inspector shall forward the approved application to the Department of Employee Relations for scheduling the applicant to take the applicable examination if the prerequisites are satisfied.

### 1301.0700 AUTHORITY; PURPOSE.

Parts 1301.0700 to 1301.1200 establish the guidelines for building official, building official-limited, and accessibility specialist certification maintenance under *Minnesota Statutes*, section 16B.65, subdivision 7.

### 1301.0900 UNITS OF INSTRUCTION REQUIRED.

This part establishes the number of units of instruction required within a three-year period to maintain certification.

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

**B. A Class II grandfathered certified building official must receive credit for 24 units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2.**

**C. A certified building official must receive credit for 24 units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2.**

**D. A certified building official-limited must in each year for the first three-year period in which the certification is obtained, receive credit for eight units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2. Credit for instruction must be reported yearly for the first three-year period by the method described in part 1301.1100. Thereafter, a certified building official-limited must receive 24 units of instruction through any of the programs described in part 1301.1100, subpart 1 or 2.**

**E. An accessibility specialist must receive credit for 12 units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2. Six of the 12 units must be courses relating to building accessibility.**

### 1301.1000 CREDIT FOR INSTRUCTION.

**Subpart 1. Approved programs.** The following programs are approved for the indicated number of units of instruction:

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

K. certification as a certified building official by the Council of American Building Officials after January 1, 1985, six units; ~~and~~

L. teaching a course at the community college level in the building inspection technology program or a course at a technical college, one unit per three hours of instruction; ~~and~~

M. maintenance of an International Conference of Building Officials certification, one unit.

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

#### **1301.1100 REQUIREMENTS FOR RECERTIFICATION.**

Subpart 1. **Submission of information.** Each person certified building official under this chapter must provide evidence to the state building inspector on forms approved by the state building inspector and provided by the Building Codes and Standards Division of attendance or participation in an educational offering and indicate the number of units of instruction earned.

The information must be submitted to the state building inspector ~~60 days~~ before the last day of the third calendar year following the date of the last certification issued. ~~For example, for a person certified before January 1, 1985, the last day of the third calendar year is December 31, 1987.~~

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

#### **1301.1200 REMOVAL FROM OFFICE AND REVOCATION OF CERTIFICATION.**

Under *Minnesota Statutes*, section 16B.65, subdivision 5, upon notice and hearing, a building official certified under this chapter may be removed from office and have ~~his or her~~ the certification revoked if competent evidence is submitted to the commissioner indicating that a building official has consistently failed to act in the public interest in performance of duties. A hearing must be held pursuant to ~~the provisions of Minnesota Statutes~~, chapter 14, governing contested case proceedings.

**REPEALER.** Minnesota Rules, part 1301.0200, subparts 2 and 4, are repealed.

## **Department of Human Services**

### **Proposed Permanent Rules Relating to the Licensing of Residential and Nonresidential Programs**

#### **Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received**

**Introduction.** The Minnesota Department of Human Services intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by March 30, 1994, a public hearing will be held on April 12, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after March 30, 1994, and before April 12, 1994.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Jim Schmidt  
Minnesota Department of Human Services  
Licensing Division  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3816  
(612) 296-7473  
Fax (612) 297-1490

**Subject of Rule and Statutory Authority.** The proposed rule sets forth administrative licensing requirements for residential and nonresidential programs licensed by the Department except for child foster care, adult foster care, and family day care. The Commissioner has delegated the licensing functions for child foster care, adult foster care, and family day care programs to the counties under *Minnesota Statutes*, section 245A.16 and *Minnesota Rules*, Parts 9543.0010 to 9543.0150.

The statutory authority to adopt the rule is *Minnesota Statutes*, section 245A.09. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

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Proposed rule parts 9543.1000 to 9543.1060 will replace administrative licensing requirements in 14 program rules. Administrative licensing requirements in the 14 program rules identified below will be replaced with a cross reference to the administrative licensing rule.

Minnesota's Rule Number	(DHS Rule Number)
Part 9503.0003 to 9503.0175	(Rule 3)
Part 9520.0500 to 9520.0690	(Rule 36)
Part 9525.0215 to 9525.0355	(Rule 34)
Part 9525.0500 to 9525.0660	(Rule 18)
Part 9525.1500 to 9525.1690	(Rule 38)
Part 9525.2000 to 9525.2140	(Rule 42)
Part 9530.4100 to 9530.4450	(Rule 35)
Part 9530.5000 to 9530.6500	(Rule 43)
Part 9545.0750 to 9545.0855	(Rule 4)
Part 9545.0900 to 9545.1090	(Rule 5)
Part 9545.1200 to 9545.1330	(Rule 6)
Part 9545.1400 to 9545.1500	(Rule 8)
Part 9555.9600 to 9555.9730	(Rule 223)
Part 9570.2000 to 9570.3600	(Rule 80)

The administrative licensing rule includes rule parts governing Applicability, Definitions, Application And License Requirements, Denial Of Application, Licensing Actions For Failure To Comply With Rule, Administrative Licensing Actions, and Negative Licensing Actions.

Pursuant to Governor Carlson's Executive Order 92-15 the Department also revised licensing requirements in the program rules listed above to determine whether there were unnecessary licensing or program requirements that could be deleted without affecting the health or safety of individuals served by the program. Unnecessary rule requirements identified during the Department's review are being deleted. In addition to the deletion of unnecessary rule requirements, the Reviser of Statutes identified a number of technical amendments necessary to correct citation errors in existing rules. Those technical amendments are included in the proposed rule.

**Copy of the Rule.** A free copy of this rule is available upon request from Nancy Bishop, Department of Human Services, Appeals & Regulations Division, 444 Lafayette Road, St. Paul, MN 55155-3816 telephone number (612) 296-7454. A copy of the proposed rule may also be reviewed at any of the county welfare or human service agencies in the State of Minnesota.

**Comments.** You have until 4:30 p.m. on March 30, 1994, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on March 30, 1994. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for April 12, 1994, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Jim Schmidt at (612) 296-7473 after March 30, 1994, to find out whether the hearing will be heard.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on April 12, 1994, on the fifth floor of the Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota beginning at 9 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Steve Mihalchick. Judge

Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, #1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; telephone (612) 349-2544.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative Law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearing no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 1.20. Questions about procedure may be directed to the administrative law judge.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** In addition to the small business consideration requirements under *Minnesota Statutes*, section 14.115, the Department has considered the requirements of Executive Order 92-15 which directs state departments and agencies to eliminate unnecessary rules and regulations affecting Minnesota businesses. Individuals, corporations, partnerships, voluntary association, controlling individuals, and other corporations licensed under *Minnesota Statutes*, chapter 245A generally meet the definition of "small business" under *Minnesota Statutes*, section 14.115, subdivision 1. Pursuant to *Minnesota Statutes*, section 14.115, subdivision 2, the agency is directed to consider each of the following methods for reducing the impact of the rule on small businesses:

- (a) the establishment of less stringent compliance or reporting requirements for small business;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

The Department has considered the establishment of less stringent compliance or reporting requirements for small business as required in item (a). A number of the proposed amendments in the rule eliminate unnecessary licensing requirements including reporting requirements. More detailed reviews of the various program requirements are also underway in other rulemaking efforts.

The Department considered less stringent schedules or deadlines for compliance or reporting requirements for small businesses. Part 9543.1020, subpart 12, requires a license holder to submit an application for licensure at least 30 days prior to the expiration date of an existing license. The 30 day standard is necessary to ensure that the license does not lapse while the subsequent license application is being processed. The rule also permits, consistent with *Minnesota Statutes*, section 245A.09, subdivision 7, paragraph (d), the issuance of a license for a period up to two years. The Department believes the two year license period will reduce the inconvenience of inspections for high quality programs while ensuring appropriate oversight of programs with less satisfactory program compliance. Less time will be spent on average and below average programs where there are complaints of serious and/or reported violations.

The Department considered consolidating and simplifying compliance or reporting requirements for small businesses. There are a number of recordkeeping or reporting requirements that are costly to small businesses without a direct relationship to program quality. Sometimes the information sought is available but not necessarily in the format mandated by the rule. The Department is eliminating unnecessary recordkeeping and reporting requirements.

The Department is establishing performance standards for small businesses to replace design or operation standards required in the rule. In the past, all programs were subject to licensure once a year. The proposed rule extends the license period for quality programs from one year to two years.

Although the Department has considered the requirements under *Minnesota Statutes*, section 14.1115, small businesses have not been exempted from the requirements of the rule since the legislature has already identified persons and programs that are exempt

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## Proposed Rules

from licensure under *Minnesota Statutes*, section 245A.03, subdivision 2. The Department can not exempt small businesses from licensing requirements and also comply with the statutory objectives that are the basis for the rulemaking.

**Expenditure of Public Money by Local Public Bodies.** The proposed rule does not have a fiscal impact on local governments. The licensing functions identified in the rule are performed by the Department of Human Services. The rule will reduce state costs by eliminating the number of rules that will need to be amended to comply with changes in *Minnesota Statutes*, chapter 245A. Upon adoption of the rule, the Department can comply with statutory changes by modifying one rule rather than 14. The Department estimates an annual savings of \$11,000.

**Impact on Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2 requires agencies proposing rules that have a direct and substantial adverse impact on agricultural land to comply with additional statutory requirements. The proposed rule does not impart agricultural land and, therefore, the additional statutory provisions do not apply.

**Rule that Sets Fees.** *Minnesota Statutes*, section 16A.18, subdivision 1a, requires that if a fee or fee adjustment is required to be filed by rule, the Commissioner of Finance's approval may be in the statement of need and reasonableness. The proposed rule does not establish licensing fees. It references current licensing fee requirements in *Minnesota Rules*, parts 9545.2000 to 9545.2040. Under the proposed rule, a license may be issued for a period up to two years. If the license period is greater than one year, the license application fee must be paid for the first 12 months with the remainder due before the beginning of the 13th month of licensure. The Department does not believe the requirements under *Minnesota Statutes*, section 16A.128, subdivision 1a, apply to this rule because the rule simply cross references the licensing fees in *Minnesota Rules*, parts 9545.2000 to 9545.2040.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Jim Schmidt at the address listed above.

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified 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 rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filled with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 14 January 1994

Maria R. Gomez  
Commissioner

### Rules as Proposed

#### 9503.0032 TEACHERS.

**Subpart 1. Teacher qualifications, general.** A teacher must be at least 18 years old and meet the qualifications in ~~item E subpart 2~~ with the following exceptions:

A. A person employed as a teacher as of the effective date of parts 9503.0005 to 9503.0170 who met the qualifications in part 9545.0600, subpart 1, item B, is considered to meet the qualifications of a teacher, but must meet the qualifications in this part within three years of the effective date of parts 9503.0005 to 9503.0170.

B. Any new employee hired as a teacher during the first three years after the effective date of parts 9503.0005 to 9503.0170 must meet the qualifications in this part or the license holder must document that the person hired at least meets the qualifications in part 9545.0600, subpart 1, item B, and that the person will meet the qualifications in this part within three years of the effective date of parts 9503.0005 to 9503.0170.

C. A registered nurse or licensed practical nurse is qualified as a teacher for infants only.

D. B. A registered nurse may be used to meet the staff to child ratios for a teacher for sick care in a center licensed to operate a sick care program.

E. Subp. 2. Teacher education and experience requirements. A teacher with the credential listed in column A must have the education and experience listed in column B.

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**Proposed Rules**

Column A	Column B
(1) A high school or General Education Development (GED) diploma	Experience: 4,160 hours as assistant teacher  Education: 24 quarter credits
(2) Diploma from Association Montessori Internationale; preprimary credential, primary diploma, or provisional certificate from the American Montessori Society, without a baccalaureate degree	Experience: 2,080 hours as assistant teacher, aide, or student intern  Education: 12 quarter credits
(3) Preprimary credential, primary diploma, or provisional certificate from the American Montessori Society; or diploma from the Association Montessori Internationale with a baccalaureate degree	Experience: 1,040 hours as assistant teacher, aide, or student intern  Education: no additional required
(4) Minnesota technical institute certificate as a Child Development Assistant	Experience: 2,080 hours as an assistant teacher  Education: six quarter credits
(5) Child Development Associate credential (center based or family day care) for preschool or for infants and toddlers from the Council for Early Childhood Professional Recognition	Experience: 1,560 hours as assistant teacher, aide, or student intern  Education: no additional required
(6) License from the Minnesota Department of Education for Prekindergarten Associate; or a certificate or credential for a two year program from an accredited community college or technical college in child development or early childhood education	Experience: 1,040 hours as assistant teacher, aide, or student intern  Education: six quarter credits

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# Proposed Rules

Column A	Column B
(7) Baccalaureate degree from an accredited college or university in any field	Experience: 1,040 hours as assistant teacher, aide, or student intern  Education: 18 quarter credits
(8) License from the Minnesota Department of Education for elementary education without kindergarten endorsement	Experience: 520 hours as assistant teacher, aide, or student intern if teaching children under school age  Education: six quarter credits within one year of initial employment if teaching children under school age
(9) License from the Minnesota Department of Education for prekindergarten/nursery, or a license from the Minnesota Department of Education for elementary education with a kindergarten endorsement	Experience: no additional required  Education: no additional required

## 9503.0033 ASSISTANT TEACHERS.

**Subpart 1. Assistant teacher qualifications, general.** An assistant teacher must work under the supervision of a teacher. An assistant teacher must be at least 18 years old and meet the qualifications in ~~item E~~ **subpart 2** with the following exceptions:

**A.** A person employed as an assistant teacher on the effective date of parts 9503.0005 to 9503.0170 who met the qualifications in part 9545.0600, subpart 1, item C, is considered to meet the qualifications of an assistant teacher, but must meet the qualifications in this part within three years of the effective date of parts 9503.0005 to 9503.0170.

**B.** Any new employee hired as an assistant teacher during the first three years after the effective date of parts 9503.0005 to 9503.0170 must meet the qualifications in this part or the license holder must document that the person hired at least meets the qualifications in part 9545.0600, subpart 1, item C, and that the person will meet the qualifications within three years of the effective date of parts 9503.0005 to 9503.0170.

**C.** A registered nurse or licensed practical nurse is qualified as an assistant teacher for infants only.

**D. ~~B.~~** A registered nurse may be used to meet the staff to child ratios for an assistant teacher for sick care in a center licensed to operate a sick care program.

**E. Subp. 2. Assistant teacher education and experience requirements.** An assistant teacher with the credential listed in column A must have the education and experience listed in column B.

Column A	Column B
(1) High school diploma or General Education Development (GED) equivalency	Experience: 2,080 hours as an aide or student intern  Education: 12 quarter credits



Column A	Column B
(2) Minnesota license as a family day care or group family day care provider	Experience: 2,080 hours as a licensed family day care or group family day care provider  Education: 12 quarter credits
(3) Diploma from Association Montessori Internationale or preprimary credential, primary diploma, or provisional certificate from the American Montessori Society	Experience: 520 hours as an aide or student intern  Education: three quarter credits
(4) Minnesota technical institute certificate as a Child Development Assistant	Experience: 520 hours as an aide or student intern  Education: no additional required
(5) Two years full-time postsecondary education from a college or university	Experience: 1,040 hours as an aide or student intern  Education: nine quarter credits
(6) Child Development Associate credential, center based or for family day care, from the Council for Early Childhood Professional Recognition	Experience: no additional required  Education: no additional required
(7) Baccalaureate degree in any field from an accredited college or university	Experience: no additional required  Education: nine quarter credits
(8) Certificate or credential for a two year program in	Experience: no additional required

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## Proposed Rules

Column A	Column B
child development or early childhood education at a Minnesota community college or technical college	Education: no additional required
(9) License from the Minnesota Department of Education for Prekindergarten Associate	Experience: no additional required
	Education: no additional required

### 9503.0034 AIDES, VOLUNTEERS, SUBSTITUTES.

Subpart 1. **Aide qualifications.** In this part, "aide" means a staff person who carries out child care program activities under the supervision of a teacher or assistant teacher. An aide who is under 18 years old must be directly supervised by a teacher or assistant teacher at all times except when the aide is assisting with the supervision of sleeping children or assisting children with washing, toileting, and diapering. An aide must be at least 16 years old.

A person employed as an aide or child care assistant on the effective date of parts 9503.0005 to 9503.0170 who met the qualifications in part 9545.0600, subpart 1, item E, is considered to meet the qualifications of an aide, but must meet the qualifications in this part within one year of the effective date of parts 9503.0005 to 9503.0170.

Any new employee hired as an aide during the first year after the effective date of parts 9503.0005 to 9503.0170 must meet the qualifications in this part or the license holder must document that the person will meet the qualifications within one year of the effective date of parts 9503.0005 to 9503.0170.

Subp. 2. **Volunteers used as staff.** A volunteer who is included in the staff to child ratio must meet the requirements for the assigned staff position as specified in parts 9503.0030 to 9503.0034. Volunteers who have direct contact with or access to children must be supervised by a staff person who meets the qualifications for director, teacher, or assistant teacher.

Subp. 3. **Substitute staff.** A person designated as a substitute must meet the qualifications for the assigned staff position as specified in parts 9503.0030 to 9503.0034, except that the license holder may use substitutes who do not meet the qualifications for teacher in part 9503.0032, ~~item E~~ subpart 2, or assistant teacher in part 9503.0033, ~~item E~~ subpart 2, only if:

A. the amount of unqualified substitute hours per center per calendar year does not exceed 40 hours multiplied by the number of the center's full-time teacher and assistant teacher positions;

B. unqualified substitutes are not used as teachers or assistant teachers for more than ten consecutive working days for the same group of children per calendar year; and

C. there is always a person qualified as a teacher present within the center except as qualified in part 9503.0040, subpart 2, item B.

### 9503.0040 STAFF RATIOS AND GROUP SIZE.

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

Subp. 4. **Age designation.** A child must be designated as a member of the age category that is consistent with the child's date of birth with the following exceptions:

A. A child may be designated as an "infant" up to the age of 18 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that such a designation is in the best interests of the child. A child may be designated as a "toddler" up to the age of 35 months, or as a "preschooler" at the age of 31 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that the designation is in the best interests of the child. The child's age category, either "infant," "toddler," or "preschooler" must be noted in the child's record.

B. ~~Attendance of~~ A child in the first day of attending kindergarten must be ~~documented in the child's record, and the child must then be~~ designated a school age child.

### 9503.0050 NAPS AND REST.

Subpart 1. **Naps and rest policy.** The applicant must develop a policy for naps and rest that is consistent with the developmental level of the children enrolled in the center. ~~The license holder must see that the policy is carried out.~~

Subp. 2. **Parent consultation.** The parent of each child must be informed at the time the child is enrolled of the center's policy

on naps and rest. After consultation with the child's parent, any deviation from the policy on naps and rest that is designed to meet the individual needs of a child must be noted in the child's record.

[For text of subps 3 to 6, see M.R.]

#### **9503.0085 SICK CARE PROGRAM.**

Subpart 1. **Licensure of sick care programs.** If a license holder chooses to care for a sick child, then the license holder must operate a sick care program that complies with the standards specified by this part and with all other applicable provisions of parts 9503.0005 to 9503.0170, and any standards of the commissioner of health governing the group care of children. ~~A sick care program may be operated within a center licensed to operate a day program, a drop in program, or a night program or may operate to provide child care exclusively to sick children.~~

Subp. 2. **Review of admission and health policies and practices.** At the time of initial license application, after the first six months of initial operation, and annually after that time, a sick care program's admission policies must be reviewed and approved by a licensed physician with a specialization in pediatric care. The physician's review must include consultation with the licensed registered nurse or physician responsible for admissions. A report of the physician's findings must be sent to the commissioner with the initial application for licensure, and subsequent reports must be placed in the center's administrative record.

The license holder operating a sick care program must ensure that the program's health policies and practices are reviewed quarterly by a health consultant ~~and that the health consultant's findings are sent to the commissioner after each review.~~

[For text of subps 3 to 9, see M.R.]

Subp. 10. **Additional staff to child ratios and staff distribution requirements.** A one to four staff to child ratio must be maintained at all times in a room used to care for sick children. At least two staff persons must be present in a center operating a sick care program whenever sick children are in care. The first staff person must be a nurse registered by the Board of Nursing to practice professional nursing ~~who also meets the qualifications in part 9503.0030, subpart 2.~~ The second staff person must meet the qualifications for a teacher in part 9503.0032. The remaining staff persons must at least meet the qualifications and follow the staff distribution pattern specified in part 9503.0040.

[For text of subp 11, see M.R.]

Subp. 12. **Food preparation.** Food provided by the license holder and prepared at the center must be prepared in a room separate from rooms where sick care is provided and must be delivered to each sick care room in individual servings and in covered containers. Procedures for preparing, handling, and serving food and washing food, utensils, and equipment must comply with the requirements in parts ~~4625.2400 4625.2401 to 4625.5000 4625.4701.~~

[For text of subps 13 and 14, see M.R.]

Subp. 15. **Outdoor activity area, activities and equipment exception.** A license holder operating a sick care program that provides care exclusively to sick children need not provide the outdoor activity area required in part ~~9503.0115~~ 9503.0155, subpart 7; outdoor activities as specified in part 9503.0045, subpart 1, item I; and the outdoor equipment required in part 9503.0060, subpart 4, item B, subitem (9); subpart 5, item B, subitem (9); and subpart 6, item B, subitems (7) and (11).

[For text of subps 16 to 18, see M.R.]

#### **9503.0090 INFORMATION FOR PARENTS.**

Subpart 1. **Policies given to parents.** At the time of a child's enrollment, the parent must be provided with written notification of the:

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

~~E. type and level of liability insurance coverage held by the license holder for the center and for all vehicles owned and operated by the license holder for the transportation of children;~~

~~F. center's policy requiring a health care summary and immunization record of a child;~~

~~G. E. policies and procedures for the care of children who become sick at the center and parent notification practices for the onset of or exposure to a contagious illness or condition or when there is an emergency or injury requiring medical attention;~~

~~H. G. center's policies and procedures for administering first aid and sources of care to be used in case of emergencies;~~

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- ~~F. H.~~ center's policies on the administration of medicine and permission requirement for the administration of ipecac syrup;
- ~~J. I.~~ procedures for obtaining written parental permission for field trips;
- ~~K. L.~~ procedures for obtaining written parental permission before each occasion of research, experimental procedure, or public relations activity involving a child;
- ~~L. K.~~ center's policies on the provision of meals and snacks;
- ~~M. L.~~ center's behavior guidance policies and procedures;
- ~~N. M.~~ presence of pets;
- ~~O. N.~~ center's policy that parents of enrolled children may visit the center any time during the hours of operation; and
- ~~P. Q.~~ telephone number of the Department of Human Services, Division of Licensing.

Subp. 2. **Parent conferences and daily reports.** The license holder must ensure that the parent of a child is informed of the child's progress. The license holder must ensure that:

- A. ~~a preenrollment conference is held between the parent and a program staff person;~~
- ~~B.~~ individual parent conferences are planned and offered by program staff at least twice a year;
- ~~C. B.~~ documentation is made in the child's record that individual parent conferences were planned and offered;
- ~~D. C.~~ the status of the child's intellectual, physical, social, and emotional development is reported to the parent during the conference; and
- ~~E. D.~~ daily written reports are made to the parent of an infant or toddler about the child's food intake, elimination, sleeping patterns, and general behavior.

### 9503.0110 EMERGENCY AND ACCIDENT POLICIES AND RECORDS.

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

Subp. 3. **Policy content.** The policies must contain:

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

I. Procedures for recording accidents, injuries, and incidents involving a child enrolled in the center; ~~a staff person, or a visitor.~~ The written record must contain the name and age of the persons involved; date and place of the accident, injury, or incident; type of injury; action taken by staff; and to whom the accident, injury, or incident was reported.

J. Procedures mandating ~~a semiannual~~ an annual analysis of the record in item I and any modification of the center's policies based on the analysis.

[For text of subp 4, see M.R.]

### 9503.0115 CENTER ADMINISTRATIVE RECORDS.

The records required by this part must be maintained within the center and be available for inspection at the request of the commissioner. The license holder must ensure that the following are maintained:

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

~~G. a list of reportable, communicable diseases as defined in part 4605.7040;~~

~~H. the separation reports mandated in part 9503.0055; and~~

~~I. H.~~ the report by the health consultant mandated in part 9503.0140; and,

~~J. a record for each consultant whose services the center purchases either by contracting directly with the individual or by contracting for the person's services with another organization. The record must contain a copy of a signed contract or letter of appointment specifying conditions and terms of employment and documentation that the person under contract meets any licensure, registration, or certification requirements required to perform the services specified in the contract.~~

### 9503.0120 PERSONNEL RECORDS.

The license holder must ensure that a personnel record for each staff person is maintained at the center. The personnel record for each staff person must contain:

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

~~B. the telephone number of a person to be notified in an emergency;~~

~~C. the staff person's job description;~~

~~D.~~ documentation that the staff person has completed the applicant background study required in part 9503.0025;

~~E.~~ the staff person's application, resume, and documentation indicating that the staff person meets the requirements of the staff person's job description position and the education and experience requirements specified in parts 9503.0031 to 9503.0034;

~~F.~~ C. documentation that the staff person has completed the orientation to the center required in part 9503.0035, subpart 1;

~~G.~~ D. documentation, when applicable, that the staff person has completed the first aid and CPR training required in part 9503.0035, subparts 2 and 3; and

~~H.~~ E. documentation of completion of the in-service training required by part 9503.0035, subpart 4, showing the training topic, source of training, number of hours completed, and method used to document mastery of the subject;

~~I.~~ documentation of procedures for and completion of an annual evaluation of the staff person's work and specification of in service training needs; and

~~J.~~ documentation of any disciplinary action including termination.

The license holder shall not disclose a staff person's personnel record to any person other than the staff person, the staff person's legal representative, the staff person's supervisor, or employees of the license holder designated by the license holder to maintain personnel records; and the commissioner, unless the staff person has given written consent or as otherwise required by law.

#### **9503.0140 HEALTH.**

[For text of subps 1 to 7, see M.R.]

Subp. 8. [See repealer.]

[For text of subps 9 and 10, see M.R.]

Subp. 11. **Diaper changing area.** A diaper must be changed only in the diaper changing area. The diaper changing area must be separate from areas used for food storage, food preparation, and eating. The area must have a hand sink equipped with hot and cold running water within three feet of the diaper changing surface, a smooth nonabsorbent diaper changing surface and floor covering, and a sanitary container operated by a foot pedal for soiled and wet diapers.

[For text of subps 12 to 21, see M.R.]

Subp. 22. **Pets.** If pets are permitted at the center, parents must be informed at the time of admission that a pet is present. ~~Pets must be properly housed, cared for, inoculated, and licensed in accordance with local health ordinances and codes.~~

#### **9503.0145 FOOD AND WATER.**

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

Subp. 2. **Menus.** When food is provided by the license holder, ~~menus must be planned on a monthly basis and posted in a conspicuous place where they can be reviewed by parents. A sample menu must be provided to parents at the time of admission.~~ menus must comply with the nutritional requirements of the United States Department of Agriculture, Food and Nutrition Service, *Code of Federal Regulations*, title 7, section 226.20.

Subp. 3. **Sanitation.** Procedures for preparing, handling, and serving food, and washing food, utensils, and equipment must comply with the requirements for food and beverage establishments in parts ~~4625.2400 4625.2401 to 4625.5000 4625.4701~~. If the food is prepared off site by another facility or if food service is provided according to a contract with a food service provider, the facility or license holder must ensure that food is prepared in compliance with parts ~~4625.2400 4625.2401 to 4625.5000 4625.4701~~. The license holder must provide refrigeration for dairy products and other perishable foods, whether supplied by the license holder or supplied by the parent. The refrigeration must have a temperature of 40 degrees Fahrenheit or less. Tables and highchair trays used for meals must be washed with soap and water before and after each use.

[For text of subps 4 to 7, see M.R.]

Subp. 8. **Water.** The center must have a safe water supply. A center that uses water from a privately owned well that is not governed by chapter 4720 must be tested annually by a Minnesota Health Department certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. The license holder must ensure that a record of the test results is in the center's administrative record. ~~Any results indicating a level of coliform bacteria and nitrate nitrogen not within the coliform bacteria and nitrate nitrogen levels specified in chapter 4720, must be sent to the commissioner of health, the Board of Health as defined in Minnesota Statutes,~~

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section 145A.02, and the licensing division of the Department of Human Services. The commissioner of health may issue an advisory order for retesting and corrective measures.

Drinking water must be available to children throughout the hours of operation and offered at frequent intervals. Drinking water for children must be provided in single service drinking cups or from drinking fountains accessible to children.

### 9503.0150 TRANSPORTATION.

A license holder who provides transportation for children or contracts to provide transportation must comply with the following transportation policies:

A. ~~The vehicle must be licensed according to Minnesota Statutes, chapter 168, and comply with the equipment standards in Minnesota Statutes, chapter 169.~~

~~B.~~ The vehicle must be driven by a person who holds a current Minnesota driver's license appropriate to the vehicle driven.

~~C. B.~~ Staff ratios must be maintained on all transportation provided on all field trips.

~~D. C.~~ When children are driven in a private car or van, a second adult must be present when more than four children under the age of five are being transported.

~~E. D.~~ When the license holder provides transportation to and from the center, a second adult must be present in the vehicle and children must not be transported more than one hour per one-way trip. A two-way communication system can be used in lieu of a second adult when ten or fewer children are being transported.

~~F. E.~~ When children are transported, they must be restrained in accordance with *Minnesota Statutes*, section 169.686, and a child under the age of four may be transported only if the child is properly fastened in a child passenger restraint system that meets the federal motor vehicle safety standards contained in *Code of Federal Regulations*, title 49, section 571.213.

### 9503.0155 FACILITY.

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

Subp. 3. **Reinspection for cause.** If the commissioner has reasonable cause to believe that a potential hazard exists, the commissioner may request another inspection and written report by a fire marshal, building official, or health authority to verify the absence of hazard. ~~Any condition cited by a fire marshal, building official, or health authority as hazardous or creating an immediate danger of fire or threat to health and safety must be corrected before a license is issued or renewed.~~

[For text of subps 4 to 7, see M.R.]

Subp. 8. **Telephone; posted numbers.** A telephone that is not coin operated must be located within the center. A list of emergency numbers must be posted next to the telephone. ~~The 911 emergency number, when available, must be posted.~~ If a 911 emergency number is not available, the numbers listed must be those of the local fire department, police department, emergency transportation, and poison control center.

[For text of subps 9 to 11, see M.R.]

Subp. 12. **Water hazards.** Bodies of water within or adjacent to the center must be inaccessible to children. When using a pool or beach, children must be supervised at all times. ~~When children use a swimming pool, as defined in chapter 4717, or a beach, an attendant trained in first aid and resuscitation must be present. Any public swimming pool, as defined in chapter 4717, used by children must meet the requirements of chapter 4717.~~

[For text of subp 13, see M.R.]

Subp. 14. [See repealer.]

[For text of subps 15 to 17, see M.R.]

Subp. 18. **Toilets and hand sinks.** Toilets and hand sinks must be provided as specified in items A to H G:

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

C. ~~Toilets and hand sinks designated for use by children under school age must be available either on the floor used by the children or on an adjacent floor no more than eight steps up or down from the floor used by the children.~~

~~D.~~ Hand sinks for children must not be used for custodial work or food preparation.

~~E. D.~~ The temperature of hot water in the hand sinks used by children must not exceed 120 degrees Fahrenheit.

~~F. E.~~ Single service towels or air dryers must be available to dry hands and designed for easy use by the children.

~~G. E.~~ Toilets, sinks, faucets, and hand drying devices in the toilet area used by children under school age other than infants must be placed at a height appropriate to the ages of the children.

~~H. G.~~ Portable steps may be used to meet the requirement in item ~~G F~~ for toddlers and preschoolers, if the steps are sturdy and washable.

#### **9503.0170 LICENSING PROCESS.**

Subpart 1. **License required.** A person, corporation, partnership, voluntary association, or other organization may not operate a child care program in a center unless licensed by the commissioner under parts 9503.0005 to 9503.0170 and 9543.1000 to 9543.1060.

Subp. 2. [See repealer.]

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

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Correction orders and fines.** If the commissioner finds that the license holder does not comply with parts 9503.0005 to 9503.0170, the commissioner may issue a correction order as set forth in part 9543.1040 and Minnesota Statutes, section 245A.06, subdivisions 1 and 2. If the license holder has not corrected the violation within the time set for correction, the commissioner may impose a fine under *Minnesota Statutes, section 245A.06, subdivisions 3 to 6.* Fines must be assessed as follows:

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

B. The license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to failure to comply with parts 9503.0005, subpart 25 (supervision); ~~9503.0030, subpart 3 (disqualification factors);~~ 9503.0035, subpart 1 (orientation training); 9503.0040 (staff ratios and group size); 9503.0050, subpart 3 (confinement limitation); 9503.0070 (night care program), subpart 6 (staffing); 9503.0080 (exclusion of sick children); 9503.0085 (sick care program); 9503.0125, items A to I (children's records); 9503.0130, subparts 1 and 2 (reporting); 9503.0140 (health); 9503.0145 (food and water); 9503.0150 (transportation); and 9503.0155 (facility); and 9503.0170, subparts 4 (change in license terms) and 5 (commissioner's right of access).

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

#### **9520.0510 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 9520.0500 to ~~9520.0690~~ 9520.0670, the following terms have the meanings given them.

Subp. 2. **Applicant.** "**Applicant**" ~~means an individual, organization, association, partnership, corporation, or unit of a state institution which submits an application for licensure under parts 9520.0500 to 9520.0690~~ has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 3.

[For text of subps 3 to 12, see M.R.]

Subp. 13. **License.** "License" has the meaning given it in *Minnesota Statutes, section 245A.02, subdivision 9 8.*

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

Subp. 15. **Mental health counselor.** "Mental health counselor" means an individual who, under the supervision of a mental health therapist or program director, provides treatment for mentally ill residents in a mental health residential program and who meets the requirements of part 9520.0660, subpart 8. The specific title of the individual employed in this position is at the discretion of the program as long as the title selection fairly reflects the responsibilities defined in parts 9520.0500 to ~~9520.0690~~ 9520.0670 for a mental health counselor.

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

Subp. 17. **Mental health therapist.** "Mental health therapist" means an individual skilled in providing mental health therapy in a mental health residential program and who meets the requirements of part 9520.0660, subpart 7. The specific title of the individual employed in this position is at the discretion of the program as long as the title selection fairly reflects the responsibilities defined in parts 9520.0500 to ~~9520.0690~~ 9520.0670 for a mental health therapist.

[For text of subp 18, see M.R.]

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Subp. 19. **Mental health worker.** "Mental health worker" means an individual who, under the supervision of a mental health counselor, mental health therapist, or program director, provides care, support, or assistance to mentally ill residents in a mental health residential program and who meets the requirements of part 9520.0660, subpart 9. Possible job titles for this staff position are resident manager, human services technician, independent living skills worker, and licensed practical nurse. The specific title of the individual employed in this position is at the discretion of the program as long as the title selection fairly reflects the responsibilities defined in parts 9520.0500 to 9520.0690 9520.0670 for a mental health worker.

[For text of subps 20 to 30, see M.R.]

### 9520.0520 LICENSING PROCESS.

Subpart 1. **License required.** No mental health residential program shall operate in Minnesota unless it has a current and valid license or provisional license as required by parts 9543.1000 to 9543.1060, and Minnesota Statutes, sections 245A.01 to 245A.16.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

### 9520.0560 PROGRAM ORGANIZATION AND ADMINISTRATION.

Subpart 1. **Advisory committee.** Each program shall have an advisory committee which provides for community representation and public participation in its operation. The advisory committee shall have a core group which comprises a quorum. The core group shall include at least one program resident, the facility's administrator, and a community representative. The advisory committee shall document the procedure whereby residents are assured access to the advisory committee. The committee shall meet at least quarterly. Minutes of the meetings shall be recorded and kept on file at the facility. ~~Each program shall provide to the department a list of names and titles of the members of the advisory committee who are members at the time of submitting an application or renewal of a license under parts 9520.0500 to 9520.0690.~~

Subp. 2. [See repealer.]

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

### 9520.0570 REQUIRED DOCUMENTATION AND REPORTS.

Subpart 1. **Insurance coverage.** Each program shall have written documentation of insurance coverage in an amount sufficient to protect the interests of residents and staff. ~~Each program must document the specific types and amounts of coverage and the carrier or carriers.~~

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

Subp. 3. **Financial information.** ~~Each program shall make available to the commissioner an annual fee schedule.~~ A new program shall document in writing a plan of funding sufficient to meet total projected program costs for a period of at least one year in addition to start-up costs.

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 6. **Vulnerable adults.** Each applicant shall ~~document compliance~~ comply with provisions of *Minnesota Statutes*, section 626.557.

[For text of subps 7 and 8, see M.R.]

### 9520.0590 PERSONNEL POLICIES AND PROCEDURES.

Subpart 1. **General requirements.** Each program shall have a written personnel policy and shall make a copy of it available to ~~each employee upon employment and to the department for review.~~ Personnel policies shall be carried out in accordance with affirmative action policies and equal employment opportunity regulations.

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

Subp. 3. **Job evaluation.** The personnel policy shall provide for job performance evaluations conducted on a regular and ongoing basis with a written annual review. ~~As part of the annual performance review, each staff member shall have a growth and development plan. Each program shall develop a policy and establish procedures for resident input into staff evaluations.~~

Subp. 4. **Conditions of employment.** The personnel policy shall describe the employees' conditions of employment, ~~including~~



~~their benefits, hours of work, methods of promotion,~~ and the general conditions which constitute grounds for dismissal and suspension.

[For text of subp 5, see M.R.]

Subp. 6. [See repealer.]

[For text of subps 7 to 9, see M.R.]

Subp. 10. [See repealer.]

#### **9525.0235 LICENSURE.**

Subpart 1. **License required.** An individual, corporation, partnership, voluntary association, or other organization must not operate a residential program unless licensed by the commissioner under parts 9525.0215 to 9525.0355 and 9543.1000 to 9543.1060.

[For text of subps 2 and 3, see M.R.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. [See repealer.]

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

#### **9525.0315 ADMINISTRATION.**

Subpart 1. **Governing body.** The license holder shall ensure that the residential program has a governing body that:

~~A. exercises general direction over the affairs of the residential program and determines the qualifications of the chief executive officer; or~~

~~B. meets the requirements of a governing body under *Code of Federal Regulations*, title 42, section 483.410(a).~~

~~The governing body may be the license holder or an individual or group appointed by the license holder.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

#### **9525.0520 PURPOSE.**

The purpose of these parts is:

A. to establish standards for the provision of services to persons with mental retardation or related conditions whose dependency requires services above the level of food and lodging, but who do not need 24-hour-per-day care or supervision, as provided in residences licensed under parts ~~9525.0210~~ 9525.0215 to ~~9525.0430~~ 9525.0355;

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

#### **9525.0530 SCOPE.**

Parts 9525.0500 to 9525.0660 apply to any person, organization, or association engaged in the operation and provision of semi-

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## Proposed Rules

independent living services (SILS) to adults who have or may have mental retardation or related conditions, as provided and defined in part ~~9525.0010~~ 9525.0185, subparts ~~11~~ 8 and ~~13~~ 9. These parts set forth the requirements for any individual, organization, or association providing SILS to more than four adults with mental retardation or related conditions to be licensed pursuant to *Minnesota Statutes*, chapter 245A.

Licensure under these parts does not require concurrent compliance with other Department of Human Services licensing rules or with Minnesota Department of Health supervised living facility standards promulgated under *Minnesota Statutes*, section 144.56.

These parts do not govern the living arrangement of clients. Semi-independent living services licensed under these parts may be provided to persons living in a variety of ordinary community settings other than state hospitals and residential programs licensed under parts ~~9525.0210~~ 9525.0215 to ~~9525.0430~~ 9525.0355 and supervised living facility standards. Community living arrangements in which SILS are provided may include the following, but not be limited to: client's own home, foster home, apartment, or rooming house.

### 9525.0540 PROCEDURES FOR LICENSING.

Subpart 1. [See repealer.]

Subp. 2. **Application for license.** Upon notification that a need for the service has been found by the commissioner, application for license may be made to the commissioner under parts 9543.1000 to 9543.1060.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

### 9525.0560 PROGRAM AND SERVICE STANDARDS.

Subpart 1. **Admission.** The provider shall maintain written policies and procedures, which shall be available to the local social service agency and to the general public, covering the following:

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

~~E. description of services;~~

~~F. discharge procedures; and~~

~~G. cost rates for services and arrangements available for payment;~~

~~H. E. the requirement that each client must have a current medical and dental examination; and~~

~~I. waiting lists and selection priorities.~~

[For text of subps 2 and 3, see M.R.]

### 9525.0570 ADMINISTRATIVE STANDARDS; PROVIDER RESPONSIBILITIES.

Subpart 1. **Written statement of philosophy.** The provider shall have a written statement of the SILS program philosophy, purpose, and goals which:

A. is consistent with the principles of normalization;

B. includes expected client outcomes; and

C. is available to the public; and

~~D. is reviewed by the provider at least annually and revised as needed.~~

[For text of subps 2 and 3, see M.R.]

### 9525.0620 PERSONNEL POLICIES.

The provider shall have written personnel policies available to staff. The policies shall include:

A. ~~application and hiring procedures;~~

~~B. provisions for nondiscrimination;~~

~~C. description of probationary period, if any, and procedures for annual performance evaluation;~~

~~D. procedures for suspension and dismissal;~~

~~E. employee benefits;~~

- F. ~~grievances and appeal procedures;~~
- G. prohibition of mistreatment, neglect, or abuse of clients, and mandatory reporting of any mistreatment, neglect, or abuse;
- ~~H. B.~~ plans for staff orientation, training; and
- I. ~~C.~~ prohibition of the use of any aversive or deprivation procedures.

**9525.1510 PURPOSE AND APPLICABILITY.**

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

Subp. 3. **Exclusions.** Parts 9525.1500 to 9525.1690 do not apply to:

A. an intermediate care facility for persons with mental retardation and related conditions that is not a regional center and that provides training and habilitation services to facility residents as part of the facility's residential program licensed under parts ~~9525.0210~~ 9525.0215 to ~~9525.0430~~ 9525.0355;

B. providers that are licensed under parts ~~9545.0510~~ 9503.0005 to ~~9545.0670~~ 9503.0170 and that provide services only to persons under 18 years of age; or

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

Subp. 4. **Exemptions for regional centers.** The following provisions of parts 9525.1500 to 9525.1690 do not apply to a regional center that can document compliance with corresponding standards in parts ~~9525.0210~~ 9525.0215 to ~~9525.0430~~ 9525.0355 and *Code of Federal Regulations*, title 42, sections 441.516 to 442.400, as amended through October 1, 1985:

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

**9525.1520 LICENSING PROCESS.**

Subpart 1. **License application.** A corporation, partnership, governmental unit, individual, or individuals that provide training and habilitation services to adults with mental retardation and related conditions must ~~obtain a license from the department. Applications for a license must be made on the application form provided by the commissioner. The commissioner shall provide the applicant information on how to obtain:~~

A. the application form;

B. a copy of parts 9525.1500 to 9525.1690 and statutes and rules referenced in parts 9525.1500 to 9525.1690; and

C. the department documentation forms needed to verify compliance with parts 9525.1500 to 9525.1690 be licensed under parts 9543.1000 to 9543.1060.

Subp. 2. [See repealer.]

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

Subp. 4. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. **Variance request.** An applicant or provider may request a variance from compliance with parts 9525.1500 to 9525.1690 ~~from the commissioner at any time if the variance would not threaten the health, safety, or rights of the persons served. An applicant or provider who requests a variance must send a copy of the variance request to the board of county commissioners of the host county within seven days of making the request.~~

A request for a variance must be submitted to the commissioner in writing. The written request must include the following information:

A. the sections of parts 9525.1500 to 9525.1690 from which the applicant or provider requests a variance;

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~~B.~~ the reasons why the applicant or provider needs to depart from the specified sections;

~~C.~~ the period for which the applicant or provider requests a variance; not to exceed one year or the expiration date of the license; and

~~D.~~ the specific equivalent measures that the applicant or provider will take to ensure the health, safety, and rights of persons receiving services if the variance is granted as provided in part 9543.1020, subpart 5.

Any request for a variance from rule provisions related to fire, safety, occupancy codes, or food handling, water, and nutrition must be accompanied by a written statement from the fire marshal, building official, or authorized agent with jurisdiction that granting the variance does not pose a threat to the health and safety of persons receiving services.

Subp. 12. [See repealer.]

[For text of subps 13 and 14, see M.R.]

### 9525.1550 ADMINISTRATIVE POLICIES AND RECORDS.

Subpart 1. **Maintenance and availability of policies and records.** A provider shall follow the written policies and maintain the records required in this part. The written policies and records must be provided to the commissioner upon request and must be available for inspection as provided in part 9525.1520, subpart 5. The provider must make copies of all written policies available to counties, applicants for services, and to others as requested.

Subp. 2. **Provider's organization and policy manual.** The provider shall maintain an organization and policy manual. The manual must be made available on request to the commissioner, host county, and county boards that contract with the provider. The manual's contents must be reviewed annually by the governing body or a designated staff member or committee and must show a date indicating when it was most recently revised. The manual must contain up to date (current within the last calendar year) versions of the information in items A to H ~~E~~:

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

~~C.~~ summary of cooperative arrangements the provider has with community businesses and organizations to facilitate provision of employment opportunities; opportunities for social interaction with nondisabled people; and opportunities for training at service sites not owned or leased by the provider;

~~D.~~ an organization chart showing current positions funded by the provider;

~~E.~~ written policies and criteria governing admission, exclusion, suspension, and discharge developed under part 9525.1560;

~~F.~~ ~~D.~~ the provider's written behavior management policy developed under part 9525.1640;

~~G.~~ ~~E.~~ policies on the collection and dissemination of data on persons receiving services from the provider; and

~~H.~~ ~~E.~~ policies and procedures required by the Vulnerable Adults Act, *Minnesota Statutes*, section 626.557.

Subp. 3. [See repealer.]

Subp. 4. **Personnel file.** The provider must have a personnel file for each employee that includes:

A. the employee's application or other written summary of the employee's qualifications; and

B. the employee's health record, including verification that the employee has had a physical examination within 12 months before employment or two months after employment;

~~C.~~ a signed statement from the employee stating that the employee knows the job description, has received the required orientation training, and that all written policies and procedures have been explained and are understood;

~~D.~~ documentation of the probationary evaluation and all regular evaluations including at least an annual written evaluation; and

~~E.~~ documentation of all training completed under part 9525.1640, subpart 4.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Certificate required for work activity or subminimum wage.** When the provider is paying persons receiving employment or employment related services less than the minimum wage, the provider must have the certificate from the Wage and Hour Division of the United States Department of Labor required by *Code of Federal Regulations*, title 29, parts 524 to 525 as amended through July 1, 1986.

[For text of subp 8, see M.R.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

[For text of subp 12, see M.R.]

Subp. 13. [See repealer.]

#### **9525.1560 ADMISSION, EXCLUSION, SUSPENSION, AND DISCHARGE.**

Subpart 1. **Approval of policy, procedures, and criteria governing admission, exclusion, suspension, and discharge.** The provider must have a written policy that sets forth criteria for admission, exclusion, suspension, and discharge. The written policy and criteria must be approved annually by the governing body and must include procedures to be followed by the provider and host county before a suspension, exclusion, or discharge takes place. These procedures, policies, and criteria must be included as part of the host county contract under parts ~~9500.0010~~ 9550.0010 to ~~9500.0092~~ 9550.0092 and the three party agreements under part 9525.1240.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Suspension procedures.** A provider may suspend a person only when the provider has documented that the person's behavior prompting the suspension presented an immediate danger as defined in part 9525.1500, subpart 19. The provider must notify the person's case manager and legal representative of the suspension within 24 hours of the suspension's effective date. A person may be suspended for no more than three consecutive service days up to a maximum of six days per calendar year. Within 24 hours after the suspension the provider must:

A. document that the procedures agreed upon by the provider and the host county in the county contract under parts ~~9500.0010~~ 9550.0010 to ~~9500.0092~~ 9550.0092 and the three party agreements under part 9525.1240 have been followed before suspension;

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

Subp. 5. **Discharge procedures.** A provider may discharge a person only when a condition or the conditions specified in item A, B, or C is met.

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

C. The provider has documented before the discharge that the person's behavior constituted an immediate danger, the provider has notified the person's case manager and legal representative of the provider's intent to discharge the person under subpart 6, and the provider documents in the person's file:

(1) that the procedures agreed upon by the provider and host county in the county contract under parts ~~9500.0010~~ 9550.0010 to ~~9500.0092~~ 9550.0092 and the three party agreements under part 9525.1240 have been followed before discharge;

[For text of subitems (2) to (7), see M.R.]

[For text of subp 6, see M.R.]

#### **9525.1590 DOCUMENTING OUTCOMES OF SERVICES REQUIRED FOR LICENSURE.**

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

Subp. 2. **Outcomes of training and habilitation services.** Providers must collect data for each person receiving services on a quarterly basis throughout the calendar year. Data must be current as of the last day of the quarter being reported and must include:

- A. the type of employment activity, location, and job title;
- B. ~~the number of hours the person worked per week;~~
- C. ~~the person's hourly wage and eligibility for fringe benefits;~~

~~D.~~ the number of disabled coworkers receiving provider services at the same work site where the person for whom the data is reported is working; and

- ~~E.~~ C. the number of nondisabled and nonsubsidized coworkers employed at the work site.

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### 9525.1640 BEHAVIOR MANAGEMENT.

Subpart 1. **Behavior management policy.** The provider must have a written policy governing the use of behavior management techniques and must ensure that staff are familiar with and follow the policy. The written policy must:

A. ~~be developed by the governing body in consultation with persons representative of the population served by the provider or by those persons' legal representatives;~~

B. ~~be available to caregivers and other interested parties on request;~~

C. ~~B.~~ specify that behavior management procedures are to be used only as one element of an individual habilitation program plan that focuses on developing adaptive behaviors to increase a person's ability to function independently in daily living;

D. ~~C.~~ specify that assessment of behavioral needs will include specific descriptors of a problem behavior, an assessment of environmental and communicative factors that might influence a person's behavior, and a thorough review of other factors that might be influencing the person's behavior; and

E. ~~D.~~ require documentation that instructional techniques incorporating functional analysis of behavior and positive reinforcement have been tried and found to be unsuccessful before a more intrusive procedure is implemented; and

F. ~~specify that the use of aversive or deprivation procedures must meet the standards in subpart 2.~~

Subp. 2. [See repealer.]

### 9525.1650 SERVICE SITES OWNED OR LEASED BY PROVIDER.

Subpart 1. [See repealer.]

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

### 9525.1690 TRANSPORTATION.

Subpart 1. **Provision of transportation.** To the extent possible, a person receiving services shall use or be trained to use public transportation to and from service sites. ~~If persons receiving services are transported in vehicles owned or leased by the provider, or contracted for by the provider, the provider must show evidence of compliance with or exemption from parts 8840.5100 to 8840.6300 governing special transportation operating standards.~~ Providers must have a written transportation policy that meets the requirements in subparts 2 to 4.

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

### 9525.2000 PURPOSE AND APPLICABILITY.

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

Subp. 3. **Exclusions.** Parts 9525.2000 to 9525.2140 do not govern the provision of respite care and do not apply to residential programs serving more than four persons that are licensed under parts ~~9525.0210~~ 9525.0215 to ~~9525.0430~~ 9525.0355.

### 9525.2020 LICENSURE.

Subpart 1. **License required.** An individual, corporation, partnership, voluntary association, or other organization must be licensed by the commissioner to provide home and community-based residential habilitation services under parts 9543.1000 to 9543.1060.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

[For text of subs 8 and 9, see M.R.]

### 9525.2080 SERVICE RECOMMENDATIONS.

The license holder shall provide written service recommendations to the county case manager and the person or the person's legal representative. Written service recommendations must be directed toward achieving the outcomes stated in part 9525.2030 and shall be prepared:

A. before the interdisciplinary team meeting, held during the first 30 days of service provision, where the individual habilitation program plan is developed; and

B. as part of the quarterly reports, the annual evaluation of service outcomes and additional reports prepared according to part 9525.2110;

C. upon completion of an assessment authorized by the county case manager as required in part 9525.2090;

D. following an incident requiring emergency intervention as described in part 9525.2100, subpart 3; and

E. when the license holder identifies a reason for the case manager to consider changing services, service methods, or service outcomes.

#### **9525.2100 INDIVIDUAL HABILITATION PROGRAM PLAN (IPP) DEVELOPMENT AND IMPLEMENTATION.**

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

Subp. 2. **Implementation of the ~~HHP~~ IPP.** The license holder must provide the residential-based habilitation services specified in the ~~HHP~~ IPP and authorized by the case manager. The license holder shall document the procedures and methods used to implement these services and describe how these procedures and methods are directed toward achieving the requirements listed in part 9525.2030. This documentation must be initially developed within ten calendar days of development of the ~~HHP~~ IPP, must be reviewed at least annually, and revised as necessary. The procedures and methods must be consistent with the requirements of the ~~HHP~~ IPP unless a modification of the ~~HHP~~ IPP is agreed to by the person or the legal representative and is authorized by the case manager or unless modifications are required by emergency intervention described in subpart 3. The license holder's documentation of the procedures and methods used must be made available to the person or the person's legal representative and must include:

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

F. the names of the staff or contractors responsible for implementing each objective; and

G. a description of how the services provided by the license holder are coordinated with the services provided by other agencies and individuals listed in the plan file according to subpart 4, item L;

H. a description of how implementation of the ~~HHP~~ involves family and friends; and

I. medication administration procedures, if applicable, with written approval by a licensed physician or registered nurse.

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

Subp. 4. **Plan file.** The license holder must have an individual plan file for each person receiving services. This file must be immediately available to the staff responsible for service implementation. The file must contain:

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

K. A statement of the financial transactions for each person to whom the license holder has been authorized by the county case manager to provide assistance with money management.

L. A listing of other agencies or individuals providing services to the person. The listing must identify the name of the agency, the phone number of the contact person for the agency, the services provided to the person by the agency, and areas needing service coordination.

#### **9530.4120 LICENSING OF PROGRAMS.**

Subpart 1. **License required.** A rehabilitation program may not operate in Minnesota unless it has a current valid license or provisional license as required by parts 9543.1000 to 9543.1060 and Minnesota Statutes, sections 245A.01 to 245A.16. An applicant or license holder applying for more than one program license may reference in the second application the materials submitted with the applicant's or license holder's first application.

Subp. 2. [See repealer.]

Subp. 3. **Contents of application.** An applicant shall submit the following to the commissioner prior to issuance of a license:

A. an application, on a form supplied by the commissioner, which includes the applicant's name and address, the name of the rehabilitation program, the location of the facility, the category of license applied for, proposed program capacity, and target population;

B. documentation of compliance with all applicable building codes, fire and safety codes, health rules, as specified under

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subpart 5; zoning ordinances; and other applicable rules and regulations or documentation that an appropriate waiver has been granted. The granting of a waiver does not constitute a modification of any requirement of parts 9530.4100 to 9530.4400;

~~C.~~ documentation that it has completed an assessment of need for a new or expanded program in accordance with part 9530.6800;

~~D.~~ a copy of its admission and discharge policies and criteria;

~~E.~~ B. the number of hours of counseling provided, and other rehabilitative client services; and

~~F.~~ a list of its governing body; and documentation that its program director and other direct service staff meet the qualifications specified under part 9530.4270;

~~G.~~ documentation of compliance with *Minnesota Statutes*, section 245A.04, subdivision 3, on forms and in a manner prescribed by the commissioner;

~~H.~~ documentation that its medical services comply with part 9530.4320;

~~I.~~ C. documentation of insurance coverage, including bonding, sufficient to cover all client funds, property, and interests and all grants awarded to the program;

~~J.~~ a client fee schedule;

~~K.~~ a plan for funding that meets the total projected program costs for a period of at least one year in addition to start up costs;

~~L.~~ a program evaluation plan that complies with part 9530.4230, subpart 1;

~~M.~~ a program abuse prevention plan that complies with part 9555.8200; and

~~N.~~ a nonrefundable licensing fee.

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 6. **Change in license terms.** In addition to the requirements in part 9543.1020, subpart 9, a license holder must apply to the commissioner and a new license must be issued before the license holder:

~~A.~~ increases the licensed capacity;

~~B.~~ changes Minnesota Department of Health licensure status;

~~C.~~ changes program location;

~~D.~~ changes, sells, or transfers ownership or responsibility for the operation of the program;

~~E.~~ reduces the total number of hours of rehabilitation services provided; or

~~F.~~ B. changes staffing patterns or ratios, reducing the amount of program services offered.

A license holder shall initiate the study required under *Minnesota Statutes*, section 245A.04, subdivision 3, within ten days of the addition of a new employee of the rehabilitation program. The study must be initiated on forms and in a manner prescribed by the commissioner.

Subp. 7. [See repealer.]

### 9530.4250 PERSONNEL POLICIES AND PROCEDURES.

Subpart 1. **Policy requirements.** The license holder shall have written personnel policies, and shall make them available to each employee when hired. Personnel policies must:

~~A.~~ comply with federal, state, and local regulations regarding employment;

~~B.~~ assure that employee retention, promotion, job assignment, or pay are not affected by a good faith communication between an employee and the Minnesota Department of Health, the Minnesota Department of Human Services, or the local agencies for investigation of complaints regarding a client's rights, health, or safety concern;

~~C.~~ B. contain job descriptions for each position specifying responsibilities, degree of authority to execute job responsibilities, standards of job performance related to the specified job responsibilities, and qualifications;

~~D.~~ C. provide for job performance evaluations, based on the standards of job performance, to be conducted on a regular and continuing basis, with a written annual review;

~~E.~~ describe the employees' conditions of employment, including their benefits, hours of work, and methods of promotion;

~~F.~~ D. describe the behavior which constitutes grounds for disciplinary action, suspension, or dismissal, including policies on



mental health and chemical use problems, policies prohibiting personal involvement with clients in violation of *Minnesota Statutes*, chapter 148A, and policies prohibiting client abuse as specified under *Minnesota Statutes*, sections 626.556 and 626.557; and

G. include a chart or description of organizational structure indicating lines of authority and responsibilities;

H. describe a grievance procedure for use by staff that allows the aggrieved party to bring the grievance to the highest level of authority in the operation of the program; and

I. ~~E.~~ include a program of orientation for all new staff based on a written plan that, at a minimum, must provide for training related to the specific job functions for which the employee was hired, program policies and procedures, the needs of clients to be served, and the areas identified in subpart 2, items A to D.

Subp. 2. **Staff development plan.** The license holder shall have a written staff development plan. The staff development plan shall identify training adapted to the needs of the program's target population. The plan must specify training requirements for counselors in current treatment concepts and methods.

The license holder must assure that each staff person working directly with clients receives at least 15 hours of continuing education annually. All training completed must be recorded in individual personnel files. The training must include the following areas in a 12-month period:

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

D. reporting of abuse of vulnerable adults and maltreatment of minors as specified under *Minnesota Statutes*, sections 626.556 and 626.557, and parts 9555.8000 to 9555.8500 and ~~9560.0250~~ 9560.0210 to ~~9560.0300~~ 9560.0234.

#### **9530.4300 ADMISSION, INFORMATION AND REFERRAL, AND DISCHARGE POLICIES.**

Subpart 1. **Admission policy.** Each license holder shall have a written admission policy. ~~A copy of the admission policy must be submitted to the commissioner with the application for a license.~~ This policy must be posted in the area of the facility where clients are admitted, or given to all interested individuals upon inquiry and all clients upon admission. The admissions policy shall also designate which staff members are authorized to admit and discharge clients.

The license holder must have a written policy that requires that no client be discriminated against during admission, discharge, or the provision of program services ~~in accordance with Minnesota Statutes, sections 253B.04, subdivision 1, and 363.03 because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status.~~

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

#### **9530.5300 LICENSURE.**

Subpart 1. **Requirement.** ~~No Outpatient treatment program shall operate without a current and valid license or provisional license to operate in the state of Minnesota. The license shall prescribe the person or organization operating the program and the location of the program. programs must be licensed under parts 9543.1000 to 9543.1060. The program must submit for department approval additions or deletions of services provided by the program which affects the implementation of the individual treatment plans. Additions or deletions must be submitted for approval by the department within 60 days after implementation.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

[For text of subp 10, see M.R.]

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Subp. 11. [See repealer.]

### 9530.6300 ADMINISTRATION AND MANAGEMENT.

Every outpatient treatment program shall have written administrative and management policies governing the administration and supervision of the operations, the program, and the duration of the program. Such documentation shall include:

~~A. A written plan describing the program's philosophy, organization, and role of supervisory personnel.~~

~~B. Administration and service goals and objectives for the operation of the program.~~

~~C. Policies and criteria for admission and discharge, including a definition of when a client is considered active in the program. The admission procedure shall include:~~

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

~~D. B. A written description of program design and methodology.~~

~~E. C. A written delineation of the interrelationship of the program and other appropriate public and private service providers.~~

~~F. D. The program must develop an annualized projection of individual and/or family counseling hours, group counseling hours, admission and discharge interviews, and discharge and/or aftercare planning to be provided by the program. Program must also develop annualized projection of counseling hours available to provide these services based on number of staff positions and equivalent counselor time (see part 9530.5800, item A). Annual projections of service hours and equivalent counselor time must be reviewed, updated, and submitted to the commissioner with each application for renewal.~~

~~G. A written procedure for the provision of services required by individual clients which are unavailable in the program.~~

~~H. E. The program shall have a written referral policy and procedure for client referral between the program's components and/or between the program and other community service providers which includes:~~

[For text of subitems (1) to (4), see M.R.]

~~I. F. An individual record for each client of the program which includes:~~

[For text of subitems (1) to (9), see M.R.]

~~J. G. Follow-up data, obtained within three to six months after the client discontinues the program (those who are either discharged at completion of the program, and those who leave the program before completion), shall be collected from no less than 50 clients drawn randomly, or 100 percent of the discontinued clients, whichever number is less, served in the 12 months since issuance or last renewal of the license and discharged before January 1, 1993. Documentation of efforts to locate clients for follow-up shall be made on a client by client basis. Follow-up contacts should ascertain, for each client:~~

[For text of subitems (1) to (4), see M.R.]

~~K. H. At the time of application for licensure renewal, the applicant shall submit a report to include a summary of data collected pursuant to item J G.~~

~~L. Financial records including an annual budget, records of income and expenditures, fee policies, and record of an annual audit. New programs must document in writing assurances of funding sufficient to meet total projected program costs and start-up costs if any, for a period of at least one year.~~

~~M. I. Records shall be kept on a continuing basis that accurately reflect the number and dates of clients accepted and rejected, number and dates of clients discharged, length of service, and what happens to clients upon leaving the program. Such records shall be furnished to the commissioner upon request. Such records shall be kept for a minimum period of five years for ongoing programs or for one year for defunct programs.~~

~~N. Written documentation of general liability insurance coverage in an amount sufficient to protect the interests of the clients and staff.~~

~~O. A description of the methods by which clients' legal, civil, and human rights will be protected. This shall include the procedures for handling complaints and grievances by clients, their relatives, and/or guardians. A written copy of such rights and procedures shall be given to each client entering the program and posted in a prominent place.~~

The program shall have a written statement of its policies and practices for handling cases of neglect and abuse of its clients.

The risks associated with the use of any therapeutic procedures shall be fully explained to the client in terms the client can understand.

### 9543.1000 APPLICABILITY.

Subpart 1. Applicability. Parts 9543.1000 to 9543.1060 apply to residential and nonresidential programs subject to licensure

under Minnesota Statutes, chapter 245A, except child foster care, adult foster care, and family day care programs. The licensure of child foster care, adult foster care, and family day care programs is governed by parts 9543.0010 to 9543.0150.

Subp. 2. Compliance with other laws. Parts 9543.1000 to 9543.1060 set forth requirements for licensure under Minnesota Statutes, chapter 245A. In addition to the requirements under Minnesota Statutes, chapter 245A, license holders must comply with federal, state, and local laws, ordinances, and codes that regulate or govern a program.

#### **9543.1010 DEFINITIONS.**

Subpart 1. Scope. As used in parts 9543.1000 to 9543.1060, the following terms have the meaning given them.

Subp. 2. Abuse. "Abuse" has the meaning given it in Minnesota Statutes, section 626.557, subdivision 2, paragraph (d).

Subp. 3. Administrative licensing action. "Administrative licensing action" means issuing a correction order, imposing a fine, or placing a program on probation due to a license violation.

Subp. 4. Applicant. "Applicant" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 3.

Subp. 5. Commissioner. "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative.

Subp. 6. Consumer. "Consumer" has the meaning given it in Minnesota Statutes, section 245A.04, subdivision 4.

Subp. 7. Controlling individual. "Controlling individual" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 5a.

Subp. 8. Imminent danger. "Imminent danger" means a child or vulnerable adult is threatened with immediate and present abuse or neglect that is life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

Subp. 9. License. "License" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 8.

Subp. 10. License holder. "License holder" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 9.

Subp. 11. Maltreatment. "Maltreatment" has the meaning given it in Minnesota Statutes, section 626.556, subdivision 10e, paragraph (a).

Subp. 12. Negative licensing action. "Negative licensing action" means the denial of a license application, suspension, revocation, or immediate suspension of an existing license.

Subp. 13. Neglect. "Neglect" has the meaning given it in Minnesota Statutes, section 626.557, subdivision 2, paragraph (e).

Subp. 14. Nonresidential program. "Nonresidential program" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 10.

Subp. 15. Program. "Program" means a residential program or nonresidential program.

Subp. 16. Residential program. "Residential program" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 14.

Subp. 17. Volunteer. "Volunteer" means an individual who provides program services for a resident under the direction of the license holder but is not compensated for providing those program services.

#### **9543.1020 APPLICATION AND LICENSE REQUIREMENTS.**

Subpart 1. License required. Except as provided in Minnesota Statutes, section 245A.03, subdivision 2, no person, corporation, partnership, voluntary association, controlling individual, or other organization may operate a program unless licensed by the commissioner.

Subp. 2. Information required before application is processed. An applicant must provide the following information to the department before a license application will be processed.

A. The applicant must submit a license application, on a form provided by the department, that includes:

(1) the applicant's name and address;

(2) the name and location of the program;

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- (3) the geographic area to be served, if applicable;
- (4) the type of license being requested;
- (5) the requested license capacity, if applicable; and
- (6) the age limits of persons served by the applicant, if applicable.

B. The applicant must provide the names and addresses of the owners, board members, or controlling individuals, and an organizational chart depicting organizational authority over the program.

C. A program operating in Minnesota with headquarters outside of the state shall have a license holder within the state.

D. The applicant must provide a description of the services to be offered, the program's service philosophy, and target population, if any.

E. The applicant must document compliance with applicable building codes, fire and safety codes, health rules, zoning ordinances, or document that an appropriate waiver has been granted.

F. The applicant must provide a copy of the program's grievance procedure and timelines for addressing grievances. The program's grievance procedure must permit persons served by the program and their authorized representatives to bring a grievance to the highest level of authority in the program.

G. The applicant must submit a nonrefundable license fee according to the annual fee schedule in part 9545.2020. When a license is issued for less than one year, the department shall prorate the annual licensing fee. When a license is issued for 12 or more months, the applicant must submit the annual licensing fee for months one to 12 with the license application. The annual licensing fee for months 13 to 24 must be submitted by the license holder before the beginning of the 13th month in the licensure period. When the licensure period is greater than 12 months but less than 24 months, the department shall prorate the annual fee for those months remaining in the licensure period.

Subp. 3. Completed application. An application for licensure is complete when the applicant signs the license application and submits the information and licensing fees required in subpart 2.

Subp. 4. Licensing study. Before an applicant is issued a license, the commissioner must complete a licensing study that includes:

- A. a background study under parts 9543.3000 to 9543.3090;
- B. an inspection of the physical plant, if applicable;
- C. an inspection of program records and documents;
- D. an evaluation of the program by consumers served by the program, if available; and
- E. an observation of the program in operation.

If items C to E cannot be completed because a program is not operational, a provisional license may be issued under subpart 10. The licensing study requirements under this subpart apply to programs required to be licensed under *Minnesota Statutes*, chapter 245A but items B and E do not apply to service locations that are not under the control of the program.

Subp. 5. Variance standards. An applicant or license holder may request, in writing, a variance from rule requirements that do not affect the health, safety, or rights of persons receiving services. A variance request must include the following information:

- A. the part or parts of the rule for which a variance is sought;
- B. the reason why a variance from the specified provision is sought;
- C. the period of time for which a variance is requested;
- D. written approval from the fire marshal, building inspector, or health authority when the variance request is for a variance from a fire, building, or health code; and
- E. alternative equivalent measures the applicant or license holder will take to ensure the health and safety of persons served by the program if the variance is granted.

The commissioner's decision to grant or deny a variance request is final and not subject to appeal under *Minnesota Statutes*, chapter 14.

Subp. 6. Additional requirements before granting a residential license. When determining whether to grant a residential license, the commissioner must consider the requirements under *Minnesota Statutes*, section 245A.11.

Subp. 7. Additional requirements before granting a nonresidential license. When determining whether to grant a nonresidential license, the commissioner must consider the requirements under *Minnesota Statutes*, section 245A.14.

**Subp. 8. Issuance of a license, license terms.** If the commissioner determines that the program complies with all applicable rules and laws, the commissioner shall issue a license. The license must state:

- A. the name of the license holder;
- B. the address of the program;
- C. the effective date and expiration date of the license;
- D. the type of license;
- E. the maximum number and ages of persons that may receive services from the program; and
- F. any special conditions of licensure.

**Subp. 9. Proposed changes, commissioner approval required.** A license holder must notify the commissioner and obtain the commissioner's approval before making any changes that would alter the license information listed under subpart 8.

**Subp. 10. Initial license.** An applicant for initial licensure shall be granted a provisional license by the commissioner for a period up to one year.

**Subp. 11. Period of licensure.** The maximum period of licensure is governed by items A to C.

A. The commissioner shall issue the subsequent license that immediately follows the initial license for a period up to one year.

B. Upon completion of the license period in item A, the commissioner shall issue each subsequent license for a period up to two years except as provided in item C.

C. When a license holder is fined, placed on probation, or has a license suspended, the commissioner shall issue subsequent licenses as follows:

(1) upon payment of the fine or successful completion of probation, the commissioner shall issue subsequent licenses for up to one year until the license holder successfully completes a licensing period without being fined, being placed on probation, or having a license suspended; and

(2) following a license suspension, the commissioner shall issue subsequent licenses for up to one year until the license holder successfully completes two consecutive licensing periods without being fined, being placed on probation, or having a license suspended.

When the requirements in subitems (1) and (2) are met, the commissioner shall issue the next subsequent license for up to two years. The commissioner shall continue to issue subsequent licenses for up to two years unless the license holder is fined, placed on probation, or has a license suspended during the license period, in which case, subitems (1) and (2) apply.

**Subp. 12. Subsequent license.** Application for a subsequent license must be made on forms provided by the department. The license holder must submit an application for a subsequent license at least 30 days prior to the expiration date of the existing license.

**Subp. 13. Access to program.** The license holder must grant the commissioner access to the program as required under Minnesota Statutes, section 245A.04, subdivision 5.

**Subp. 14. Drug or alcohol use, prohibited.** To become licensed or to remain licensed, an applicant or license holder must not be an individual, employ or subcontract with an individual, or use as a volunteer, an individual who while on duty:

- A. abuses prescription drugs, uses controlled substances under Minnesota Statutes, chapter 152, or consumes alcohol; or
- B. is under the influence of a drug or alcohol in any manner that impairs or could impair the person's ability to provide care or services.

**Subp. 15. Residential programs, handling resident funds and property.** The license holder must ensure that residents retain the use and availability of personal funds or property unless restrictions are justified in the resident's treatment plan.

A. The license holder must ensure separation of resident funds from funds of the license holder, the residential program, or program staff.

B. Whenever the license holder assists a resident with the safekeeping of funds or other property, the license holder must:

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(1) document receipt and disbursement of the resident's funds or other property, including the signature of the resident, conservator, or payee;

(2) provide a statement, at least monthly, itemizing the monthly receipts and disbursements of resident funds or other property; and

(3) return to the resident upon the resident's request, funds and property in the license holder's possession subject to restrictions in the resident's treatment plan, as soon as possible, but no later than three working days after the date of request.

C. License holders and program staff must not:

(1) borrow money from a resident;

(2) purchase personal items from a resident;

(3) sell merchandise or personal services to a resident;

(4) require a resident to purchase items for which the license holder is eligible for reimbursement; or

(5) use resident funds in a manner that would violate part 9505.0425, subpart 3.

### **9543.1030 DENIAL OF APPLICATION.**

Subpart 1. Denial of application. The commissioner shall deny a license application if the applicant fails to fully comply with laws or rules governing the program or variance requirements. Failure to fully comply shall be indicated by:

A. documentation of specific facility or program deficiencies that endanger the health or safety of persons served by the program;

B. documentation of any disqualifications under parts 9543.3000 to 9543.3090 that have not been set aside;

C. reports from fire, building, or health officials identifying deficiencies that endanger the health or safety of persons served by the program; or

D. any other evidence that the applicant is not in compliance with applicable laws or rules governing the program.

Subp. 2. Notice of denial. The commissioner must give an applicant notice of denial of the license application by certified mail. The notice must state:

A. the reason the application was denied;

B. the time the applicant has to appeal the denial;

C. the procedure to appeal the denial; and

D. the applicant's right to a contested case hearing under *Minnesota Statutes*, sections 14.57 to 14.69.

Subp. 3. Hearings on license denials. Hearings on license denials shall be conducted according to *Minnesota Statutes*, sections 14.57 to 14.69 and 245A.08.

### **9543.1040 LICENSING ACTIONS FOR FAILURE TO COMPLY WITH RULE.**

A license holder's failure to comply with applicable laws or rules governing the program may be cause for an administrative licensing action under part 9543.1050 or a negative licensing action under part 9543.1060.

### **9543.1050 ADMINISTRATIVE LICENSING ACTIONS.**

Subpart 1. Issuance of correction orders. The commissioner may issue a correction order for a license violation rather than a negative licensing action if all of the following conditions are met:

A. the violation does not imminently endanger the health, safety, or rights of persons served by the program;

B. the violation is not serious or chronic; and

C. the violation will be corrected within a reasonable time.

Subp. 2. Contents of correction order. The correction order must state:

A. the conditions that constitute a violation of law or rule;

B. the specific law or rule violated; and

C. the time allowed to correct each violation.

Subp. 3. Reconsideration of correction orders. A license holder may request reconsideration of a correction order according to *Minnesota Statutes*, section 245A.06, subdivision 2.

Subp. 4. Failure to comply with correction order. A license holder who fails to comply with a correction order may be subject to a fine or a negative licensing action as authorized under Minnesota Statutes, section 245A.06, subdivision 3.

Subp. 5. Fines. The commissioner may impose a fine on a licensed program for failure to comply with licensing requirements under Minnesota Statutes, section 245A.06, subdivision 6.

Subp. 6. Notice of fine; appeal. A license holder ordered to pay a fine must be notified as required under Minnesota Statutes, section 245A.06. The license holder may appeal the order to forfeit a fine under Minnesota Statutes, section 245A.06, subdivision 4.

Subp. 7. Probation. The commissioner may place a license holder on probation rather than initiating a negative licensing action under part 9543.1060 if the conditions in items A to C are met.

A. After consideration of the following factors, the commissioner determines that revocation, immediate suspension, or suspension of the license is not warranted:

- (1) the laws or rules that have been violated;
- (2) the nature and severity of each violation;
- (3) whether the violation is recurring or nonrecurring;
- (4) the effect of the violation on persons served by the program;
- (5) an evaluation of the risk of harm to persons served by the program;
- (6) any evaluations of the program by persons served or their families;
- (7) relevant facts, conditions, and circumstances concerning the operation of the program; and
- (8) any aggravating or mitigating factors related to the violation.

B. The commissioner believes that continued operation of the program:

- (1) is in the best interest of persons served by the program; and
- (2) would not pose an unacceptable risk of harm to persons served by the program.

C. The license holder agrees to comply with the terms of probation.

Subp. 8. Notice of probation. The commissioner shall give a license holder notice of probation as required under Minnesota Statutes, section 245A.07, subdivision 3.

Subp. 9. Reconsideration of probation. The license holder may request reconsideration of probation under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (b).

#### **9543.1060 NEGATIVE LICENSING ACTIONS.**

Subpart 1. Negative licensing action. A license holder's failure to comply with program requirements or the terms of licensure may be cause for a negative licensing action. Negative licensing actions shall be taken according to Minnesota Statutes, chapter 245A.

Subp. 2. Information to be considered before imposing a negative licensing action. The commissioner shall consider the following information before issuing a negative licensing action:

- A. the laws or rules that have been violated;
- B. the nature and severity of each violation;
- C. whether the violation is recurring or nonrecurring;
- D. the effect of the violation on persons served by the program;
- E. an evaluation of the risk of harm to persons served by the program;
- F. any evaluations of the program by persons served or their families;
- G. relevant facts, conditions, and circumstances concerning the operation of the program; and

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## Proposed Rules

H. any aggravating or mitigating factors related to the violation.

**Subp. 3. Immediate suspension of license.** If the commissioner has cause to believe the health, safety, or rights of persons served by a program are in imminent danger, the commissioner shall immediately order the suspension of the license. The notice of immediate suspension must state:

- A. the reason for the immediate suspension;
- B. that the program must discontinue operation immediately;
- C. the license holder's right to appeal under Minnesota Statutes, section 245A.07, subdivision 2;
- D. the time the license holder has to appeal the immediate suspension; and
- E. the license holder's right to a contested case hearing under Minnesota Statutes, sections 14.57 to 14.69, if a timely appeal is filed.

Appeal of an immediate suspension does not stay the suspension.

**Subp. 4. Revocation of license.** The commissioner shall revoke a license when continued operation of the program is not in the best interest of persons served by the program and would pose an unacceptable risk of harm to persons served by the program. Violations that are grounds for license revocation are:

- A. immediate suspension of a license under subpart 3;
- B. a disqualification under the applicant background study under parts 9543.3000 to 9543.3090;
- C. substantiated abuse, neglect, or maltreatment;
- D. documented program deficiencies that endanger the health or safety of persons served by the program;
- E. a false statement knowingly made by the license holder on the license application;
- F. failure or refusal to provide the commissioner access to the physical plant and grounds, documents, persons served, and staff; or
- G. licensing violations that occur while the license is probationary or suspended.

**Subp. 5. Suspension of license.** The commissioner may suspend rather than revoke a license under subpart 4, if based on the factors in subpart 2, suspension rather than revocation is in the best interests of persons served by the program and would not pose a risk of harm to persons served by the program.

When a license holder fails to pay the license fee required in part 9543.1020, subpart 2, item G, the commissioner shall suspend the license until the license fee is paid.

**Subp. 6. Notice of revocation or suspension.** The commissioner shall give a license holder whose license is revoked or suspended notice of the action by certified mail. The notice must state:

- A. the reason the license was revoked or suspended;
- B. the license holder's right to appeal the revocation or suspension under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (a);
- C. the time the license holder has to appeal the revocation or suspension; and
- D. the license holder's right to a contested case hearing under Minnesota Statutes, sections 14.57 to 14.69, if a timely appeal is filed.

**Subp. 7. Hearings on license revocation or suspension.** Hearings on license revocation or suspension shall be conducted according to Minnesota Statutes, sections 14.57 to 14.69 and 245A.08. Suspension or revocation of a license shall be stayed pending the commissioner's final order on a timely filed appeal unless the notice was for an immediate suspension.

**Subp. 8. Return of license to commissioner.** When a license holder stops providing services, or if a license is revoked, suspended, or immediately suspended, the license holder must return the license to the commissioner. The license holder cannot surrender its license as a way of avoiding a negative licensing action.

### 9545.0770 APPLICATION FOR LICENSE.

**Subpart 1. In general.** Persons desiring a license or a renewal of license of this type shall apply to the commissioner of human services. The commissioner or a designee shall determine the competence of such persons to be licensed for the purposes described in the application; and the commissioner or designee has the authority to issue such license. In making a determination, the commissioner shall be guided by the rules in this and subsequent sections. All licenses shall expire one year after date of issuance unless sooner revoked. Private child placing agencies must be licensed under parts 9543.1000 to 9543.1060.



Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

#### **9545.0920 PROCEDURES FOR LICENSING.**

Subpart 1. **Apply to commissioner.** An applicant desiring a license or a renewal of license shall make application, in the case of a new application, prior to caring for children; to the commissioner of human services, who shall make a determination according to parts 9545.0900 to 9545.1090 of the suitability of such applicant to be licensed for the purpose of giving care to children must be licensed under parts 9543.1000 to 9543.1060.

In making this determination, the commissioner shall be guided by the rules in this and subsequent sections. When an initial license is being issued to any facility, it shall remain in force for one year. When a license is being renewed, it may be issued for a period of up to two years, in the discretion of the commissioner of human services. Every license shall prescribe the number and age groupings of children who may receive care at any one time.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

#### **9545.1090 RIGHTS AND OBLIGATIONS OF THE APPLICANT.**

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

Subp. 2. [See repealer.]

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

Subp. 5. **Duty to provide services.** The applicant has the obligation to provide services to emotionally handicapped children as outlined in this standard and *Minnesota Statutes*, sections 151.31; 245A.01 to 245A.16; and 317.65, and 151.31, in order to retain a license to operate in the state of Minnesota. ~~Therefore, failure or inability to comply with the above standards and laws shall be cause for refusal or revocation of license.~~

#### **9545.1320 RESIDENTIAL PROGRAM.**

Subpart 1. License requirement. Maternity shelters must be licensed under parts 9543.1000 to 9543.1060.

Subp. 2. Program objectives. The residential program shall have the following objectives:

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

#### **9545.1470 PHYSICAL FACILITY.**

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

Subp. 4. **Building.** Building:

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

K. ~~The group home parents' quarters shall be separate from those of the children but near enough to provide proper supervision.~~

~~It is recommended that the group home parents have a separate bathroom, bedroom, and living room. (Recommended.)~~

~~L. A flashlight and a first aid kit shall be available in every group home for emergency use.~~

~~M. L. All medications for the children in the group home, as well as household poisons, shall be kept in a safe and secure place.~~

#### **9545.1480 PROCEDURE FOR LICENSING.**

Subpart 1. [See repealer.]

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## Proposed Rules

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Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

**Subp. 9. License required.** Group homes must be licensed under parts 9543.1000 to 9543.1060.

### 9555.9600 DEFINITIONS.

[For text of subps 1 to 18, see M.R.]

**Subp. 19. Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the state fire marshal in accordance with *Minnesota Statutes*, section 299F.011, and contained in parts ~~7510.0200~~ 7510.3100 to 7510.3000 7510.3280.

[For text of subps 20 to 31, see M.R.]

### 9555.9620 LICENSING PROCESS.

**Subpart 1. Application for license.** An adult day care center must ~~obtain a license to operate from the department.~~

**A.** ~~Application for a license must be made on the form issued by the department.~~

**B.** ~~The applicant must be the individual or the authorized representative of the corporation, partnership, voluntary association, or other public or private organization legally responsible for the operation of the center.~~

**C.** ~~Separate licenses are required for centers located at separate addresses even if the centers are to be operated by the same operator.~~

**D.** ~~The commissioner shall supply the applicant with:~~

~~(1) the department application form;~~

~~(2) information on how to obtain a copy of parts 9555.9600 to 9555.9730 and the statutes and rules referenced in parts 9555.9600 to 9555.9730; and~~

~~(3) the department forms needed to verify compliance with parts 9555.9600 to 9555.9730 be licensed under parts 9543.1000 to 9543.1060.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

### 9555.9700 INDIVIDUAL SERVICE PLANNING.

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

**Subp. 2. Initial service planning.** Immediately after admission, the center shall conduct a needs assessment and develop a preliminary service plan for the participant, in accordance with items A and B. The needs assessment and preliminary service plan must be completed within 30 days and placed in the participant's record.

A. The center shall assess the participant's needs for center services based on observation of the participant and information obtained from other sources, including any assessment performed within the prescribed time by a preadmission screening team under *Minnesota Statutes*, section ~~256B.094~~ 256B.0911. The needs assessment shall address:

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

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

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

#### **9555.9710 SERVICE AND PROGRAM REQUIREMENTS.**

Subpart 1. **Food service and nutrition.** A center shall meet the requirements in items A to H.

A. Procedures for preparing, handling, and serving food, and washing food, utensils, and equipment must comply with parts ~~4625.2400~~ 4625.2401 to ~~4625.5000~~ 4625.4701, Requirements for Food and Beverage Establishments, and with applicable local ordinances. If the food is prepared off-site by another facility or if food service is provided according to a center's contract with a food service provider, the facility or provider must comply with parts ~~4625.2400~~ 4625.2401 to ~~4625.2500~~ 4625.4701 and applicable local ordinances.

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

Subp. 2. **Transportation.** If a center provides transportation, the ~~requirements in items A and B~~ following requirement must be met.

~~A. The center shall meet all applicable state and federal regulations governing vehicles and drivers.~~

~~B. The maximum transportation time for any participant being transported by a center vehicle between the participant's home and the center shall be 90 minutes, one way. Ten minute rest stops should be offered to participants when travel time exceeds 90 minutes.~~

[For text of subps 3 to 7, see M.R.]

#### **9555.9720 SAFETY REQUIREMENTS.**

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Emergencies caused by fire and weather.** The center shall have written plans for emergencies caused by fire, blizzards, and tornadoes. The plans must be posted in a visible place and be on file in the center. The plans must include items A to J I:

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

H. instructions on location and use of fire extinguishers; and

I. instructions on closing off the fire area; and

~~J. location of the fuse box and instructions on how to throw the main switch.~~

The fire escape plan must be rehearsed at least four times each year and the dates of rehearsals must be recorded in the file of emergency plans.

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

#### **9555.9730 PHYSICAL PLANT AND SPACE REQUIREMENTS.**

Subpart 1. [See repealer.]

Subp. 2. **Determination of occupancy code.** The occupancy code requirements for a center shall be determined according to items A to D.

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

D. The center shall provide the commissioner, the building official, and the fire marshal with the documentation required in part 9555.9660, subpart 1, item K, if the center is to meet the occupancy code requirements under item A or ~~item B~~, subitem (2).

[For text of subps 3 to 8, see M.R.]

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## Adopted Rules

Subp. 9. [See repealer.]

### 9570.3400 LICENSING PROCEDURES.

In order that the licensing agency can discharge its duties in a prompt, efficient, and effective manner, residential facility owners and/or operators shall:

- A. conform with those procedures established by that agency pertaining to license issuance, renewal, and revocation;
- B. supply supportive information as may be required by the licensing agency;
- C. permit on-site inspections as required by the licensing agency to ascertain initial and continued compliance with licensing conditions;
- D. comply with all specific conditions attached to individual licenses;
- E. make full payment of the designated license fees prior to issuance or renewal of a license; and
- F. be entitled to proper notice and hearing as provided for in *Minnesota Statutes*, chapter 14, pertaining to revocation and refusal to issue or reissue a license. Residential programs for the physically handicapped must be licensed under parts 9543.1000 to 9543.1060.

**REPEALER.** *Minnesota Rules*, parts 9503.0025; 9503.0030, subparts 2, 3, 4, and 5; 9503.0130, subparts 3 and 4; 9503.0140, subpart 8; 9503.0155, subpart 14; 9503.0170, subparts 2, 4, 5, and 6; 9503.0175; 9520.0520, subparts 2, 3, 4, 5, and 6; 9520.0530; 9520.0560, subpart 2; 9520.0570, subpart 4; 9520.0590, subparts 6 and 10; 9520.0680; 9520.0690; 9525.0235, subparts 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; 9525.0243; 9525.0315, subparts 2 and 3; 9525.0540, subparts 1, 3, 4, 5, 6, and 7; 9525.0550, subparts 1, 2, and 4; 9525.0610; 9525.0640; 9525.0650; 9525.1520, subparts 2, 4, 6, 7, 8, 9, 10, and 12; 9525.1530; 9525.1540; 9525.1550, subparts 3, 5, 6, 9, 10, 11, and 13; 9525.1600, subpart 9; 9525.1610, subpart 2; 9525.1640, subpart 2; 9525.1650, subpart 1; 9525.1660, subparts 8 and 12; 9525.1670, subparts 1, 2, 3, and 5; 9525.2020, subparts 2, 3, 4, 5, 6, and 7; 9525.2025; 9530.4120, subparts 2, 4, and 7; 9530.4130; 9530.4220; 9530.5300, subparts 2, 3, 4, 5, 6, 7, 8, 9, and 11; 9530.5400; 9530.5600; 9530.5900; 9530.6500; 9545.0770, subparts 2, 3, 4, and 5; 9545.0920, subparts 2, 3, and 4; 9545.1090, subpart 2; 9545.1330; 9545.1430, subparts 5 and 9; 9545.1440, subparts 9 and 10; 9545.1460, subpart 6; 9545.1480, subparts 1, 2, 3, 4, 5, 6, 7, and 8; 9545.1490; 9545.1500; 9555.9610, subparts 3 and 4; 9555.9620, subparts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; 9555.9630; 9555.9660, subpart 2; 9555.9680, subparts 3 and 4; 9555.9730, subparts 1 and 9; 9570.3500; and 9570.3600, are repealed.

## 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 citation to its previous *State Register* publication will be printed.

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

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

## Department of Health

### Adopted Permanent Rules Relating to Public Water Supply

The rules proposed and published at *State Register*, Volume 18, Number 24, pages 1467-1470, December 13, 1993 (18 SR 1467), and Volume 18, Number 25, page 1523, December 20, 1993 (18 SR 1523), are adopted with the following modifications:

#### Rules as Adopted

### 4720.0025 UNSAFE WATER CONNECTIONS.

There shall be no physical connection between any public water supply system intended for potable or domestic use and any

system, equipment, or device that may serve as a source of contamination, unless protected by a properly maintained backflow preventer approved by the commissioner. Backflow prevention for fire sprinkler systems must comply with American Water Works Association Standard M14, section 6.3, as referenced in part 4715.2110.

## **Board of Peace Officer Standards and Training**

### **Adopted Permanent Rules Relating to Licensing Rules**

The rules proposed and published at *State Register*, Volume 18, Number 10, pages 755-767, September 7, 1993 (18 SR 755), are adopted with the following modifications:

#### **Rules as Adopted**

##### **6700.1105 DEFINITIONS.**

Subp. 5. **Supervision of part-time peace officer.** "Supervision of part-time peace officer" means the part-time peace officer and the designated peace officer are aware of their respective identities, the part-time peace officer ~~can~~ has the ability to directly contact the designated peace officer, and the part-time or designated peace officer can achieve direct personal contact within a reasonable time.

##### **6700.1110 SUPERVISION OF PART-TIME PEACE OFFICER.**

Subp. 4. **Supervision of part-time peace officer by designated peace officer in different agency.** An agency which agrees to designate a peace officer for the supervision of a part-time peace officer who is not employed by the same agency as the designated peace officer shall establish at a minimum:

B. all policies required under part 6700.1110; and

C. ~~a written agreement, signed by the chief law enforcement officers of both agencies which are party to the agreement, which addresses the following:~~

~~(1) effective date of agreement;~~

~~(2) liability and indemnification terms; and~~

~~(3) terms by which the agreement may be altered or severed; and~~

~~D. a written joint powers agreement which confers upon the designated peace officer full power and authority within the jurisdiction of the part-time peace officer to be supervised.~~

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# 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 Agriculture

### Agronomy Services Division

#### Notice of Special Local Need Registration

On February 22, 1994, the Minnesota Department of Agriculture issued a Special Local Need (SLN) registration for Goal herbicide manufactured by Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105, for use for weed control in shelterbelts and wind breaks.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: Calvin E. Blanchard, Minnesota Department of Agriculture, Agronomy Services Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is March 30, 1994.

## Comprehensive Health Association

### Notice of Meeting of the Finance Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association (MCHA), Finance Committee will be held at 1:30 p.m. on Wednesday, March 9, 1994 at Allianz Life (formerly North American Life & Casualty Company), 1750 Hennepin Avenue South, Minneapolis, Minnesota.

For additional information please call Lynn Gruber at (612) 593-9609.

## Higher Education Facilities Authority

### Notice of Public Hearing on Revenue Obligations

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of **College of Associated Arts**, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on March 16, 1994 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$350,000 to provide financing for the acquisition and improvement of a multi-unit building at 173-175 Western Avenue North and 385 Selby Avenue in the City of St. Paul to be owned and operated by the College as a studio and classroom facility whose principal street address is 344 Summit Avenue, St. Paul, Minnesota 55102.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 28 February 1994

By Order of the Minnesota Higher  
Education Facilities Authority  
Joseph E. LaBelle  
Executive Director

## **Department of Human Services**

### **Board on Aging**

#### **Notice of Intent to Designate An Area Agency on Aging**

In accordance with 45 *Code of Federal Regulations* 1321.35 the Minnesota Board on Aging is required to designate an area agency on aging in each planning and service area. As of June 1, 1994 the Metropolitan Council has withdrawn as the AAA for the Metropolitan Planning and Service Area comprised of Washington, Dakota, Ramsey, Scott, Carver, Hennepin, and Anoka counties. Therefore, the MBA intends to designate a new AAA to serve this area.

##### **Area Agency on Aging Designation Guidelines**

##### **PROCEDURES FOR DESIGNATION**

To apply for designation as an Area Agency on Aging for a particular planning and service area, an interested agency must file a letter of intent with the MBA. Upon MBA determination that the interested agency is an eligible applicant, appropriate application instructions and forms will be forwarded. Before designating an area agency, the State agency must-

1. Consider the views of the unit(s) of general purpose local government within the planning and service area; and
2. Conduct an on-site assessment to determine whether the agency which is being considered for designation has the capacity to perform all of the functions of an area agency as specified.

##### **FUNCTIONS OF AREA AGENCIES ON AGING**

An area agency must-

- a. Develop and administer the area plan for a comprehensive and coordinated system of services; and
- b. Service as the advocate and focal point for older persons in the planning and service area.

##### **DEFINITION OF AREA PLAN**

An area plan is the document submitted by an area agency to the State agency in order to receive subgrants or contracts from the State agency. The area plan contains provisions required by the Older Americans Act and commitments that the area agency will administer all activities in accordance with all Federal requirements. An area agency may use its subgrants or contracts only for activities under its approved plan.

##### **ELIGIBILITY CRITERIA**

The State agency may designate as an area agency any one of the following types of agencies that has the authority and the capacity to perform the functions of an area agency:

- a. An established office on aging which operates within the designated planning and service area;
- b. Any office or agency of a unit of general purpose local government designated to function only as an AAA;
- c. Any office or agency designated by the chief elected officials of a combination of units of general purpose local government;
- d. Any other public or private nonprofit agency under the supervision or direction for this purpose of the State agency.

##### **SELECTION CRITERIA**

###### **a. Agency Capacity**

The degree to which an applicant can demonstrate capacity to-

1. Develop and administer an area plan;
2. Serve as the advocate and focal point for older persons;
3. Meet to exceed federal and state policy and procedural requirements; and
4. Provide for sound fiscal planning, management, and control.

###### **b. Organizational Compatibility**

The degree to which an agency can demonstrate compatibility between organizational goals and the goals of the Older Americans Act through-

1. Documentation of agency mission and clarity of purpose;
2. Historical commitment to the well-being of older people; and
3. Explanation of planning and coordinating role in the community.

## Official Notices

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### c. Community Support

The degree to which an agency can demonstrate-

1. Ability to provide adequate matching resources to meet the nonfederal share of AAA administrative costs;
2. Support of local governmental bodies in the planning and service area; and
3. Support of senior citizen programs, organizations, and clubs within the planning and service area.

### d. Preference

In accordance with Sec. 305 (c) 5 of the Older Americans Act, preference shall be given to an established office on aging.

### DEADLINES

Letters of intent must be received by the Board on or before March 15, 1994. Upon receipt the appropriate forms will be forwarded. Applications for Designation must be received by the Board by April 15, 1994. Final action shall be taken by the Board in May, 1994 effective June 1, 1994. Both letters of intent and application for designation should be submitted to:

Minnesota Board on Aging  
444 Lafayette Road  
St. Paul MN 55155-3843  
Attn: Ted Gredvig, Community Programs Coordinator  
612/296-2137

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective February 28, 1994 prevailing wage rates were determined and certified for commercial construction projects in: **Anoka County:** McKinley Johnson & Madison School Fire Alarm-Ham Lake & Blaine. **Hennepin County:** Territorial Hall Shower Renovation & Heating System Replacement, U of M Physics Building Reroofing & Cooling Tower Replacement-Minneapolis, MAC HHH Terminal Carpeting-MSP Airport, Kennedy High School Elevator & Chiller Modifications, Bloomington Education Center, Kennedy High School, Olson Jr. High School Reroofing, District Wide Public School Signage, Bloomington Education Center Life Safety/Accessibility-Bloomington. **Kandiyohi County:** Willmar Community College Gymnasium Floor Replacement-Willmar. **Ottertail County:** Wastewater Treatment Facility-Pelican Rapids. **Ramsey County:** Capitol Tunnel Lighting, Como High School Library/Cafeteria Addition-St. Paul. **Redwood County:** Redwood County Courthouse Wall Repairs-Redwood Falls. **St. Louis County:** Chisholm Sr. High School Fire Protection Sprinkler System & Early Detection System, Vaughan-Steffensrud Elementary School Sprinkler System-Chisholm, Washington School Fire Protection Sprinkler System, Fire Alarm, Emergency Lighting, Exit Signs-Ely, U of M/Duluth Life Sciences Greenhouse Waterproofing, Chemistry & Cina Hall Elevator Remodeling & Heller Hall Water Piping Replacement-Duluth. **Virginia Regional Medical Center Rehabilitation Unit Remodeling-Virginia.** **Washington County:** MCF Offices/New Operations Area Laundry Building-Stillwater.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.  
Commissioner

## Minnesota Tax Court

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Minnesota Tax Court Procedure

**NOTICE IS HEREBY GIVEN** that the Minnesota Tax Court is seeking information or opinions from sources outside the Tax Court in preparing to propose the amendment of the rules governing procedure in the Tax Court. The adoption of the rules is authorized by *Minnesota Statutes*, section 271.06, subd. 7, which permits the Tax Court to adopt rules under Chapter 14.



The Minnesota Tax Court requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to: Susan Thompson, Court Administrator, Minnesota Tax Court, 520 Lafayette Road, Second Floor, St. Paul, Minnesota, 55155. All statements of information and opinions shall be accepted until April 15, 1994. Any written material received by the Tax Court 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.

The issues that may be considered by the Tax Court when the rules are proposed include, but are not limited to, motion practice before the Tax Court, limitations on practice before the Tax Court by persons who are not attorneys or who are attorneys not licensed to practice in Minnesota, costs and disbursements, and service by mail.

The Tax Court will establish a volunteer committee to assist with this project. Persons interested in volunteering may write to the court at the above address. Selection of committee members will be made sometime after April 15, 1994. The court would like to minimize the required time commitment of committee members and does not anticipate the committee's work lasting more than three months.

The Tax Court anticipates having a set of rules to propose by the fall of 1994.

Dated: 28 February 1994

Earl B. Gustafson, Chief Judge  
Minnesota Tax Court

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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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## **Department of Human Services**

### **Chemical Dependency Program Division**

#### **Request for Proposals (RFP) for Services for Chemically Dependent Women**

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process for an individual or provider to conduct training designed to improve services to substance abusing women who are in alcohol and drug treatment programs that do not specialize in women's services but admit women to treatment. A grant award of \$36,000.00 is available for one grantee. Eligible applicants are experienced trainers knowledgeable in alcohol and drug treatment, and the needs and issues of substance abusing women and their children. Proposals may be submitted for:

Training designed to improve treatment services and outcomes for substance abusing women in alcohol and drug treatment not specifically designed for women.

A Peer Review Committee will be formed to screen and review grant applications for this RFP and to make recommendations to the CDPD. The committee will include individuals with special expertise in the award area, State Alcohol and Other Drug Advisory Council members, DHS staff and representatives of the communities/groups to be served. The CDPD staff will make a formal recommendation to the Grants Committee of the State Alcohol and Other Drug Abuse Advisory Council. The Council will make a recommendation to the CDPD director. The final determination will be made by the Commissioner of the Department of Human Services (DHS).

## State Grants

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Funds may be used for materials and supplies, in-state travel, lodging, mailings and contracted services. It is anticipated that the work called for would begin by October 1, 1994, or upon such date as it is executed as to encumbrance by the Commissioner of Finance, whichever occurs later. Federal funds are available for use through September 30, 1995.

This Request for Proposals is contingent on the availability of funds. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Monday, April 4, 1994, or have a legible postmark date no later than April 2, 1994. Proposals must follow the CDPD proposal format. Grant application forms and Copies of the RFP are available on request from the Chemical Dependency Program Division (296-3991). Proposals should be sent to:

Sheila Vadnais, Grants Assistant  
Chemical Dependency Program Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3823

Requests for information concerning project issues should be addressed to Pamela Young, Women's Planner (612/296-4589), and budget/fund usage questions should be addressed to Mike Zeman (297-1863).

## Department of Human Services

### Chemical Dependency Program Division

#### Request for Proposals (RFP) for Treatment Services for Chemically Dependent Pregnant Women and Women with Children

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process for initiation or enhancement of services to increase positive treatment outcomes for chemically dependent pregnant women and women with children. \$866,275.00 is available for up to seven agencies. Eligible applicants are licensed alcohol and drug treatment programs run by non-profit organizations knowledgeable in the areas of chemical dependency, child development, parenting skills and housing, who are willing to develop or continue a project for recovering substance abusing women in alcohol and drug treatment where their children (ages 0-12) can be with them and that are connected with services that provide pre/postnatal care. Proposals may be submitted for: The development or continuation of residential or non-residential chemical dependency treatment services for women and their children (ages 0-12).

A Peer Review Committee will be formed to screen and review grant applications for this RFP and to make recommendations to the CDPD. The committee will include individuals with special expertise in the award area, the Alcohol and Other Drug Advisory Council members, DHS staff and representatives of the communities/groups to be served. The CDPD staff will make a formal recommendation to the Grants Committee of the State Alcohol and Other Drug Abuse Advisory Council. The Council will make a recommendation to the CDPD director. The final determination will be made by the Commissioner of the Department of Human Services (DHS).

Funds may be used for operating costs, transportation, child development, subsidized housing and parenting education. It is anticipated that the work called for would begin by October 1, 1994, or upon such date as the grant agreement is executed as to encumbrance by the Commissioner of Finance, whichever occurs later. Federal funds are available for use through September 30, 1995.

This Request for Proposals is contingent on the availability of funds. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Monday, April 4, 1994, or have a legible postmark date no later than April 2, 1994. Proposals must follow the CDPD proposal format. Grant application forms and copies of the RFP are available upon request from the Chemical Dependency Program Division (296-3991). Proposals should be sent to:

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## Professional, Technical & Consulting Contracts

Sheila Vadnais, Grants Assistant  
Chemical Dependency Program Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3823

Requests for information concerning program issues should be addressed to Pamela Young, Women's Planner (612/296-4589), and budget/fund usage questions should be addressed to Mike Zeman (297-1863).

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## Professional, Technical & Consulting Contracts

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.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

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### Department of Commerce

#### Request for Proposal and Proposed Specifications for Organizations and Individuals Wishing to Act as the Testing Service on Behalf of the Minnesota Commerce Department under *Minnesota Statute 386*

##### I. INTRODUCTION AND BACKGROUND

The Minnesota Department of Commerce (hereinafter the "Department") is soliciting proposals from individuals or organizations qualified to administer the Abstracter license examinations established pursuant to *Minnesota Statute 386*. The individuals or organization (hereinafter, the "testing service") will provide services to develop and administer the license examination. A person (hereinafter, the "candidate") who wishes to obtain an Abstracters license must complete a license examination.

Selection of a testing service will be made in the best interest of the Department based upon the proposals submitted and the quality of service indicated. Follow-up information may be requested from any proposal after the deadline to clarify any portion of the proposal. The Department intends to select a testing service as soon as reasonably possible.

##### II. TESTING SERVICE RESPONSIBILITIES

The testing service shall:

###### A. Provide test development services including but not limited to the following:

1. To meet and cooperate with the Commerce Commissioner (hereinafter the "commissioner") and his appointees to design a written examination designed specifically for Abstracters; to develop test questions; provide instruction on question-writing techniques, including sample questions and other information to assist in test question development;
2. Receive, edit and proofread newly written questions;
3. Prepare the test form for production, including professional editing and proofreading;
4. Conduct a test sensitivity review to eliminate content which is considered potentially offensive or inappropriate for either racial or gender subgroups;
5. Conduct a cut-score meeting for the purpose of assisting the client in establishing a minimum passing score.

###### B. Provide test administration services, including but not limited to the following:

1. Establish at least one test center which would be located in the metropolitan area of Minneapolis/St. Paul; provide all test

## Professional, Technical & Consulting Contracts

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center personnel and physical facilities adequate for testing; the testing service will be responsible for all personnel and facility expenses; the site to have an examination administration at least once a year;

2. Train test site administrators in security procedures, test administration, irregularity handling, and other processes related to test administration; provide site administration adequate test materials for administration of the examination;
3. Provide pre-registration testing only to candidates;
4. Score and report test results to applicant no later than ten working days after the administration. Additional weight will be given a provider who is able to produce on-site scoring;
5. Be responsible for the total license test pre-registration process, including handling registration forms and fees; print pre-registration for admission cards or provide a positive proof of registration for all prepaid candidates and provide them in advance of the test administration; notify the Department three working days in advance as to the numbers of pre-registered candidates;
6. Develop, edit, print and provide to the Department and pre-registered candidates a candidate handbook containing information regarding test sites, dates, times, license information, test preparation guides and exam pre-registration forms;
7. Include accommodations for the handicapped and provide special arrangements for a reader upon a candidates request and for a candidate that has a religious conflict with a test date;
8. Provide for security at test sites and with regard to the examination and questions;
9. Vigorously pursue any special violations;
10. Provide assistance in response to challenges to test questions;
11. Provide a tentative time table for implementation of the Abstracters license examination development and administration, including administration of the first test within four months or by June 15, 1994;
12. Provide score reports with specific areas of strength and weakness of the candidate.
13. Provide the Department with the electronic equipment to access Minnesota candidate pre-registration and test result data maintained by the testing service.

### III. INFORMATION REQUIRED IN PROPOSAL

In addition to agreeing to and detailing how it intends to fulfill the preceding itemized responsibilities, any prospective testing service must provide the following information:

#### A. Qualifications and Background

The testing service should possess management and organizational skills and experience; oral and written communication skills; a familiarity with administering other licensing examinations; problem-solving skills.

#### B. References and Current Operations

A list of other states for which the prospective testing service has provided or is now providing services similar to those sought by the request for proposal, and the nature of the services provided to each. Entities listed as references may be contacted by the Department as part of the evaluation of proposal.

### IV. EVALUATION CRITERIA

All proposals received by the deadline will be evaluated by representatives of the Department of Commerce. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be judged, but are not limited to the following:

1. Expresses understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

### V. FORM OF COMPENSATION

Proposals to act as the testing service for the Abstracters license examination are to include a proposed fee schedule. The fee schedule should include all fees to be charged to candidates, for standard and optional services.

There is to be no cost to the Department for any portion of the program.

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## Professional, Technical & Consulting Contracts

### VI. DURATION OF CONTRACT

The proposed contract period for the testing service will be for a two year period commencing on or about May 15, 1994 and expiring on June 15, 1996 with an automatic annual renewal not to exceed five years or June 15, 1999.

THE COMMISSIONER OF COMMERCE RESERVES THE RIGHT TO REQUEST CLARIFICATION OR ELABORATION OF ANY SEGMENT OF ANY PROPOSAL AND TO NEGOTIATE IN THE BEST INTEREST OF THE DEPARTMENT.

### VII. ADDITIONAL PROPOSAL AND CONTRACT REQUIREMENTS

#### A. Duration of Offer:

All proposals must indicate that they are valid for 90 days. This period may be extended by mutual agreement between the testing service and the Department.

#### B. Public Status of Proposals Submitted:

All proposals submitted in response to this Request for Proposals will become the property of the Department. Such proposals shall also constitute public records and shall be available for view and reproduction by any person after the choice of a testing service has been made.

### VIII. AFFIRMATIVE ACTION

In accordance with the provisions of *Minnesota Statutes*, 1990 supplement, section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full time employees at any time during the previous 12 months must have an affirmative action plan approved by the commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

1. A copy of your firm's current certificate issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance
3. A notarized letter certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

### IX. WORKERS COMPENSATION

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirement prior to execution of the contract.

### X. COMPREHENSIVE GENERAL LIABILITY INSURANCE

The Successful responder will be required to submit acceptable evidence that they are covered by comprehensive general liability insurance provided by an approved insurer.

### XI. SCHEDULE FOR PROPOSALS

All proposals must be received in the Commerce Department by 4:00 p.m. CST, April 1, 1994. The Department of Commerce will make its decision on which testing service proposal to accept as soon as reasonably possible.

### XII. FURTHER CONTRACT INFORMATION

Mail proposal or make any inquiry to:

Mr. Dennis J. Poppenhagen, Director  
Department of Commerce  
Licensing Unit  
133 East Seventh Street  
St. Paul, MN 55101  
(612) 296-6313

This is the only employee authorized to answer questions regarding this request for proposal.

Five (5) copies of this proposal must be submitted. They must each be signed in ink by an authorized member of the firm responding.

Dated: 1 February 1994

## Professional, Technical & Consulting Contracts

### Minnesota Housing Finance Agency

#### Request for Proposals for Low Income Housing Tax Credit Program

##### Introduction

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting first competition applications for reservation and allocation of the Low Income Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised. Applications for the low income housing tax credits, administered by the MHFA, for the first competition must be received no later than 4:30 p.m. on Friday, April 1, 1994. Refer to application package for additional requirements.

The Low Income Housing Tax Credits offer a ten year reduction in tax liability to owners and investors in eligible low income, new construction, rehabilitation or existing rental housing with rehabilitation.

##### Credit Formula

The Minnesota Legislature designated the MHFA as the primary apportionment agency for low income housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462A.222, Subd. 1a,2.

##### Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally:

Duluth (218) 723-3357

St. Cloud (612) 252-0880

Rochester (507) 285-8224

Minneapolis (612) 673-5075

St. Paul (612) 266-6616

Bloomington (612) 887-9637

Washington County (612) 458-6555

Dakota County (612) 423-8104

Applicants with eligible buildings located within the jurisdiction of the above local governments must apply to the local administrators for allocation of the low income housing tax credit. Any suballocation to local governments that is not committed by the end of the first competition must be returned to the MHFA for statewide allocation. The MHFA will not make an allocation for projects located within the jurisdiction of the cities or counties that have elected to administer the credits until the amounts reserved have been allocated or returned to the MHFA for allocation, except for the nonprofit set-aside.

Total estimated 1994 tax credits available for the State of Minnesota are based on anticipated U.S. Census Bureau population figures (4,480,000 population x \$1.25 per capita credit amount = \$5,600,000).

##### MHFA Administration Tax Credits

Applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators, may apply to the MHFA for an allocation of low income housing tax credits.

In addition, the MHFA has been designated as the credit agency to provide low income housing credits for projects involving qualified 501(c)(3) and 501(c)(4) nonprofit organizations statewide. Ten percent of the state ceiling has been set aside for qualified nonprofits as required by Section 42 of the Internal Revenue Code of 1986. Qualified nonprofits can apply to the MHFA for the low income housing tax credit set-aside, regardless of the geographic location of the proposed low income housing building, as specified in the allocation plan.

For additional information or an application packet for buildings located in the MHFA jurisdiction, please write to MHFA at the following address or call (612) 297-3294.

Minnesota Housing Finance Agency

Multi-Family Underwriting

Low Income Housing Tax Credit Program

400 Sibley Street, Suite 300

St. Paul, MN 55101-1998

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability, or familial status.

## Department of Human Services

### Health Care Administration

#### Notice of Request for Proposals: Study on Medical Assistance, General Assistance Medical Care and MinnesotaCare Resources Devoted to Mental Health Services for Children in Certain Areas of Minnesota

##### I. Introduction

The Minnesota Department of Human Services, Health Care Administration, (hereinafter, referred to as the Department) is soliciting proposals from qualified parties to, in the counties of Carlton, Carver, Dakota, Hennepin, Lake, Ramsey, St. Louis, Scott, Stearns and Washington:

A. Review capitation rates in order to determine the Medical Assistance, General Assistance Medical Care and MinnesotaCare resources in prepaid health plans devoted to mental health services to children in the target population of children's integrated mental health collaboratives including:

1. Inpatient services.
2. Outpatient services.
3. Medication management services.
4. Services under the rehabilitation option.
5. Related physician services.

B. Determine the cost per target population child enrollee to provide mental health services in each of the health care programs for state fiscal years 1995 and 1996.

C. Estimate the target population child enrollment in each health care program for state fiscal years 1995 and 1996.

D. Provide an explanation of the actuarial assumptions and methods of making projections used for items A, B, and C.

This Request for Proposals does not obligate the State to complete the project, and the State reserves the right to cancel or modify the solicitation if it is considered to be in its best interest.

##### II. Objectives.

The project is intended to provide the Department information that may be used to separate the resources required by *Laws of Minnesota*, 1993 First Special Session, Chapter 1, article 7, sections 11 through 18, particularly section 16, subdivision 3(1).

##### III. Qualifications of respondents.

Qualified respondents must be able to demonstrate actuarial experience and expertise in determining the cost of health benefits.

##### IV. Project tasks.

A. The contractor shall meet with designated representatives of the Department to determine the following:

1. The information, and format of that information, based on the contractor's proposal, that the Department must provide for the contractor to complete the required tasks.

2. The format of the final deliverables.

B. The contractor shall submit a draft report containing the following information:

1. The total Medical Assistance, General Assistance Medical Care and MinnesotaCare resources devoted to mental health services for children in the target population of the children's mental health collaboratives in prepaid health plans in each county listed in item IA.

2. The cost per target population child enrollee to provide mental health services in each of the health care programs in each area where a children's mental health collaborative has been established for state fiscal years 1995 and 1996.

3. An estimate of the target population child enrollment in each program in areas where a children's mental health collaborative has been established for state fiscal years 1995 and 1996.

4. An explanation of the actuarial assumptions and methods of making projections used for items 1, 2 and 3.

C. The contractor shall meet with the Department to discuss the contents of the draft report and make revisions as requested by the Department.

## Professional, Technical & Consulting Contracts

D. The contractor shall submit a final report containing the information required in Item IV.B, amended as required in item IV.C. Three copies of the report shall be submitted in camera ready copy, and one copy must be submitted on a 3.5 inch computer diskette, formatted in WordPerfect 5.1.

E. The contractor shall be available to assist the Department in presenting information from the contractor's final report to the legislature, if requested.

Respondent's may propose additional tasks or activities if they will substantially improve the results of the project.

### V. Human rights compliance.

Proposals exceeding \$50,000 must include evidence of the responder's compliance with the Human Rights Act attached to the envelope or package submitted under item VII.

### VI. Bidders' conference.

A conference for potential respondents to this Request for Proposals has been scheduled as follows:

March 22, 1994  
1:00 p.m.  
Rooms 5B and C, Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota

The purpose of the conference is to answer potential respondents' questions about the contents of the proposals.

### VII. Submission of proposals.

All proposals must be sent to and received by:

Gary Miles, Director  
Coordinated Care Division  
Minnesota Department of Human Services  
444 Lafayette Road, 6th Floor  
St. Paul, Minnesota 55122-3853  
(612) 297-3200

not later than 4:00 p.m., April 5, 1994.

Late proposals will not be accepted. Submit 5 copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

Gary Miles is the only individual authorized to answer questions concerning proposal requirements.

### VIII. Project costs.

The Department has estimated that the cost of this project will not exceed \$20,000.

### IX. Project completion date.

The project will be completed by June 30, 1994; or within two months from the date the contract is executed.

### X. Proposal contents.

The following will be considered minimum contents of the proposal:

- A. Restatement of the objective, to demonstrate the responder's understanding of the project.
- B. Description of the deliverables to be provided by the responder.
- C. Outline of the responder's background and experience with particular emphasis on actuarial expertise.
- D. Detailed cost and work plan.

E. Anticipated level of the department's participation in the project as well as any services or information to be provided by the department.

### XI. Evaluation.

All proposals received by the deadline specified in section VII will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process. Proposals will be evaluated on the following factors:



- A. Expressed understanding of the project.
- B. Project work plan.
- C. Project cost details.
- D. Qualifications of respondent firm and personnel.

## **Department of Public Safety**

### **Driver and Vehicle Services Division**

#### **Request for Proposals for Technology Consultant**

The Department of Public Safety, Driver and Vehicle Services Division is seeking proposals for a consultant to review its procedures and recommend alternative ways of utilizing the several types of technologies which exist that would effectively streamline the processing of applications and the keeping of records.

The final result of the project shall be a report, recommending which types of technology the Division should be concentrating their resources toward, and the costs involved in the necessary procurements. The report will be filed with the legislative Reference Library, and will be the basis for the Division's requests for appropriations.

Details are contained in a request for proposals which may be obtained by calling or writing:

Mike Ryan  
Minnesota Department of Public Safety  
Driver and Vehicle Services  
124 Transportation Building  
295 John Ireland Boulevard  
St. Paul, MN 55155  
Voice: (612) 296-2497      TDD: (612) 297-2100

The estimated cost of the contract is \$80,000. Final date for submitting proposals is March 22, 1994. Project and report must be completed by June 30, 1994.

## **Department of Trade and Economic Development**

### **Business and Community Division**

#### **Notice of Request for Financial Advisory Services**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Trade and Economic Development is seeking Financial Advisory Services for the Minnesota Public Facilities Authority Programs. The Financial Advisor should have experience in state bond pools and/or State Revolving Fund Programs. An information packet describing the nature of the work and criteria and evaluation process is available from the Minnesota Public Facilities Authority, Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, Minnesota 55101-2146. Requests may be faxed to the attention of Ms. Anita Gallentine at 612-296-5287. Requests should provide: name, address, phone number, fax number, and state whether the information packet should be faxed or mailed.

# Professional, Technical & Consulting Contracts

## Department of Trade and Economic Development

### Business and Community Development Division

#### Request for Proposal for a Minnesota Job Skills Partnership Grant Program Evaluation

The Minnesota Job Skills Partnership (MJSP) is soliciting proposals from academic institutions for the study and evaluation of its grant-in-aid program authorized under *Minnesota Statutes* 116L.04.

The Board in keeping with its own mandated rights and responsibilities; in response to recently passed legislation and current administration initiatives is seeking program evaluators from research and evaluation programs of academically qualified institutions to assist the Board in determining accomplishments, effectiveness and efficiency of current and past grants-in-aid.

Responders must provide academic and other credentials which indicate competency to conduct such a study.

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

#### Purpose:

The purpose of the study will be to examine the past and present grant-in-aid program operations of the Minnesota Job Skills Partnership and make determinations as to how the program has done and how it might improve operations.

It is expected that, at a minimum, the study will provide a comprehensive written report and board consultation which indicates in both objective and subjective terms using quantitative and qualitative methods grant-in-aid program performance since inception.

**Specifically:** The study will ascertain how well the grant-in-aid program has met the legislative mandate as indicated in M.S.116L.

No later than **December 31, 1994** the contractor is to provide a written report and make an oral presentation to the Minnesota Job Skills Partnership Board of study findings which shall include but not be limited to the following:

- 1. Scope of Project:** the report shall contain a statement of the scope of the study. Including all aspects, data, methods, persons and organizations involved in the research.
- 2. Questions and Process:** the report shall contain listing of core questions to be addressed by the study and a description of the processes, evaluation tools and methods to be used in conducting the study and answering the questions.
- 3. Materials:** the report shall contain a listing of all documents, data and materials reviewed.
- 4. Analysis:** the report and oral presentation shall provide a detailed analysis of the performance of the Minnesota Job Skills Partnership grant-in-aid program since inception.
- 5. Findings:** the report and oral presentation shall indicate the findings resulting from the analysis of the program.
- 6. Recommendations:** the report and oral presentation shall provide recommendations on improvements to the program.

#### Tasks:

It is expected that the contractor will initially meet with the Executive Director of MJSP and an ad hoc study committee of the board to insure the completeness of the scope of the project.

It is expected that the contractor will meet on a regular basis (no less than once every two weeks) with the MJSP Executive Director and appraise him of study progress.

It is expected that the scope of the study will include review, analysis, findings, and recommendation. Including how best the program might address the pertinent performance requirements of *Minnesota Statutes* 192 and 252, and how to achieve integration between MJSP and DTED computer information management systems.

It is expected that the contractor's review and analysis will include all grant-in-aid projects funded from January 1984 to December 1994.

It is expected that the contractor will, at a minimum, will assess the impact of the grant-in-aid program in meeting in both near and long term the Partnership's three fold mission of economic development, economic opportunity and educational catalyst.

It is expected that the report will include customer feedback on program effectiveness.

It is expected that a draft report will be provided to the MJSP not later than September 31, 1994.

It is expected that a final report will be completed not later than November 1, 1994.

It is expected that the contractor shall make an oral presentation of findings and recommendations shall be made at the FY95 Board retreat.

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## Professional, Technical & Consulting Contracts

Responders may propose additional tasks or activities if they substantially improve the results of the project.

Prospective responders who have any questions regarding this request for proposal may call or write:

Roger Hughes  
Executive Director  
Minnesota Job Skills Partnership  
500 Metro Square  
121 7th Place East  
St. Paul, MN 55101  
Ph. (612) 296-0388

Other departmental personnel are not allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

All proposals must be sent to and received by:

Minnesota Job Skills Partnership  
Sandy Manchester  
Assistant to the Executive Director  
500 Metro Square  
121 7th Place East  
St. Paul, MN 55010  
(612) 296-0388

Not later than 4:00 pm; March 21, 1994, as indicated by the date and time indicated on each response package by the Minnesota Job Skills Partnership.

### **Late Proposals will not be accepted.**

Submit three (3) copies of the proposal. Proposals 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 proposal must be signed, in ink by an authorized member of your organization. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

The Minnesota Job Skills Partnership has estimated that the cost of this study should not exceed \$20,000.

The project will be completed by not later than December 31, 1994.

### **PROPOSAL REQUIREMENTS:**

Proposals will only be accepted from accredited educational institutions.

- I. Respondent must provide a description of how the study is to be conducted and provide sufficient detail so as to enable MJSP to have a clear understanding of the responders view of the project.
- II. Respondent must provide a listing of the deliverable to be provided and the timetable for delivery.
- III. Respondent must provide in the proposal a description of the project leader, key personnel who will participate, their competencies and experience. Vitae should be included.
- IV. Respondent must provide a detailed cost and work plan of activities to be conducted.
- V. Respondent must indicate its assumptions as to role of the Minnesota Job Skills Partnership; it's staff and the Department of Trade and Economic Development will play in the study.

Respondents proposals will be evaluated based upon the level of service to be provided, cost, previous experience, and demonstrated understanding of study goals.

All proposals received by the deadline will be evaluated by representatives of the Minnesota Job Skills Partnership. In some instances DTED personnel may assist in the selection process. An interview may be part of the evaluation process.

It is anticipated that evaluation and selection will be completed by **March 30, 1994.**

The successful responder will be required to submit acceptable evidence of compliance with Minnesota's worker's compensation insurance coverage requirements prior to execution of the contract.

## **Non-State Public Bids and Contracts**

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### **Department of Transportation**

#### **Research & Strategic Initiatives Division**

#### **Minnesota Guidestar Program**

#### **Request for Proposals for Cost Sharing Partnerships for Implementing Intelligent Vehicle Highway Systems**

The Minnesota Department of Transportation is requesting proposals for cost sharing partnerships for implementation of phases 1-3 of an Intelligent Vehicle Highway Systems (IVHS) project called Genesis. The project will provide traffic and transit information to pager users, notebook computer users, and personal digital assistant (PDA) users via wireless communications. The request includes computer systems, software, wireless data communications, systems integration, training, operation, and maintenance. The Department anticipates awarding a single cost sharing agreement with the system integrator. The agreement is expected to begin on or after May 1, 1994, and continue through December 31, 1996.

A copy of the Request for Proposals for Partners (RFPP) may be obtained by requesting the Genesis Project RFPP from:

Mr. Don Olson, CPPB  
Minnesota Department of Administration  
112 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155  
Phone (612) 296-3771  
FAX (612) 297-3996

The RFPP will be available through the due date. All proposals must be received at the above address no later than 3:00 PM April 11, 1994 (due date).

This request does not obligate the Department to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## **Non-State Public Bids and Contracts**

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

### **City of St. Paul**

#### **Department of Public Works - Sewer Division**

#### **Request for Proposals for Environmental Remedial Clean-Up**

The City of Saint Paul Department of Public Works, Sewer Division is currently seeking bids from qualified vendors to provide environmental remedial clean-up at 141 W. Water Street on the Mississippi River in Saint Paul. A part of the process for acquiring

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## Non-State Public Bids and Contracts

property for construction of a flood control project with the U. S. Army Corps of Engineers, the former occupant was Metals Reduction Company, a recycler of used lead acid batteries. The site size is approximately 1 acre with a 40 x 200 ft building and is currently listed on the EPA/CELIS list of the MPCA Permanent List of Priorities (PLP).

A prebid conference will be held on March 2, 1994 at 10:00 am, 15th Floor City Hall Annex.

Bids must be submitted on or before 2:00 p.m. March 16, 1994 in Room 280 City Hall/Court House, 15 W. Kellogg Street, Saint Paul, MN 55102. Bid forms and Specifications are available for a non-refundable charge of \$53.50 (\$8.00 additional for mailing) in the Joint Purchasing Office, Room 280 City Hall/Court House.

Project Manager: Rafic Chehouri, 266-6226; Consultant: Peer Environmental, L. Michael Johnson, 831-3341; Buyer: Susan E. Feuerherm, 266-8908.

## Metropolitan Transit Commission (MTC)

### Request for Proposals Replacement of the MTC Human Resources/Payroll System

**NOTICE IS HEREBY GIVEN** that the Metropolitan Transit Commission will receive proposals at the office of the Metropolitan Transit Commission, 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, until 12:00 p.m. (noon), Friday, March 25, 1994, for Replacement of the MTC Human Resources/Payroll System.

All plans, specifications, and proposals are available from the Metropolitan Transit Commission at the above noted address or phone (612) 349-7561.

The Metropolitan Transit Commission reserves the right to reject all proposals. Contractors will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All proposers will be required to certify that they are not on the Comptroller General's List of Ineligible Contractors.

It is the MTC's policy to award a reasonable portion of all procurements to Targeted Group Businesses (TGB'S). "Targeted Group Business" means a small business designated by the Minnesota Department of Administration under *Minnesota Statute*, 16.B.19, that is majority owned and operated by women, disabled persons, or minorities. The MTC encourages all certified TGB's as well as DBE's, Disadvantaged Business Enterprises, to submit proposals for this contract.

The Metropolitan Transit Commission hereby notifies all proposers that in regard to any contract entered into pursuant to this Request for Proposals, Targeted Group Businesses and Disadvantaged Business Enterprises will be afforded full opportunity to submit proposals in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

## Southwest Metro Transit Commission (SMTC)

### Notice of Advertisement for Bids for Thirteen Large and Nine Small Transit Vehicles

Sealed proposals for the furnishing of Thirteen Large and Nine Small Transit Vehicles for use in accordance with the specifications as prepared by the Southwest Metro Transit Commission (SMTC) will be received at the offices of the SMTC in the City of Eden Prairie until 1:00 p.m. on the 22nd day of March, 1994, then publicly opened and read aloud in the City Council Chambers of the City of Eden Prairie, 8080 Mitchell Road, Eden Prairie, MN.

Copies of the Bid Documents, including the specifications, may be obtained from the Administrator of the SMTC, 8080 Mitchell Road, Suite 104, Eden Prairie, Minnesota 55344-2230. All proposals shall be made on the form similar to those attached to and made a part of the proposed contract documents and shall be addressed to:

Diane Harberts, Administrator  
Southwest Metro Transit Commissioner  
8080 Mitchell Road, Suite 104  
Eden Prairie, MN 55344-2230

The outside of the sealed envelope must be marked "BID ON TRANSIT VEHICLES". The right is reserved to accept or reject any and all bids.

Administrator  
SMTC

## Information for Health Care Services

### *Health Care Facilities Directory*

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

### *Minnesota Health Statistics -- 1990*

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

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### *Uniform Fire Code 1991*

National fire standards. Includes requirements for inspections, fire extinguishers, storage and handling of combustible materials, fireworks and more. 19-37 SR \$48.75



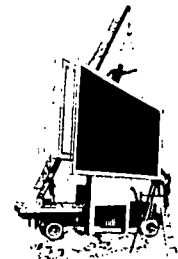
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### *Accessible and Usable Buildings and Facilities CABO/ANSI, A117.1*

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. 19-2 SR \$35.00



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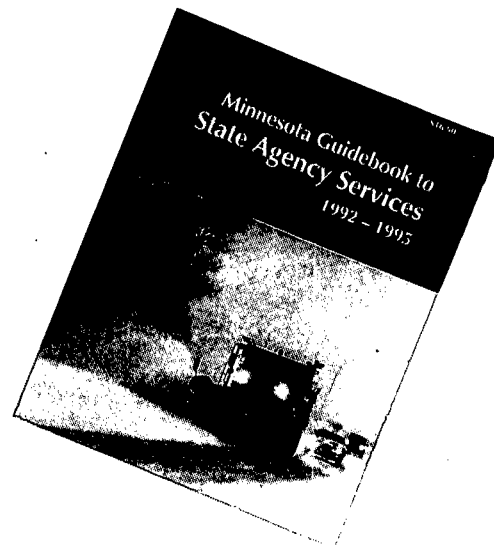
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- \* license requirements and fees
- \* gaining access to government services
- \* participating in state policy making and service delivery
- \* understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.

A MUST for the Minnesota business person. 710 pp. **Stock No. 1-11 SR** ~~REDUCED PRICE -- \$16.00~~ **NOW \$9.95**



#### **Minnesota Manufacturer's Directory 1994**

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2 SR \$95.00**

#### **Airport Directory 1993**

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size) **Stock No. 1-8 SR \$5.95**

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Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp.

**Stock No. 1-1 SR \$19.95**

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Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$7.00**

#### **Directory of Chemical Dependency Programs '92-93**

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp.

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Orders are now being taken for the 1994 Directory.

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