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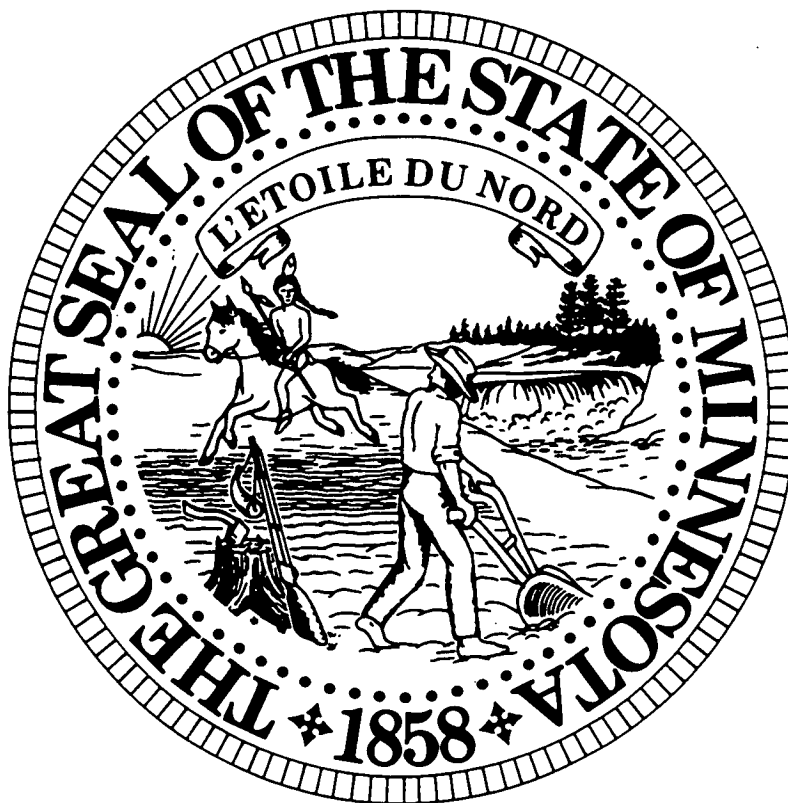
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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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

Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
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28	Monday 9 January	Friday 23 December	Friday 30 December
29	Tuesday 17 January	Friday 30 December	Monday 9 January
30	Monday 23 January	Monday 9 January	Friday 13 January

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- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* 50¢. Add shipping charge of \$3.00 per order.
- "*Commodity Contract Awards Reports*," – lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" – published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 – a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "*Professional-Technical-Consulting Award Reports*," – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$7.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$50.00, a savings of about \$15.00 over the cost of purchasing them individually. Appears monthly. Order stock number 90-15. Available in hard copy format only.

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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State Contracts, RFPs & Advertised Bids:

Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday.

For subscription information call 612/296-0931.

"Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

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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Attention Builders, Architects, Designers, Property Owners...

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



Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.
Visit Minnesota's Bookstore to view a variety of building code publications.

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

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.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Minnesota State Postsecondary Review Program

Notice of Hearing

Introduction. The Minnesota Higher Education Coordinating Board intends to adopt a rule after a public hearing following the procedures set forth in the Minnesota Administrative Act, *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold a public hearing on the State Postsecondary Review Program, at Capitol View Center, 70 W. County Rd. B-2, Little Canada, MN 55117, phone: (612) 483-4349, commencing at 9:00 a.m., on February 8, 1995, and continue until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have the opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

Administrative Law Judge. The matter will be heard before:

Barbara L. Neilson
Administrative Law Judge
Office of Administrative Hearings
100 Washington Square, Suite 1700
Minneapolis, MN 55401
(612) 341-7604

The rule hearing procedure is governed by *Minnesota Statutes* 14.131 to 14.20 and by the rules of the Office of Administrative Hearings, *Minnesota Rules* Parts 1400.0200 to 1400.1200. Questions concerning the rule hearing process should be directed to the administrative law judge at the address and telephone number stated above.

Subject of Rule and Statutory Authority. The subject of the hearing will be the proposed rule governing the State Postsecondary Review Program, Minnesota Rule Parts 4890.0100 to 4890.0900.

The proposed rule is authorized by *Minnesota Statutes* section 136A.04, Subd. 1 (8). The proposed rule is published immediately after this notice. One free copy of the rule is available on request by contacting the Board's contact person:

Paul Thomas
Policy and Program Planning Division
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
St. Paul, MN 55101
(612) 296-9674
FAX: (612) 297-8880

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the Board office and at the Office of Administrative Hearings. This statement includes a summary of all the evidence and argument which the

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Board anticipates presenting at the hearing to justify both the need for and the reasonableness of the proposed rule. The statement may be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings, or the Board office at the address above.

Impact Statements. *Minnesota Statutes* 14.115, subd. 4, requires that the notice of rulemaking include a statement of the impact of the proposed rule on small business. As discussed in the Statement of Need and Reasonableness, the Board considered the impact on small businesses. The impact is expected to be minor because the requirements imposed by the proposed rules are those primarily required by postsecondary institutions that participate in Higher Education Act of 1965, Title IV, *United States Code*, Title 20, Subchapter IV, programs. It would not appear feasible to consider the factors for reducing the impact on small businesses because it would be contrary to the objectives of the federal law and the regulations established by the U. S. Department of Education.

Concerning *Minnesota Statutes* 14.11, subd. 1, the Board is required to include a statement of the proposed rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. The Board determined that this requirement does not apply because only two eligible institutions fit the category of "local public bodies" and the cost imposed by this rule on the two is minimal; the proposed rule imposes mostly requirements with which postsecondary institutions must already comply by participating in Higher Education Act of 1965, Title IV *United States Code*, Title 20, Subchapter IV, programs.

Concerning *Minnesota Statutes* 14.11, subd. 2, the Board is required to include a statement of the rule's impact upon agricultural lands in the state. The Board determined the proposed rule does not have a direct or adverse impact upon agricultural lands in the state.

Hearing Procedure. You and all interested or affected persons including representatives of associations and 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 twenty (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 Board may respond in writing within five working 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 Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period.

The Board requests that any person submitting written views or data to the administrative law judge prior to the hearing or during the comment period, also submit a copy of the written data to the Board's contact person at the address stated above.

Modifications. The proposed rule may be modified as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed immediately after this notice, and must be supported by data and views presented during the rule hearing process. If the proposed rule affects you in any way, you are encouraged to participate.

Adoption Procedure after Hearing. 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 the Board may not take any final action on the rule for a period of five (5) 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 filed with the Secretary of State. The Board's notice of filing must be mailed on the same day that the rule is filed. If you want to be notified of the date the rule is filed, you may so indicate at the hearing or send a request in writing to the Board's contact person at any time prior to the filing of the rule with the Secretary of State.

Lobbyist Registration. *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the:

Ethical Practices Board
First Floor, Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
(612) 296-5148

Dated: 12 December 1994

Joseph P. Graba
Interim Executive Director

Rules as Proposed (all new material)**4890.0100 PURPOSE.**

The Minnesota Higher Education Coordinating Board is the designated State Postsecondary Review Entity (SPRE) to implement the State Postsecondary Review Program (SPRP) pursuant to the Higher Education Act of 1965 (HEA), Title IV, Part H, *United States Code*, title 20, sections 1099a to 1099a-3. The purpose of the program is to conduct or coordinate reviews of postsecondary institutions either referred by the United States Department of Education or identified by the Minnesota Higher Education Coordinating Board and approved for review by the United States Department of Education.

4890.0200 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them unless otherwise indicated.

Subp. 2. **Board.** "Board" means the Minnesota Higher Education Coordinating Board.

Subp. 3. **Clock hour.** "Clock hour" has the meaning given it in *Code of Federal Regulations*, title 34, section 600.2.

Subp. 4. **Cohort.** "Cohort" means the graduates of a program during the 12-month period from July 1 of one calendar year through June 30 of the next calendar year.

Subp. 5. **Educational program.** "Educational program" has the meaning given it in *Code of Federal Regulations*, title 34, section 600.2.

Subp. 6. **Enrolled.** "Enrolled" has the meaning given it in *Code of Federal Regulations*, title 34, section 668.2, paragraph (b).

Subp. 7. **Institution.** "Institution" has the meaning of the types of institutions given in *Code of Federal Regulations*, title 34, part 600.

Subp. 8. **Licensure or other certification.** "Licensure or other certification" means an explicit credential based on assessed competence or other procedure, possession of which is required for an individual to practice a particular profession or engage in a particular occupation or trade.

Subp. 9. **Professional program.** "Professional program" has the meaning given it in *Code of Federal Regulations*, title 34, section 667.2, paragraph (c).

Subp. 10. **Referred institution.** "Referred institution" has the meaning given it in *Code of Federal Regulations*, title 34, section 667.2, paragraph (c).

Subp. 11. **Refund policy.** "Refund policy" means an established policy or policies of an institution governing the specific portion of tuition and fees that are refundable at specific periods of an enrollment period, and the specific manner in which a student may obtain a refund upon withdrawal from the institution.

Subp. 12. **Title IV.** "Title IV" means that portion of the Higher Education Act of 1965, Title IV, *United States Code*, title 20, subchapter IV, that establishes federal programs of financial assistance to students identified in *Code of Federal Regulations*, title 34, section 668.1, paragraph (c).

Subp. 13. **Tuition and fees.** "Tuition and fees" means the amount of money charged to students for instructional services. Tuition may be charged per term, per course, or per credit. Fees are those fixed sums charged to students for items not covered by tuition, excluding room and board, but required of such a large portion of all students that students who do not pay the charge are exceptions.

Subp. 14. **Vocational program.** "Vocational program" has the meaning given it in *Code of Federal Regulations*, title 34, section 667.2, paragraph (c).

4890.0300 REVIEW CRITERIA.

The board shall review institutions pursuant to *Code of Federal Regulations*, title 34, sections 667.5 and 667.6.

4890.0400 BOARD REVIEW.

The board shall review an institution pursuant to part 4890.0300 according to the standards in part 4890.0500. The review of each standard shall be based on information from the most recently completed academic year for which information regarding that

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standard exists unless otherwise required under this chapter, or as required by the secretary of the United States Department of Education.

4890.0500 REVIEW STANDARDS.

Subpart 1. **Consumer information.** The board shall review an institution for:

- A. the availability of catalogs, admission requirements, course outlines, schedules of tuition and fees, policies regarding course cancellations, and the rules and regulations of the institution relating to students; and
- B. the accuracy of catalogs and course outlines in reflecting the courses and programs offered by the institution.

To be in compliance with this subpart, the institution must meet the requirements in:

- (1) *Code of Federal Regulations*, title 34, section 668.16, Standards of administrative capability;
- (2) *Code of Federal Regulations*, title 34, sections 668.41 to 668.45, Student consumer information services;
- (3) *Code of Federal Regulations*, title 34, sections 668.71 to 668.75, Misrepresentation; and
- (4) Higher Education Act of 1965, Title IV, *United States Code*, title 20, section 1092, paragraph (a), Information dissemination activities.

Subp. 2. **Ability to complete.** The board shall review an institution's method of assessing a prospective student's ability to successfully complete an educational program for which the prospective student has applied. To be in compliance with this subpart, the institution must meet the requirements in:

- A. *Code of Federal Regulations*, title 34, section 668.7, paragraph (b), Ability to benefit; and
- B. Higher Education Act of 1965, Title IV, *United States Code*, title 20, section 1091, paragraph (d).

Subp. 3. **Standards of progress and student records.**

A. The board shall review an institution's method of maintaining and enforcing standards related to student academic progress. To be in compliance with this item, the institution must meet the requirements in:

- (1) *Code of Federal Regulations*, title 34, section 668.7, paragraph (c), Satisfactory progress;
- (2) *Code of Federal Regulations*, title 34, section 668.16, paragraph (e), Standards of administrative capability;
- (3) *Code of Federal Regulations*, title 34, section 668.23, Audits, records, and examinations;
- (4) *Code of Federal Regulations*, title 34, section 668.43, paragraph (c)(2), Financial assistance information; and
- (5) *Code of Federal Regulations*, title 34, section 668.36, Record retention requirements.

B. The board shall evaluate an institution's method of maintaining adequate student records. To be in compliance with this item, an institution shall maintain permanent records for all students enrolled at any time. Permanent records include transcripts, documents, and files containing student data relating to periods of attendance, academic credits earned, courses completed, grades awarded, and degrees and other formal recognitions awarded.

(1) To preserve permanent student records, an institution shall:

- (a) hold at least one copy of all records in a depository that is secure from fire damage, water damage, and theft;
- (b) designate an appropriate official to provide a student with official copies of records or official transcripts upon request, consistent with the institution's policies;
- (c) execute a binding agreement with another organization, acceptable to the board, complying with this item for at least 50 years from the day the institution ceases to exist; and
- (d) if the institution has no binding agreement under unit (c) for preserving and providing official copies of student records under this item, the institution must hold a continuous surety bond in an amount not to exceed \$20,000 to cover the projected costs of record administration by the board, or an entity designated by the board.

(2) When an institution decides to terminate postsecondary education operations, it must submit the following to the board:

- (a) the planned date for termination of postsecondary education operations;
- (b) the planned date for the transfer of permanent student records;
- (c) the name and address of the entity to receive and hold the permanent student records; and
- (d) the official of the entity receiving the permanent student records who is designated to provide official copies of records or transcripts upon request.

Subp. 4. **Safety and health.** The board shall review an institution's safety and health record. To be in compliance with this subpart, an institution must have no outstanding unresolved citations on the public record regarding any local, county, state, or federal safety or health law or regulation.

Subp. 5. **Financial and administrative capacity.**

A. The board shall review the financial capacity of an institution relative to its scale of operation and its method of keeping adequate financial and other information. To be in compliance with this item, an institution must meet the requirements in *Code of Federal Regulations*, title 34, section 668.15, Factors of financial responsibility.

B. The board shall review the administrative capacity of an institution relative to its specified scale of operations and its method of keeping adequate administrative information. To be in compliance with this item, an institution must meet the requirements in *Code of Federal Regulations*, title 34, section 668.16, Standards of administrative capability.

Subp. 6. **Student protection for at-risk institutions.**

A. The board shall review an institution's provisions to provide for instruction of students in the event the institution closes. If, during the review, an institution is determined to be financially at-risk by the board under subpart 5, item A, the board shall review the institution's compliance with the requirements in this subpart. To be in compliance with this item, an institution must have a plan that assures students that in the event the institution closes, further instruction is available. This plan must include:

(1) the name of other institutions that can provide educational programs substantially similar to those offered by the institution ceasing instruction; and

(2) a commitment by the institution ceasing instruction to fulfill the current term of enrollment without requiring students to incur an additional financial liability beyond that incurred by the students and clearly identified in the original student term of enrollment.

B. The board shall review an institution's method of providing for the retention and accessibility of financial aid records for students in the event the institution closes. To be in compliance with this item, the institution must meet the requirements in *Code of Federal Regulations*, title 34, section 668.23, Audits, records, and examinations.

C. The board shall review an institution's method of providing for the retention and accessibility of student academic records in the event the institution closes. To be in compliance with this item, the institution must meet the requirements in subpart 3, item B.

Subp. 7. **Vocational program tuition, fees, and training.**

A. For the purposes of this subpart, the terms in subitems (1) and (2) have the meanings given them.

(1) "Tuition and fees" means tuition and fees set by the institution and charged to a full-time student for the academic year as defined in *Code of Federal Regulations*, title 34, section 668.2, paragraph (b). For a program less than one year in length, the actual tuition and fees charged for the entire program applies.

(2) "Remuneration" means average annual salaries or wages for employment in specific trades, occupations, or specialty areas, that are related to a vocational program. Acceptable sources of documentation include:

(a) the most recent average wage according to Minnesota Salary Survey by Area 1990, issued by the Minnesota Department of Economic Security, August 1990, and incorporated by reference. It is available through the Minitex interlibrary loan system. It is subject to frequent change;

(b) the most recent data on wages according to the Dictionary of Occupational Titles, fourth edition, 1991, issued by the Bureau of Labor Statistics of the United States Department of Labor. The data on wages is incorporated by reference. It is available through the Minitex interlibrary loan system. It is subject to frequent change;

(c) projections by organizations or governmental units at the state or national level that specialize in employment and industries, expert opinion from refereed journals, and private for-profit or nonprofit organizations that specialize in providing employment and industry statistical projections; or

(d) actual earnings of an institution's most recent cohort of graduates for a program.

B. The board shall review the relationship between an institution's tuition and fees and the remuneration that can be reason-

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ably expected by students who complete a vocational program and the quality of the educational preparation for useful employment. To be in compliance with this subpart, an institution must meet the requirements in items C and D and in:

- (1) *Code of Federal Regulations*, title 34, section 667.2, paragraph (c), Vocational program;
- (2) *Code of Federal Regulations*, title 34, section 668.16, Standards of administrative capability;
- (3) *Code of Federal Regulations*, title 34, sections 600.1 to 600.11; and
- (4) *Code of Federal Regulations*, title 34, section 668.14, Program participation agreement, paragraph (b)(26).

C. An institution's ratio of expected annual remuneration to tuition and fees must be at least 2 to 1 and the ratio must be disclosed in clear and unambiguous language to all students and prospective students. The ratio must be based upon tuition and fees in each program and expected remuneration for graduates of the program.

D. An institution must disclose to all students and prospective students of vocational programs the following information in clear and unambiguous language:

- (1) evidence, including verified occupational placement, that employers accept the program as part of the criteria for entry into a job, position, career, or occupation;
- (2) nationally recognized standards of quality training in the occupation or trade;
- (3) trade, occupational, or professional organization information concerning preparation standards and occupational outcomes; or
- (4) trade, occupational, or professional organizational standards for licensure or other certification.

Subp. 8. **Availability of relevant information.** The board shall review availability to an institution's students of relevant information regarding market and job availability for students in occupational, professional, and vocational programs, and the relationship of educational programs to specific standards necessary for state licensure or other certification in specific occupations. To be in compliance with this subpart, an institution must meet the requirements in:

- A. *Code of Federal Regulations*, title 34, section 668.14, Program participation agreement, paragraph (b)(10) and (22);
- B. *Code of Federal Regulations*, title 34, section 668.74, Employability of graduates; and
- C. existing statute or rule pertaining to licensure or other certification in specific occupations.

Subp. 9. **Appropriate program length.** The board shall review the appropriateness of the number of credit or clock hours required to complete an institution's programs. To be in compliance with this subpart, an institution's programs must be approved by the appropriate state regulatory agency, or the program lengths must comply with existing Minnesota statute or rule, and its programs must meet the requirements in:

- A. *Code of Federal Regulations*, title 34, section 668.8, Eligible program; and
- B. *Code of Federal Regulations*, title 34, section 668.9, Relationship between clock hours and semester, trimester, or quarter hours in calculating Title IV, HEA program assistance.

Subp. 10. **Administrative integrity.** The board shall review the actions of an institution, owner, shareholder, or person exercising control over an educational institution which may adversely affect its participation in Title IV programs. To be in compliance with this subpart, an institution must meet the requirements in:

- A. *Code of Federal Regulations*, title 34, section 600.30, Institutional changes requiring review by the secretary;
- B. *Code of Federal Regulations*, title 34, section 668.15, Factors of financial responsibility;
- C. *Code of Federal Regulations*, title 34, section 668.16, Standards of administrative capability;
- D. *Code of Federal Regulations*, title 34, section 668.14, Program participation agreement, paragraph (b)(18); and
- E. *Code of Federal Regulations*, title 34, section 668.82, paragraph (d), Standard of conduct.

Subp. 11. **Student complaint process.** The board shall review an institution's procedures for investigating and resolving student complaints. To be in compliance with this subpart, an institution must publish and follow the procedures in items A and B.

A. An institution shall establish, publish, and document that it administers a complaint process to receive, investigate, and respond to student complaints. The process must include:

- (1) the institution's definition of the term "complaint";
- (2) how a complaint shall be received (for example, by telephone, in writing, or in person) and the office and personnel designated to receive and file complaints;

(3) a time frame for completing the complaint process, including documenting, investigating, and responding to complaints;

(4) an appeal process in which the final determination is made by an official not directly involved in the alleged complaint;

(5) provisions that the institution shall not take adverse action against the student filing the complaint as a result of a complaint; and

(6) information regarding appropriate entities that may receive complaints in addition to the institution (for example, the Minnesota Department of Human Rights, the Minnesota State Approving Agency for Veteran's Education, or the Minnesota Higher Education Coordinating Board).

B. An institution shall maintain an annual summary from each of the most recent five years as to how it received, investigated, and resolved complaints, and an annual summary as to the number of complaints received, the number of complaints investigated, and the number of complaints that were resolved.

Subp. 12. Student recruitment process.

A. The board shall review an institution's advertising, promotion, and student recruitment practices. To be in compliance with this item, an institution must meet the requirements in:

(1) *Code of Federal Regulations*, title 34, section 668.14, Program participation agreement, paragraph (b)(10) and (22); and

(2) *Code of Federal Regulations*, title 34, sections 668.71 to 668.75, Misrepresentation.

B. The board shall evaluate the truthfulness of an institution's publications and promotions. To be in compliance with this item, an institution must assure the board that it uses for promotion and student recruitment publications and advertisements that are truthful and do not give any false, fraudulent, deceptive, inaccurate, or misleading information about the institution, its personnel, programs, services, or occupational opportunities for its graduates.

Subp. 13. Refund policy. The board shall review an institution's refund policy for fairness and equity. To be in compliance with this subpart, an institution must meet the requirements in:

A. *Code of Federal Regulations*, title 34, section 668.22, Fair and equitable refund policy;

B. *Code of Federal Regulations*, title 34, part 668, Appendix A;

C. *Minnesota Statutes*, section 141.271, Refunds, private trade schools; and

D. part 2644.0650, Refund policy, cosmetology schools.

Subp. 14. Performance outcomes.

A. (1) The board shall review the completion and graduation rate of an institution subject to *Code of Federal Regulations*, title 34, section 668.8, paragraph (e)(1)(i). To be in compliance with this subitem, an institution must have a graduation rate equal to or greater than 70 percent.

(2) The board shall review an institution not subject to *Code of Federal Regulations*, title 34, section 668.8, paragraph (e)(1)(i), on the basis of the institution's completion and graduation rates as calculated in accordance with appropriate federal regulations, and the requirements of this item. To be in compliance with this subitem, an institution must have either:

(a) a graduation and completion rate equal to or greater than 40 percent as calculated according to *Code of Federal Regulations*, title 34, section 668.46, Completion or graduation rate, or Higher Education Act of 1965, Title IV, *United States Code*, title 20, section 1092, paragraph (a)(3); or

(b) a graduation, completion, and retention rate equal to or greater than 50 percent computed as the sum of:

i. the graduation and completion rate as calculated according to *Code of Federal Regulations*, title 34, section 668.46, Completion or graduation rate, or Higher Education Act of 1965, Title IV, *United States Code*, title 20, section 1092, paragraph (a)(3); and

ii. the percent of students included in the cohort in subunit i who continued their enrollment in the institution or transferred to other institutions not included in the computation of the graduation and completion rate.

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(3) To be in compliance with this item, an institution must meet the requirements in Higher Education Act of 1965, Title IV, *United States Code*, title 20, section 1092, paragraph (a)(1)(L).

B. The board shall review the withdrawal rate of an institution's students as established in Code of Federal Regulation, title 34, section 668.16, paragraph (I). To be in compliance with this item, the institution must have a withdrawal rate that does not exceed 33 percent.

C. (1) The board shall review the placement rate of an institution subject to *Code of Federal Regulations*, title 34, section 668.8, paragraph (e)(1)(ii). To be in compliance with this subitem, the institution must have a placement rate equal to or greater than 70 percent.

(2) The board shall review the rate of placement of an institution's graduates in occupations related to educational programs not subject to *Code of Federal Regulations*, title 34, section 668.8, paragraph (e)(1)(ii). To be in compliance with this subitem, an institution must verify a placement rate of all graduates in a cohort for each vocational or professional program equal to or greater than 50 percent. For the purposes of this item, the terms in units (a) to (d) have the meanings given them.

(a) "Graduate" means an individual who has received a degree, diploma, or certificate for completion of a program during the most recent 12-month period that ended June 30 for which data are available.

(b) "Placement" means a graduate who within 12 months after graduation has reported:

- i. obtaining a paid position; and
- ii. the most important paid position is in a related occupation within the 12-month period following the graduate's date of graduation.

(c) "Occupations related to educational program" means employment in a related occupation as reported by the graduate, the graduate's parent or guardian, spouse or domestic partner, adult sibling, employer, or instructional staff at the institution. The placement rate of graduates in occupations related to their educational programs shall be based on the list of occupations in the NOICC (National Occupational Information Coordinating Committee) Master Crosswalk, August 29, 1994, National Crosswalk Service Center, Iowa SOICC, Des Moines, Iowa, which is incorporated by reference. It is available through the Minitex interlibrary loan system. It is subject to frequent change.

(d) "Rate of placement" means the number of graduates in a cohort who obtained employment related to their educational program as a percent of the total number of graduates in the cohort.

D. The board shall review the rate at which graduates of programs of an institution pass required licensure or other certification examinations. To be in compliance with this item, the passing rate of an institution's graduates on licensure or other certification examinations must be equal to or greater than 85 percent of the national or state passing rate. For the purposes of this item, the terms in subitems (1) to (4) have the meanings given them.

(1) "Program" means a vocational or professional program preparing students for an occupation which requires licensure or other certification by examination for entry into the occupation in Minnesota and completion of the program is required for admission to the examination.

(2) "Examination" means an examination administered by a national or state testing body, the state of Minnesota, or the federal government for licensure or other certification in a profession or occupation.

(3) "Graduates passing an examination" means the number of graduates from the institution that the testing agency or agencies report passed the examination during the most recent 12-month period ending June 30 for which data are available.

(4) "Passing rate" means the number of graduates who passed the examination as a percent of the number of graduates that the testing agency or agencies report took the examination.

E. The board shall review additional documentation that an institution provides to explain or expand on information required in this subpart.

4890.0600 PRIORITY SYSTEM FOR REVIEWING REFERRED INSTITUTIONS.

Subpart 1. **Review.** The board shall establish an order of review for institutions either referred by the secretary of the United States Department of Education or identified by the board and approved for review by the secretary in accordance with *Code of Federal Regulations*, title 34, section 667.12.

Subp. 2. **Category A.** Category A includes referred institutions that the secretary has scheduled for recertification under *Code of Federal Regulations*, title 34, sections 668.11 to 668.25. The board shall review institutions according to items A to C.

A. The board shall review first those institutions referred for review on the basis of limitation, suspension, or termination under *Code of Federal Regulations*, title 34, section 667.5, paragraph (b)(4). These institutions shall be placed in priority from highest to lowest according to each institution's cohort default rate.

B. The board shall next review those institutions referred for review on the basis of audit findings under *Code of Federal Regulations*, title 34, section 667.5, paragraph (b)(5). These institutions shall be placed in priority from highest to lowest according to each institution's cohort default rate.

C. The board shall next review all other referred institutions scheduled for recertification. They shall be placed in priority from highest to lowest according to the institution's cohort default rate.

Subp. 3. **Category B.** Category B includes referred institutions that the secretary has not scheduled for recertification under *Code of Federal Regulations*, title 34, sections 668.11 to 668.25. The board shall review institutions according to items A to C.

A. The board shall review first those institutions referred for review on the basis of limitation, suspension, or termination under *Code of Federal Regulations*, title 34, section 667.5, paragraph (b)(4). These institutions shall be placed in priority from highest to lowest according to each institution's cohort default rate.

B. The board shall next review those institutions referred for review on the basis of audit findings under *Code of Federal Regulations*, title 34, section 667.5, paragraph (b)(5). These institutions shall be placed in priority from highest to lowest according to each institution's cohort default rate.

C. The board shall next review all other referred institutions not scheduled for recertification. They shall be placed in priority from highest to lowest according to the institution's cohort default rate.

Subp. 4. **Category C.** The board shall review last the referred institutions that no longer participate in Title IV programs.

Subp. 5. **Priority.** All institutions listed in category A shall be considered for review before the institutions listed in category B. Institutions within category A or B whose initial priority rating is the same shall be ranked according to the total Title IV funds received during the most recent academic year for which data are available. Institutions shall be placed in priority from highest to lowest according to total dollar volume received by the institution. All institutions listed in category B shall be considered for review before institutions listed in category C.

4890.0700 BOARD REVIEW AND NOTIFICATION PROCESS.

Subpart 1. **Notification of referral.** Within 30 calendar days of the date the board is notified by the United States Department of Education that an institution is referred, the board shall notify the institution by certified mail, return receipt requested, that it has been referred for review. The following documents shall be included as part of the initial notification:

- A. a copy of this chapter;
- B. written materials describing the review procedures that will be followed;
- C. materials the institution must have available for inspection during the review;
- D. procedures by which the board shall communicate its findings to the institution; and
- E. procedures the institution must follow in responding to the board's findings.

An institution shall have 90 calendar days to gather the materials it must have available for inspection during the review unless an institution agrees to an earlier start date for the review.

Subp. 2. **Priority for review.** Institutions shall be reviewed in the order established under part 4890.0600.

Subp. 3. **Notification of review.** At least seven calendar days before the start date of the review, the board shall notify the institution by certified mail, return receipt requested, of its intent to conduct a review. The board also shall notify accrediting agencies of the referred institution of its intent to conduct a review.

Subp. 4. **Time allowed for review.** The review shall be completed within 90 calendar days of the start date of the review unless the institution or the reviewer requests, and the board grants, an extension of time to complete the review. The review is complete at the conclusion of an exit conference conducted by the reviewer at the referred institution.

Subp. 5. **Initial report issued.** Within 45 calendar days after the board completes its review, the board shall issue an initial report of findings to the institution. If the institution is not in compliance with the review standards in part 4890.0500, the initial report must cite each standard that is violated, describe the nature of the violation, and prescribe a course of action the institution must follow to correct the violation.

Subp. 6. **Institution response to initial report.** Within 30 calendar days after the institution receives by certified mail, return

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receipt requested, the initial report from the board, the institution must respond to the findings and prescribed corrective actions. If the institution does not respond within the 30-day period, the initial report becomes the final report, pursuant to *Code of Federal Regulations*, title 34, section 667.23, paragraph (f)(1)(ii).

Subp. 7. Draft final report issued. If the institution responds to the initial report, the board shall review the additional information provided by the institution and issue its draft final report to the institution, within 30 calendar days of receiving by certified mail, return receipt requested, the response of the institution to the initial report.

Subp. 8. Institution response to draft final report. The institution must respond no later than 30 calendar days after the institution receives by certified mail, return receipt requested, the draft final report from the board. If the institution does not respond within the 30-day period, the draft final report becomes the final report, pursuant to *Code of Federal Regulations*, title 34, section 667.23, paragraph (f)(1)(ii).

Subp. 9. Additional response time. An institution may request an additional 30 days to respond to the board's initial report and draft final report. The board shall approve these requests.

Subp. 10. Final report issued. Within 30 calendar days of receiving by certified mail, return receipt requested, the institution's response to the draft final report, the board shall review the institution's response to the draft final report, and shall issue its final report, including its notification to the secretary of the United States Department of Education, to the institution.

Subp. 11. Initial notification to secretary. Within 30 calendar days of issuing its final report to the referred institution, the board shall submit a copy of its final report to the secretary of the United States Department of Education and the accrediting agencies of the referred institution.

Subp. 12. Final notification to secretary. If the final report prescribes a course of action the institution must follow to correct violations cited during the review, the institution must respond within the time period prescribed in the final report. If the institution complies with the prescribed course of action, the board shall issue a final notification to the secretary of the United States Department of Education that the institution is in compliance with the standards. If the institution does not comply with the prescribed course of action within the prescribed time period, the board shall initiate a proceeding as described in *Code of Federal Regulations*, title 34, section 667.23, paragraph (g), to terminate the institution's participation in Title IV programs pursuant to *Code of Federal Regulations*, title 34, section 667.25.

4890.0800 CONSUMER COMPLAINT PROCESS.

Subpart 1. Consumer complaints; complaint records. Pursuant to the Higher Education Act of 1965, Title IV, part H, *United States Code*, title 20, section 1099a-3, paragraph (j), the board shall establish and publish the availability of procedures for receiving and responding to complaints regarding the review standards in part 4890.0500 and keep records of the complaints to determine their frequency and nature for specific institutions. Records regarding the number and nature of complaints shall be maintained by the board for each institution.

Subp. 2. Requirements for consumers filing a complaint.

A. For the purposes of this subpart and subpart 3, the terms in subitems (1) and (2) have the meanings given them.

(1) "Complaint" means a written statement of wrong, grievance, or injury pertaining to the standards in part 4890.0500 and filed with the board by an individual.

(2) "Written documentation" means information provided by an individual on a complaint form provided by the board.

B. An individual may receive information regarding how to file a complaint in person, via telephone, or by written request. Except when an individual alleges fraud, all complaints shall require written documentation.

C. If an individual alleges fraud, written documentation is not required and the individual need not follow the institution's complaint process. The board shall refer the individual to the United States Inspector General for the Department of Education.

D. A complaint form, designed by the board, shall include a data privacy waiver. The form shall provide space for information about the individual, including name and signature, the institution against which the complaint is filed, the nature of the complaint, a narrative section, and an invitation to provide supporting documentation.

E. A current student of an institution shall be required to affirm that all published internal complaint processes provided by the institution the student attends have been exhausted before the board shall act on the student's written complaint.

F. A complaint shall not be rejected because an individual chooses to remain anonymous. However, this item is notice to anonymous complainants that a request to remain anonymous potentially limits the board's ability to review a complaint fully.

Subp. 3. Requirements for the board.

A. Within ten working days of receiving a written complaint, the board shall notify the individual that the complaint was

received. If necessary, the board may request further information. The board shall enter into a database maintained by the board complaint information from:

(1) current students who have affirmed that all published internal complaint processes provided by the institution the student attends have been exhausted; and

(2) other individuals.

B. The board shall refer the written complaint to the institution named in the complaint, an appropriate entity (for example, Minnesota Department of Commerce, Minnesota State Approving Agency for Veterans' Education, public governing boards, Minnesota Attorney General, Minnesota Department of Human Rights, United States Department of Education), or both.

C. The board shall forward allegations regarding fraud to the United States Inspector General for the Department of Education.

D. With the exception of allegations of fraud, the institution named in a complaint shall have the opportunity to respond to the complaint.

E. Referrals made by the board to institutions and other entities may require periodic follow-up by the board to determine the status of the complaint.

F. Within 90 days of receiving a written complaint that has not been addressed by the institution, the board shall issue a written notice to the individual and the institution named in the complaint, describing the status of the complaint.

G. The board shall maintain records of all complaints for at least five years from the end of the state fiscal year in which the complaint was received.

H. Complaints received by the board under *Minnesota Statutes*, chapter 141, and sections 136A.61 to 136A.71, shall be included in a database maintained by the board to determine whether a pattern of complaints has been established.

I. The board shall request that other entities which license institutions in Minnesota report complaints they have received in order to help determine a pattern of complaints.

Subp. 4. Pattern of complaints.

A. For the purposes of this subpart, the terms in subitems (1) to (3) have the meanings given them.

(1) "Fall term head count" means the number of students enrolled in courses at an institution creditable toward a diploma, certificate, degree, or other formal award, as reported on the most recent Integrated Postsecondary Education Data System, Fall Enrollment Survey, IPEDS-EF-2, June 1, 1994, Bureau of the Census, United States Department of Commerce, which is incorporated by reference. It is available through the Minitex interlibrary loan system. It is subject to frequent change.

(2) "Student" means an individual who is enrolled or was enrolled in an institution. For institutions subject to *Minnesota Statutes*, chapter 141, student also means any individual who is party to the contract on behalf of the student.

(3) "Pattern of complaints" means the following number of complaints by students received within any 12-month period:

(a) for an institution with a fall term head count of 1,500 students or less, 15 complaints; or

(b) for an institution with a fall term head count greater than 1,500, the head count multiplied by .01, rounded to the nearest whole number.

B. When a pattern of complaints against an institution is established, the board shall forward the complaints to the Secretary of the United States Department of Education, and notify the affected institution. Subsequent complaints received during the same 12-month period also shall be forwarded to the secretary.

4890.0900 BOARD PEER REVIEW SELECTION PROCESS.

To conduct or coordinate a review of a referred institution, the board shall follow contracting procedures under *Minnesota Statutes*, chapter 16B. In determining whether a contractor is competent to assess educational programs, the board shall use the criteria and procedures in *Code of Federal Regulations*, title 34, section 667.24. The board shall also require a contractor to demonstrate an ability to review an institution's compliance with the standards in part 4890.0500.

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Proposed Rules

Board of Nursing

Proposed Permanent Rules Relating to Clinical Specialist Prescribing Authority

Notice of Intent to Adopt Rules without a Public Hearing

The Minnesota Board of Nursing (hereinafter "Board") intends to adopt and amend permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit a written request that a hearing be held on the rules.

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

Sandra J. MacKenzie
Assistant Director
Minnesota Board of Nursing
Suite 108
2700 University Avenue West
St. Paul, Minnesota 55113
Telephone: (612) 642-0572

Subject of Rules and Statutory Authority: The proposed rules relate to prescribing authority for clinical specialists in psychiatric and mental health nursing, requirements for licensure without examination, registration, and advanced nursing practice. *Minnesota Statutes*, section 148.191, subd. 2 authorizes the Board to adopt and revise rules as necessary to carry into effect the provisions of sections 148.171 to 148.285. *Minnesota Statutes*, section 147.235, subd. 4 authorized the Board to promulgate rules for nurse practitioners, clinical specialists in psychiatric and mental health nursing and certified nurse midwives eligible to prescribe. The advanced practice rules are authorized by *Minnesota Statutes*, section 62A.15, subd. 3a. A copy of the proposed rules is published in the "State Register" and is attached to this notice as mailed.

Comments: You have until 4:30 p.m., February 2, 1995, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reasons for your comments, and any change that you propose.

Request for a Hearing: In addition to submitted comments, you may also request that a public hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., February 2, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules on which you request a hearing, the reason for the request, and any changes that you recommend to the proposed rules. If 25 or more persons submit written requests for a hearing, a public hearing will be held, unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedure in *Minnesota Statutes*, section 14.131 to 14.20. Pursuant to *Minnesota Statutes*, section 214.06 Subdivision 3 (1994), no public hearing will be held on the proposed fee charges.

Modifications: The proposed rules may be modified as a result of public comment, if such modification is supported by the data and views submitted to the agency and does not result in substantial change from the proposed rules as attached and printed in the "State Register." If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person, Sandra J. MacKenzie. If you like a copy of the Statement of Need and Reasonableness, please call Ms. MacKenzie at (612) 642-0572. This statement describes the need for, and reasonableness of, each provision of the proposed rules, and identified the data and information upon which the Board relied to support the proposed rules.

Small Business Considerations: It is the position of the Board the *Minnesota Statutes*, section 14.115, subdivision 2 (1992), relating to small business considerations in rulemaking, does not apply to these proposed rules changes. The basis for this position and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2 (1992) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies and Impact on Agricultural Land: Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11 (1992).

Adoption and Review of Rules: If no hearing is required after the end of the comment period, then the Board may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the

extend form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision of the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Dated: 14 December 1994

Joyce M. Schowalter
Executive Director

Rules as Proposed

CHAPTER 6305 BOARD OF NURSING PROFESSIONAL AND PRACTICAL LICENSURE

6305.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

[For text of subs 1 to 13, see M.R.]

Subp. 14. Unacceptable examination. An applicant for licensure who did not take an examination acceptable to the board must successfully take the current examination for licensure. The applicant must submit the application for licensure without examination, the licensure fee, a verification of licensure from the jurisdiction or Canadian province of original licensure, and a verification of licensure from the jurisdiction or Canadian province in which the applicant was most recently employed if this is different from the jurisdiction or Canadian province in which the applicant was licensed by examination. To take the examination, the applicant must meet all requirements of the test service of the National Council of State Boards of Nursing, Inc., including the payment of fees, and, after receipt of an authorization to test, schedule the examination at one of the testing centers. Passing the examination will be accepted in lieu of the requirements set out in subparts 7 and 8.

CHAPTER 6310 BOARD OF NURSING PROFESSIONAL AND PRACTICAL REGISTRATION

6310.2600 DEFINITIONS.

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

Subp. 1a. Acceptable nursing practice. "Acceptable nursing practice" means employment or volunteer nursing in any setting, ~~participation in clinical nursing courses, or any combination of these activities.~~ Employment includes those positions for which the individual is required to be a nurse. For professional nursing practice, the practice must have included one or more of the functions defined in *Minnesota Statutes*, section 148.171, paragraph (3). For practical nursing practice, the practice must have included one or more of the functions defined in *Minnesota Statutes*, section 148.171, paragraph (5).

[For text of subs 1b to 16, see M.R.]

6310.2900 REGISTRATION RENEWAL PROCEDURES.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Insufficient hours. If a licensee does not have enough contact hours of acceptable continuing education to report, the licensee has the following options listed in items A to C.

A. Complete the required number of contact hours during the month following the application deadline in which case this month shall not be used as part of the subsequent continuing education participation period.

B. Defer the number of contact hours that the licensee is lacking. The deferred hours shall be added to the contact hours required in the immediately succeeding continuing education participation period. Contact hours may be deferred if there are no current deferred contact hours required of the licensee. If the licensee is deferring a fraction of a contact hour, a whole contact hour must be deferred. If the licensee does not have the required infection control contact hours, then the required contact hours of infection control shall be deferred. The deferred infection control contact hours will be added to the total number of contact hours required as well as to the total number of infection control contact hours required. If the licensee does not renew for the continuing education participation period that included the deferred hours, the deferred hours shall be required for reregistration.

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C. Allow registration to expire and reregister.

[For text of subps 7 to 10, see M.R.]

6310.3200 REREGISTRATION PROCEDURES.

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

Subp. 9. **Initial registration following reregistration.** The board shall issue a registration certificate once the reregistration requirements have been met. The initial registration period is as defined in part 6310.2600, subpart 15. Licensees shall participate in the number of contact hours of acceptable continuing education ~~equivalent~~ according to the number of full months in their initial registration period. For licensed practical nurses, the number of contact hours is one contact hour for every two months of registration. For registered nurses, the number of contact hours is one contact hour for every month of registration. The continuing education must meet the criteria in part 6310.2800.

CHAPTER 6330 BOARD OF NURSING ADVANCED NURSING PRACTICE

6330.0350 PROFESSIONAL NURSING ORGANIZATIONS WITH AUTHORITY TO CERTIFY.

The following organizations meet the criteria in part 6330.0300 and have the authority to certify registered nurses in the advanced nursing practice categories listed:

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

C. American Nurses Credentialing Center:

(1) nurse practitioner:

- (a) gerontological nurse practitioner;
- (b) adult nurse practitioner;
- (c) family nurse practitioner;
- (d) school nurse practitioner;
- (e) pediatric nurse practitioner.

(2) clinical specialist in psychiatric ~~or~~ and mental health nursing:

- (a) clinical specialist in adult psychiatric and mental health nursing;
- (b) clinical specialist in child and adolescent psychiatric and mental health nursing.

D. National Certification Board of Pediatric Nurse Practitioners and Nurses: pediatric nurse practitioner.

E. National Certification Corporation for the Obstetric, Gynecologic and Neonatal Specialties:

- (1) ~~obstetric-gynecological~~ women's health care nurse practitioner;
- (2) neonatal nurse practitioner.

CHAPTER 6340 BOARD OF NURSING ~~NURSE PRACTITIONERS~~ PRESCRIBING AUTHORITY

6340.0050 SCOPE.

This chapter applies to nurse practitioners and clinical specialists. Parts 6340.0950 and 6340.1000, subparts 1 to 3, also apply specifically to nurse midwives.

6340.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

Subp. 2. **Attachments.** "Attachments" means the materials that must be submitted with the application to demonstrate eligibility to prescribe drugs and therapeutic devices. The materials include a copy of the certificate from the national professional nursing organization, completion of a document verifying completion of a program of study, evidence of successful completion of the required prescribing course, and a written agreement as defined in subpart 19.

Subp. 3. **Board.** "Board" means the Board of Nursing.

Subp. 4. **Certificate.** "Certificate" means the document issued by a national professional nursing organization which certifies nurse practitioners and/or clinical specialists.

Subp. 4a. Clinical specialist. "Clinical specialist" means a registered nurse who has a master's or higher degree in nursing or a mental health field and is certified by the American Nurses Credentialing Center as a clinical specialist in psychiatric and mental health nursing.

Subp. 5. Collaborating physician. "Collaborating physician" means an individual physician licensed under *Minnesota Statutes*, chapter 147, who agrees to delegate prescribing authority to ~~the~~ a nurse practitioner or a clinical specialist by giving direction and review consistent with the written agreement. For clinical specialists, the collaborating physician means a psychiatrist.

Subp. 6. Drug. "Drug" has the meaning given it in Minnesota Statutes, section 151.01, subdivision 5: means all medicinal substances and preparations recognized by the United States Pharmacopoeia and National Formulary, or any revision, and all substances and preparations intended for external and internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals, and all substances and preparations, other than food, intended to affect the structure or any function of the bodies of humans.

Subp. 7. Drug categories or drug types. "Drug categories" or "drug types" means the major therapeutic classifications in which medications are organized. The drug categories are:

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

R. diagnostic and miscellaneous medications.

The drugs used by clinical specialists to treat psychiatric and behavioral disorders and the side effects of those drugs are included in the drug categories in items A to R.

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

Subp. 9. National professional nursing organizations. "National professional nursing organizations" means the organizations adopted by the board under *Minnesota Statutes*, section 62A.15, subdivision 3a, with the authority to certify nurse practitioners and clinical specialists. The organizations are the American Nurses Association Credentialing Center, the American Academy of Nurse Practitioners, the National Certification Board of Pediatric Nurse Practitioners and Nurses, and the Nurses Association of the American College of Obstetricians and Gynecologists National Certification Corporation for the Obstetric, Gynecologic and Neonatal Specialties.

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

Subp. 11. Practice setting. "Practice setting" means the organizational entity and all its physical locations in which the nurse practitioner and collaborating physician provide or clinical specialist provides care to patients.

Subp. 12. Practice specialty. "Practice specialty" means the area in which the individual is certified as a nurse practitioner. These areas are gerontological, adult, family, school, pediatric, ~~obstetric-gynecological~~ women's health care, and neonatal.

[For text of subps 13 to 18, see M.R.]

Subp. 19. Written agreement. "Written agreement" means a written document developed jointly by the nurse practitioner or clinical specialist and collaborating physician that contains statements that define the delegated responsibilities that relate to the prescription of drugs and, for nurse practitioners, therapeutic devices. The delegated prescribing responsibilities must be consistent with the standards established by the Minnesota Medical Association and the Minnesota Nurses Association for nurse practitioners, and by the Minnesota Nurses Association Psychiatric Society and the Minnesota Nurses Association for clinical specialists.

6340.0200 ELIGIBILITY CRITERIA FOR PRESCRIBING AUTHORITY.

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

Subp. 2. Graduation. ~~An A~~ A nurse practitioner applicant shall have completed a program of study designed to prepare a registered nurse for advanced practice as a nurse practitioner. A clinical specialist applicant shall have a master's or higher degree in nursing or a mental health field.

Subp. 2a. Prescribing course. A clinical specialist applicant shall have completed no less than 30 hours of formal study in the prescribing of psychotropic medications and medications to treat their side effects, including instruction in health assessment, psychotropic classifications, psychopharmacology, indications, dosages, contraindications, side effects, and evidence of application. "Formal study" means that the course has written measurable objectives, has an organized plan of study which includes instructors, uses a formalized method of evaluating student performance, and issues a document which verifies successful completion of the

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Proposed Rules

course. The applicant must have taken the course within the four years prior to application unless the individual has been legally prescribing during the four years.

Subp. 3. **Certification.** An applicant shall be certified as a nurse practitioner or clinical specialist by one of the national professional nursing organizations listed in part 6340.0100, subpart 9: ~~An applicant shall have and hold a current certificate from the national professional nursing organization that granted certification.~~

Subp. 4. **Written agreement.** An applicant shall have a written agreement with a collaborating physician that is signed and dated by the nurse practitioner or clinical specialist and the collaborating physician. The nurse practitioner or clinical specialist shall have a written agreement for each practice setting.

6340.0300 INITIAL APPLICATION PROCEDURE.

Subpart 1. **Procedure.** A nurse practitioner or clinical specialist who seeks prescribing authority shall submit a practice agreement for each practice setting and shall follow the procedures in subparts 2 to 6.

Subp. 2. **Application.** An applicant shall obtain the application forms and instruction for filing from the board. Information required on the application includes the ~~nurse practitioner's~~ applicant's name, registered nurse license number, home and practice setting addresses, home and practice setting telephone numbers, name of collaborating physician, drug categories and, for the nurse practitioner, the therapeutic devices that the ~~nurse practitioner applicant~~ applicant has been authorized to prescribe, and the practice specialty of the nurse practitioner. The application must be notarized. An applicant shall submit true, complete, and accurate information.

An applicant shall submit an application, fee, and attachments for each written agreement.

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

Subp. 4. **Certificate.** An applicant shall submit a notarized copy of the current certificate issued to the ~~nurse practitioner appli-~~ cant by the national professional nursing organization.

Subp. 5. **Graduation verification.** ~~An A nurse practitioner~~ A nurse practitioner applicant shall submit a notarized copy of a document such as a diploma, letter, or certificate that indicates graduation from a nurse practitioner program. An official transcript may be submitted in lieu of the notarized document providing that the transcript clearly indicates that the program of study prepared the individual for practice as a nurse practitioner. For clinical specialist applicants, the certification from the American Nurses Credentialing Center shall be accepted in lieu of a graduation verification.

Subp. 5a. **Prescribing course.** A clinical specialist applicant shall submit a document that verifies successful completion of a prescribing course that meets the specifications in part 6340.0200, subpart 2a. The document must be completed by the sponsor of the course.

Subp. 6. **Written agreement.** An applicant shall submit a copy of the written agreement between the nurse practitioner or clinical specialist and the collaborating physician.

[For text of subp 7, see M.R.]

6340.0400 CONFIRMATION OF ELIGIBILITY.

Subpart 1. **Procedure.** When the board has received a completed application, fee, and attachments, the board shall determine whether the nurse practitioner or clinical specialist has demonstrated eligibility to prescribe drugs and, for the nurse practitioner, therapeutic devices. If the applicant has demonstrated eligibility for prescribing authority, the board shall issue a document and identification number.

Subp. 2. **Document.** The board shall issue a document each time the nurse practitioner or clinical specialist submits the required evidence to demonstrate eligibility to prescribe ~~drugs and therapeutic devices~~. The board shall print the nurse practitioner's or clinical specialist's name, identification number, practice setting, and expiration date on the document. The expiration date on the document is the same as the registered nurse registration expiration date. The document authorizes practice only for the practice setting and for the nurse practitioner or clinical specialist named in the document. It is in effect until the date of expiration printed on the document or until there is a loss of eligibility, whichever occurs first.

Subp. 3. **Identification number.** The board shall issue an identification number to a nurse practitioner or clinical specialist when the nurse practitioner or clinical specialist has demonstrated eligibility to prescribe ~~drugs and therapeutic devices~~. The identification number must include the prefix "NP" and seven digits or "CS" and seven digits. The seven digits must be the nurse practitioner's or clinical specialist's registered nurse license number, preceded by zeros when necessary.

Subp. 4. **Replacement document.** If a nurse practitioner or clinical specialist requests the replacement of the authorization to prescribe document, the nurse practitioner or clinical specialist shall explain in writing the reason for requesting a replacement. In addition to the request for replacement, the nurse practitioner or clinical specialist shall submit a \$5 fee unless the reason for the replacement is failure to receive the original authorization to prescribe document. The board shall require substantiation of a name change by requiring official documentation.

6340.0500 VERIFICATION OF CONTINUING ELIGIBILITY.

Subpart 1. **Cycle.** The nurse practitioner or clinical specialist with prescribing authority shall demonstrate continuing eligibility to prescribe at the time of renewal of registered nurse registration. The board shall mail a verification form for demonstrating ongoing eligibility with the renewal of registration application.

Subp. 2. **Required information.** Information required on the verification of continuing eligibility form includes the nurse practitioner's or clinical specialist's name, registered nurse license number, home and practice setting addresses, home and practice setting telephone numbers, name of collaborating physician, drug categories ~~that, and, for~~ the nurse practitioner ~~has~~, therapeutic devices that have been authorized to prescribe, and the practice specialty of the nurse practitioner. The nurse practitioner or clinical specialist shall submit true, complete, and accurate information. The nurse practitioner or clinical specialist shall submit a verification form and fee for each written agreement. In addition, the nurse practitioner or clinical specialist shall submit a copy of the current certificate issued by the national professional nursing organization and a copy of the current written agreement, signed and dated, by the nurse practitioner or clinical specialist and collaborating physician.

Subp. 3. **Fee.** The nurse practitioner or clinical specialist must submit a fee of \$20 with the verification of continuing eligibility. The fee must be paid to the board and is not refundable.

6340.0600 LOSS OF ELIGIBILITY.

The nurse practitioner's or clinical specialist's prescribing authority ceases immediately if one or more of the following occur:

- A. change or loss of collaborating physician within the practice setting;
- B. failure to renew registration as a registered nurse;
- C. failure to demonstrate continuing eligibility to prescribe at the time of renewal of registration;
- D. failure to maintain a nurse practitioner or a clinical specialist certificate issued by the national professional nursing organization;
- E. change of employer practice setting;
- F. termination of the written agreement by ~~the collaborating physician or the nurse practitioner either party~~;
- G. revocation of the certificate by the national professional nursing organization; or
- H. disciplinary action taken by the board which affects the registered nurse license or current registration certificate.

The nurse practitioner or clinical specialist shall report in writing any of the occurrences in items A to H to the board within 30 days.

6340.0700 PROCEDURE FOR REESTABLISHING PRESCRIBING AUTHORITY.

Subpart 1. **Reestablishing prescribing authority; first part.** For loss of eligibility as described in part 6340.0600, items A to D, the following documentation is required to reestablish eligibility.

- A. If the collaborating physician changes within the practice setting, then the nurse practitioner or clinical specialist shall submit a copy of the written agreement that includes the name of the current collaborating physician.
- B. If the nurse practitioner or clinical specialist fails to renew registration as a registered nurse, then the ~~nurse practitioner~~ licensee shall meet the requirements for registered nurse reregistration.
- C. If the nurse practitioner or clinical specialist fails to demonstrate continuing eligibility to prescribe at the time of renewal, then the nurse practitioner or clinical specialist shall submit the verification of eligibility form and fee.
- D. If the nurse practitioner or clinical specialist fails to maintain current certification, then the nurse practitioner or clinical specialist shall meet the certification requirements of the national professional nursing organization and submit a copy of the current certificate.

Subp. 2. **Reestablishing prescribing authority; second part.** For loss of eligibility as listed in part 6340.0600, item E or F, the nurse practitioner or clinical specialist shall follow the procedures in items A to D to reestablish eligibility.

- A. An applicant shall obtain the application forms and instruction for filing from the board. Information required on the application includes the nurse practitioner's or clinical specialist's name, registered nurse license number, home and practice setting

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addresses, home and practice setting telephone numbers, name of collaborating physician, drug categories and, for the nurse practitioner, therapeutic devices that the nurse practitioner has have been authorized to prescribe, and the practice specialty of the nurse practitioner. The application must be notarized. An applicant shall submit true, complete, and accurate information.

The nurse practitioner or clinical specialist shall submit an application, fee, and attachments for each written agreement.

B. An applicant shall submit a fee of \$50 with the application. The fee must be paid to the board in United States currency, cashier's check, or money order. ~~Personal checks are not accepted~~. If for any reason the applicant is not eligible for prescribing authority, the fee is not refundable.

C. An applicant shall submit a copy of the current certificate issued by the national professional nursing organization.

D. An applicant shall submit a copy of the current written agreement ~~between the nurse practitioner and the current collaborating physician~~.

Subp. 3. **Reestablishing prescribing authority; third part.** For loss of eligibility as listed in part 6340.0600, item G, the national professional nursing organization shall have reinstated the certificate. After the nurse practitioner or clinical specialist has been recertified, the nurse practitioner or clinical specialist shall follow the procedures in subpart 2 to reestablish eligibility.

Subp. 4. **Reestablishing prescribing authority; fourth part.** For loss of eligibility as listed in part 6340.0600, item H, the board shall have issued the nurse practitioner or clinical specialist an unconditional registered nurse license or current registration certificate. After the board orders an unconditional license, the nurse practitioner or clinical specialist shall follow the procedures in subpart 2 to reestablish eligibility.

6340.0800 CHANGES REQUIRING NOTIFICATION TO THE BOARD.

Subpart 1. **Name change.** The nurse practitioner or clinical specialist who has a name change shall notify the board in writing within 30 days.

Subp. 2. **Address change.** The nurse practitioner or clinical specialist who has a change in home or practice setting address shall notify the board in writing within 30 days.

Subp. 3. **Telephone number change.** The nurse practitioner or clinical specialist who has a change in home or practice setting telephone number shall notify the board in writing within 30 days.

Subp. 4. **Change in categories of drugs.** The nurse practitioner or clinical specialist who adds or deletes categories of drugs shall notify the board in writing within 30 days.

Subp. 5. **Changes in written agreement.** The nurse practitioner or clinical specialist and collaborating physician shall initial and date any changes ~~such as addition or deletion of drugs or therapeutic devices~~. At the time of verification of continuing eligibility to prescribe, the nurse practitioner or clinical specialist shall submit a copy of the current written agreement that incorporates the changes.

6340.0900 IDENTIFICATION.

Subpart 1. **Identification.** In writing prescriptions, the nurse practitioner or clinical specialist shall include the nurse practitioner's or clinical specialist's name, initials, practice setting, and telephone number.

Subp. 2. **Initials.** The nurse practitioner shall use the abbreviation "NP" with the prefix letter designating the practice specialty as follows:

- A. gerontological nurse practitioner, "GNP";
- B. adult nurse practitioner, "ANP";
- C. family nurse practitioner, "FNP";
- D. school nurse practitioner, "SNP";
- E. pediatric nurse practitioner, "PNP";
- F. ~~obstetric-gynecological~~ women's health care nurse practitioner, "OGNP" "WHNP"; and
- G. neonatal nurse practitioner, "NNP."

The clinical specialist shall use the abbreviation "CS."

6340.0950 CERTIFIED NURSE MIDWIFE.

Subpart 1. **Requirements.** A certified nurse midwife (CNM) shall notify the board of certification by the national professional nursing organization that certifies nurse midwives. The board shall accept a copy of the current certificate as verification of certification as a nurse midwife. A certified nurse midwife shall submit a copy of the certificate at the time of original application for licensure, at the time of initial certification as a nurse midwife if this occurs after original licensure in Minnesota, and at each

renewal of registration or reregistration. In addition, certified nurse midwives shall provide the address of their practice setting. A nurse midwife shall notify the board of loss of certification within 30 days of loss of certification.

Subp. 2. Information to pharmacists. The name, practice address, and license number of each certified nurse midwife must be included on every list pursuant to part 6340.1000.

6340.1000 NOTIFICATION OF PHARMACISTS.

Subpart 1. **Initial notification.** On March 1, 1992, and every year thereafter, the board shall mail a list of all nurse practitioners and clinical specialists with prescribing authority and certified nurse midwives to the Board of Pharmacy and all pharmacies in Minnesota.

Subp. 2. **Maintaining notification.** After the initial and the annual notification, the board shall notify the Board of Pharmacy on a monthly basis of changes in the list of the authorized nurse practitioners and clinical specialists with prescribing authority as well as any changes in the list of certified nurse midwives. This change list must include additional nurse practitioners and clinical specialists who are eligible to prescribe, those nurse practitioners and clinical specialists who have lost eligibility to prescribe, and those nurse practitioners and clinical specialists who have reestablished their eligibility to prescribe. The change list must include certified nurse midwives who have notified the board of their certification or loss of certification.

Subp. 3. **Nurse practitioner, clinical specialist, or nurse midwife information.** The information about each nurse practitioner or clinical specialist that must be included on every list is as follows: the name of the nurse practitioner or clinical specialist, identification number, practice specialty, practice setting name, practice setting address, and practice setting telephone number. For those nurse practitioners or clinical specialists who have lost eligibility to prescribe, the practice setting telephone number may be omitted. For nurse midwives, the information must include the nurse midwife's name, practice address, and license number.

Subp. 4. **Master record.** The board shall maintain information on each nurse practitioner and clinical specialist that includes the drug categories and, for the nurse practitioner, the therapeutic devices that the nurse practitioner is authorized to prescribe. This information shall be made available to pharmacists on request.

6340.1000 VIOLATION OF RULES.

Any nurse practitioner, clinical specialist, or nurse midwife who violates a rule in this chapter is subject to board disciplinary action under *Minnesota Statutes*, sections 148.261, subdivision 1, and 148.262.

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 Labor and Industry

Adopted Permanent Rules Relating to OSHA; Incorporation by Reference

The rules proposed and published at "State Register," Volume 19, Number 17, pages 881-883, October 24, 1994 (19 SR 881), are adopted as proposed.

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Ethical Practices Board

Request for Advisory Opinion Re: Employment of Officials

The Ethical Practices Board solicits comments regarding the following request for advisory opinion. The requester filed Consent for Release of Information forms under *Minnesota Statutes* §§ 10A.02, subd. 12, and 13.03. Written comments should arrive at the Board office, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603, prior to January 17, 1995, for consideration at the Board's meeting of January 27, 1995.

November 30, 1994, Sarah Janecek

I am a registered lobbyist pursuant to *Minnesota Statutes* Ch. 10A. I represent a number of clients through my lobbying firm, Spano & Janecek, Inc. I am an officer and fifty percent shareholder of this corporation.

I am also the publisher of a new venture, Politics in Minnesota: THE DIRECTORY. This book will be a compendium of information about the Legislature that far exceeds what the State publishes. The book is being published under the auspices of a new corporation, Minnesota Political Press, Inc., of which I am the only officer and sole shareholder.

To help research and write my book, I would like to hire several legislative staff members as independent contractors. They will do the work on their own time — in the evenings or on vacation days. I am paying them on a per job basis as opposed to by the hour. This money is not a gift. It is for research and writing services rendered. May I pay these legislative staffers to perform this work?

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November 30, 1994, Todd Rapp

I am employed as executive assistant to the Majority Leader of the Minnesota House of Representatives, and therefore defined as an official in *Minnesota Statutes* § 10A.071. I request advisory opinions on several matters related to *Minnesota Statutes* § 10A.071: For the past five years I have been contracted by the Minnesota State High School League ("the League") to serve on the tournament management committee for the state high school debate and state high school speech tournaments. I have received and signed a contract for services for the 1995 state high school debate tournament. My work with the League is not related to my work with the Minnesota Legislature. Is the League a principal as defined in Sec. 10A.01? Does my acceptance of a contract from the League for services on the 1995 debate tournament management committee constitute a violation of Sec. 10A.071?

I am considering working as a free-lance writer in addition to my work at the Legislature. I would market my skills to businesses, associations, and individuals who need someone to write on public affairs issues; occasionally these topics would be related to my work with the Legislature. In the course of soliciting contract work, I may receive inquiries from principals or lobbyists, as defined in Sec. 10A.01. Under Sec. 10A.071, can those principals or lobbyists offer me contracts for free-lance writing services to be performed while I am employed at the Legislature? Regardless of any prohibition on their behavior, am I permitted to accept their offers for such services? Would it be consistent with Sec. 10A.071 for me to perform these services as an employee? Whether or not I could have an employee relationship to perform these services, could I lawfully perform them as an independent contractor?

Upon leaving my service at the Legislature, I would consider joining a public affairs firm or working for a principal as defined in Sec. 10A.01. I am unlikely to resign from my employment at the Legislature until I have received a firm offer for a new job. Can I respond to advertisements or apply for positions while I am still employed at the Legislature? Can principals or lobbyists interview me while I am still employed at the Legislature? Regardless of any prohibition on their behavior, am I permitted to attend an interview for employment while I am still employed at the Legislature? While I am still employed at the Legislature, can principals or lobbyists make me an offer of employment that would begin after I leave my current position? Regardless of any prohibition on

their behavior, am I permitted to accept their offer of future employment while I am still employed at the Legislature? Are any prohibitions on the behavior of principals or lobbyists, or my behavior, related to my possible duties in my new job? Could I be hired as the director of governmental relations? If not, could I be hired as manager of plant security? Does the Board consider an offer of future employment to be the same as a formal job offer?

In my role as administrator of the committee on rules and legislative administration, I must advise employees and potential employees on personnel matters. The House of Representatives hires a number of session-only employees as temporary full-time staff. Can I advise those future temporary full-time employees that they are permitted to keep part-time evening jobs which they currently hold with principals, such as department store clerk? Can I advise those future temporary full-time employees that they are permitted to seek part-time evening employment with principals while they are employed by the House of Representatives? Can I advise those future temporary full-time employees that they are permitted to accept offers from principals before the end of the next legislative session for employment that would begin after the temporary employees' session jobs end?

Ethical Practices Board

Notice of 1995 Nonelection Year Campaign Expenditure Limits

In accordance with *Minnesota Statutes* §§ 10A.25 and 10A.255, the following are nonelection year campaign expenditure limits for 1995 by office sought: Governor-Lt. Governor, \$345,184; Attorney General, \$57,531; Secretary of State, State Auditor, State Treasurer (each), \$28,766; State Senator, \$8,630; State Representative, \$4,316.

Department of Human Services

Chemical Dependency Program Division

Notice of Public Comment on the Federal Alcohol and Drug Abuse Block Grant and the Availability of a Statement Describing the Intended Use of Funds for Federal Fiscal Year 1995

NOTICE IS HEREBY GIVEN that the Department of Human Services, Chemical Dependency Program Division, is seeking public comment on the use of the Federal Alcohol and Drug Abuse Block Grant.

Notice is also given that the Department of Human Services has available a draft Description of Intended Use for funds available to the State of Minnesota from the Federal Fiscal Year 1995 Alcohol and Drug Abuse Block Grant. This description is being made available to the public for comment in compliance with Title XIX, Part B of the Public Health Services Act, Public Law 102-321.

Information and copies of the Alcohol and Drug Abuse Plan are available from: Sheila Vadnais, Chemical Dependency Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3823, phone 612/296-4618.

All interested or affected persons and organizations are invited to submit comments. Comments on the proposed plan may be directed to the contact person listed above.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective January 3, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Dakota: Rahn Elementary Addition & Remodeling-Eagan; Gideon Pond Elementary, Sioux Trail Elementary & Vista View Elementary Additions-Burnsville.

Hennepin: U of M Kimmelman Chair Laboratory Remodeling Project, U of M Pioneer Hall 1995 Masonry Repairs-Minneapolis.

Ramsey: U of M Commonwealth Terrace Housing Reroofing-Falcon Heights.

Official Notices

St. Louis: U of M Cooling Tower Demolition-Duluth.

Washington: Northeast Metro TC Elevator Modernization-White Bear Lake.

Copies of the certified wage rate 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

Metropolitan Council

Notice of Preliminary Schedule for Revising the Regional Recreation Open Space Capital Improvement Program for the Period 1996-2004 as part of the *Recreation Open Space* Chapter of the Metropolitan Development Guide

The Metropolitan Council is revising the Regional Recreation Open Space Capital Improvement Program for the period 1996 to 2004 pursuant to *Minnesota Statutes* 473.147.

The Metropolitan Council will develop the revised regional recreation open space capital improvement program with the advice of the Metropolitan Parks and Open Space Commission. The Council has used the revised CIP as the basis for issuing its own bonds and obtaining funds from State and Federal sources to finance grants to regional park implementing agencies to acquire and develop the regional park system consistent with Council approved master plans. The Commission and Council will develop the revised capital improvement program (CIP) under the following schedule:

- Metropolitan Parks and Open Space Commission develops draft CIP for public hearing purposes at their meeting on January 3, January 17, February 7 and February 21, 1995.
- Metropolitan Council's Community Development Committee reviews draft CIP for public hearing purposes on March 6, 1995.
- Metropolitan Council adopts for public hearing purposes the draft CIP on March 9, 1995.
- Metropolitan Council's Community Development Committee conducts public hearing on the draft CIP on April 17, 1995. The public hearing record remains open until May 9, 1995.
- Public hearing report and Council staff recommendations to adopt or not adopt proposed CIP is published on May 16, 1995.
- Metropolitan Parks and Open Space Commission reviews hearing report and acts on recommending a final version of the CIP to the Metropolitan Council on May 16, 1995.
- Metropolitan Council Community Development Committee considers public hearing report and Commission recommendations on June 5, 1995.
- Metropolitan Council considers Community Development Committee recommendations to adopt or not adopt proposed CIP on June 22, 1995.

Interested persons will have opportunities to present comments on the proposed CIP during the public hearing process scheduled for April 17. Please call to confirm dates and meeting schedules. Notice of a public hearing will be published. If you have any questions regarding the schedule or the proposed CIP, please call Arne Stefferud of the Council staff at 291-6360, TDD 291-0904.

The changes proposed in the CIP may affect the standards for determining projects of metropolitan significance in the Metropolitan Significance Rules, *Minnesota Rules* chapter 5800.

Pollution Control Agency

Notice of Intent to Adopt Revised Modified Fee Schedule for Hazardous Waste Facilities and Generators

The Minnesota Pollution Control Agency (agency) published proposed fee schedule modifications on November 28, 1994, (see 19 S.R. 1231). Due to adjustments in the amount the agency is required to collect from fees, a revised time period for which staff assessed their work-effort allocations, and a correction in how the law governing fees was applied, the proposed fee schedule changed and is proposed again below.

The Minnesota Legislature sets a biennial appropriation for the State hazardous waste program. The agency must reimburse this appropriation by collecting fees from facilities and generators. *Minnesota Rules* pt. 7046.0065, requires the agency to annually

review, and modify as needed, the fee schedule for hazardous waste generators and facilities. *Minnesota Rules* pt. 7046.0065 reads as follows:

"The agency must approve and adopt fee adjustments under part 7046.0060. Beginning July 1, 1994, the commissioner will annually apply the fee formula in part 7046.0060 to determine if the fee revenues will equal or nearly equal the legislative appropriation for the new fiscal year. The fees must be adjusted if the fee revenues will not equal or nearly equal the legislative appropriation. If an adjustment to fees is necessary, the commissioner will prepare a fee modification schedule. The fee modification proposal will include the proposed new rates for facilities and generators and will be published in the *State Register* at least 20 days before the proposal is presented to the agency board for approval. Procedural rules for agency meetings are in chapter 7000."

The fees for the Very Small Quantity Generators (VSQG's) changed from \$100 in Fiscal Year (FY) 1994 to \$141 in FY 1995. The main reason for this change is a reduction in the number of VSQG's. Many either moved up in size, becoming Small Quantity Generator's; or decreased in size, bringing them below the fee cutoff level.

The proposed fee schedule results from applying the fee formula, found in *Minnesota Rules* pt. 7046.0060. The formula uses the FY 1995 target amount of \$2,294,000, the FY 1995 staff work-effort allocations, and the numbers of registered facilities and generators. The proposed modified fee schedule is published below. It will be presented to the agency board for adoption on January 24, 1995:

1. Applying step 16 of the fee formula found in *Minnesota Rules* pt. 7046.0060, the FY 1994 minimum fee of \$66, becomes \$94 in FY 1995.
2. Applying step 19 of the fee formula, the VSQG fee of \$100 becomes \$141.
3. Applying step 18 of the fee formula, the quantity rates of \$0.052 per pound and \$0.52 per gallon, in the quantity rate table, become \$0.055 per pound and \$0.55 per gallon.
4. Applying step 10 of the fee formula, the statewide program fee rate of 51 percent becomes 50 percent.
5. Applying steps 1 to 6 of the fee formula, the values in the facility fee table found in *Minnesota Rules* pt. 7046.0020, Subp. 1, items A and B, increase 16.1 percent (rounded to the nearest ten dollar increment).

Comments regarding proposed fee modifications may be directed to Jim Brist, Minnesota Pollution Control Agency, Hazardous Waste Division, Program Development Section, Generator Technical Assistance/Rules Unit, 520 Lafayette Road, St. Paul, Minnesota 55155 or telephone 1/800/657-3724.

Minnesota Pollution Control Agency

Air Quality Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed New Rules Regulating Landfill Gas Emissions from Municipal Solid Waste Landfills and Proposed Amendments to *Minnesota Rules* Ch. 7007.0350 Governing Existing Source Application Deadlines

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing to propose rules governing Non-Methane Organic Compound (NMOC) emissions from Municipal Solid Waste (MSW) landfills, and to propose an amendment to rules governing air permit application deadlines for existing sources, *Minnesota Rules* pt. 7007.0350. The U.S. Environmental Protection Agency (EPA) published proposed rules governing NMOC emissions in the *Federal Register* at 56 FR 24468 on May 30, 1991. The EPA is expected to promulgate regulations governing NMOC emissions from MSW landfills in early to mid-1995. The MPCA will be required to adopt rules at least as stringent as the federal rules. The MPCA also is considering amending *Minnesota Rules* pt. 7007.0350 to postpone the air permit application deadline for MSW landfills. These sources fall under the Standard Industrial Classification (SIC) code 4953, Landfill, sanitary: operation of.

Section 111 of the Clean Air Act (CAA) requires EPA to establish New Source Performance Standards (NSPS) for new facilities and procedures for states to develop plans to regulate existing sources. In the May 30, 1991, *Federal Register* notice, EPA proposed an NSPS for new landfill sources and emissions guidelines (EG) for existing sources. The EPA-proposed EG apply to existing sources for which a standard of performance would apply if such an existing source were a new source. The standards for the NSPS and the EG are essentially the same. The EPA proposed NSPS and EG are in the form of a design and operational standard for a gas collection system and a percent reduction requirement for a control device. Although not in the published proposed rule, the EPA has indicated that the final rule will require new and existing MSW landfills that have a design capacity greater than 1.1 million tons (about 2.0 million cubic yards), to calculate NMOC emission rates. An MSW landfill with an NMOC emission rate greater than or equal to 55 tons/year will be required to install collection and control equipment capable of reducing NMOC in collected gas by 98 weight-percent.

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According to the federally proposed NSPS, it will apply to new or "affected" landfills, which are defined as those that are constructed, modified or reconstructed (increase in design capacity) on or after May 30, 1991. According to the federally proposed EG, they apply to "existing" MSW landfills, which are those that commenced construction before May 30, 1991, that have accepted waste anytime after November 8, 1987, or have capacity available for future use.

The MPCA plans to propose incorporating by reference into Minnesota rules the NSPS for MSW landfills. The MPCA plans to propose a state rule that will include an emissions standard equal to or more stringent than those specified in the EG for MSW landfills. This will occur after EPA finalizes the NSPS and EG.

The state must develop a plan under Section 111(d) of the CAA that provides for the implementation and enforcement of the standards of performance for existing sources. The state regulation for existing MSW landfills must be submitted, as part of the 111(d) plan, to the EPA within nine months after EPA finalizes the EG. Essentially, the EPA will approve state plans for existing MSW landfills if "they include an emission standard equal to or more stringent than that specified in the guidelines."

The MPCA also plans to amend the operating permits rule to extend the permit application deadline for MSW landfills. The permit rule, at *Minnesota Rules* pt. 7007.0350, contains deadlines by which sources must submit air permit applications. A source's deadline is determined by its SIC code. MSW landfills have the SIC code 4953, which is shared with other "refuse systems" such as waste incinerators. The current application deadline for SIC code 4953 sources is April 15, 1995.

In the permit applications, sources are to identify all applicable rule requirements. This would be an unreasonable requirement for MSW landfills to whom an NSPS and EG would become applicable nearly simultaneous with the application deadline. The MPCA plans to propose amending *Minnesota Rules* pt. 7007.0350 to postpone the application deadline for those sources that fall under SIC code 4953, Landfill, sanitary: operation of, to one year after the EPA approves Minnesota's Part 70 Operating Permits Program, or after the MPCA promulgates a state rule for existing MSW landfills, whichever occurs first. The postponement of the application deadline does not apply to other "refuse systems" that fall under SIC code 4953.

The MPCA will consider forming an advisory work group for this rulemaking only if the MPCA intends to propose rules more stringent than the federal NSPS and EG. The MPCA requests information and opinions concerning the subject matter of the upcoming rulemaking. To submit data or views on the subject matter orally or in writing, contact:

Margaret A. McCourtney
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 297-7894, and in person at the above address. All statements of information and opinions shall be accepted until 4:30 p.m., February 2, 1995. Any written material received by the MPCA 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 MPCA anticipates drafting this rule in the first quarter of 1995.

Charles W. Williams
Commissioner

Public Utilities Commission

Report of Public Forums and Meetings Attended by Commission Staff in Conjunction with the Local Calling Scope Investigation - P999/CI-94-296

Background

The 1994 Legislature added a subdivision to *Minnesota Statutes* § 237.161 which requires that the Minnesota Public Utilities Commission no longer accept petition for extended area telephone service through June 1, 1996, but instead institute:

"a proceeding or series of proceedings to investigate issues related to extended area telephone service and (the commission) shall issue a final order to establish, at a minimum, an orderly and equitable process and standards for determining the configurations of and cost allocations for extended area service in the state."
Minnesota Statutes § 237.161, subd. 6 (1994).

On April 20, 1994, the Public Utilities Commission gave notice of its intent to investigate the appropriate local calling scope of telephone subscribers in Minnesota. The Notice, which included publication in the *State Register* on May 2, 1994, solicited comments from interested parties regarding the parameters of the investigation.

Through notices in the *State Register* on August 29, October 10, and October 17, 1994, the Commission gave notice that its staff would hold 14 public forums around the state.

Completion of Public Forums

The Commission staff has completed its public forum process. All forums consisted of prepared remarks made by Commission staff, statements by parties in attendance, followed by discussion and question and answer sessions. Where practical, the forum or talk was video taped or audio taped. The following meetings/forums were held:

September 14, 1994	Koochiching Senior Center, International Falls; Woodlands Senior Apartments, International Falls; Cook City Hall, Cook.
September 15, 1994	Northeast Telecommunity Meeting, Eveleth; Cloquet City Hall, Cloquet.
September 16, 1994	West End Senior Center, Duluth; Rainbow Senior Center, Duluth.
September 20, 1994	Bagley Senior Center, Bagley; Bagley City Hall, Bagley.
September 21, 1994	Crookston City Council Chambers, Crookston; Erskine City Hall, Erskine.
September 22, 1994	Kiwanis Breakfast Meeting, Crookston; Barnesville City Hall, Barnesville.
September 28, 1994	Blue Earth City Hall, Blue Earth.
September 29, 1994	Southeast Telecommunity Meeting, Rochester; LaCrescent Community Center, LaCrescent.
September 30, 1994	Teleconference connecting Owatonna, Faribault, Mankato, Winona.
October 5, 1994	Sauk Rapids Community Room, Sauk Rapids.
October 6, 1994	Alexandria Economic Development Commission, Alexandria; Spicer City Hall, Spicer; Pine City Community Room, Pine City.
October 12, 1994	Fulda City Hall, Fulda.
October 13, 1994	Balaton Community Center, Balaton.
October 27, 1994	Open Mike Radio Show, Virginia; Nashwauk City Hall, Nashwauk; Tower-Soudan School, Tower.

To make an appointment to view the videotapes, or listen to the audio tapes, contact Clodet Pratt at the Department of Public Service at 612/296-6913. For questions regarding the meetings, or to receive a copy of the report of the meetings, contact Commission staff Joy Gullikson at 612/297-7071 or Diane Wells at 612/296-6068. They can also be reached through 800/657-3782.

Dated: 27 December 1994

Burl Haar
Executive Secretary

Office of the Secretary of State**Notice of Vacancies in Multi-Member Agencies**

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by January 24, 1995. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1994 Annual Compilation and Statistical Report is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1994 fiscal year. The 1994 Annual Compilation also indicates members with terms that ended in January 1995 as open for application; many of these positions are still open. To order copies of the 1994 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION 6125 Olson Memorial Hwy., Golden Valley, MN 55422. 612-591-4700. *Minnesota Statutes* 129C.10.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Public member.

The board shall have the powers necessary for the care, management, and control of the Minnesota Center for Arts Education. The board consists of fifteen members, including at least one member from each congressional district. A member may not serve

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more than two consecutive terms. The board meets at 3:00 PM on the fourth Wednesday of the month, at their Golden Valley office. Members must file with the Ethical Practices Board. The board does not expire.

COUNCIL ON ASIAN-PACIFIC MINNESOTANS 205 Aurora Ave., Suite 100., St. Paul, MN 55103. 612-296-0538. *Minnesota Statutes* 3.9226.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: This position is open for application due to a member's term scheduled to end January 1995. It was not previously announced in the November 7, 1994 vacancy announcement due to data entry error of this member's term ending date. This position is for a Cambodian representative.

The council advises the Governor and legislature on issues confronting Asian-Pacific people in this state. The Governor appoints nineteen members who represent the Asian-Pacific community of this state. The legislature appoints two senators and two representatives who are non-voting members. Quarterly meetings (special meetings as needed), hosted by various agencies throughout the state of Minnesota. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by *Laws of 1993*.

EMERGENCY RESPONSE COMMISSION B-5 State Capitol Building, St. Paul, MN 55155. 612-643-3000. *Minnesota Statutes* 299K.03 as amended by *Laws of 1994, Chapt. 584*.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Per diem plus expenses.

VACANCY: One vacancy: One representative of labor for a term expiring in January 1996.

The commission coordinates the implementation of the federal Emergency Planning and Community Right-To-Know Act, carrying out the requirements of a commission under the Act, and may adopt rules in order to do so. The commission consists of twenty-two members, including the Commissioners of the Departments of Public Safety, Health, Agriculture, the Commissioner of the Pollution Control Agency; and eighteen members (four from outside the metro area) to be appointed by the Governor to include one representative each of: fire chiefs, professional firefighters, volunteer firefighters, fire marshals, law enforcement personnel, emergency medical personnel, health professionals, wastewater treatment operators, labor, local elected officials, emergency managers, three representatives of community groups or the public, four representatives from business and industry, at least one of whom must represent small business. Members must file with the Ethical Practices board. Commission meetings are held on the second Thursday of each month from 9:30 a.m. to 12:00 noon. The meetings are generally held in the State Office Building or in B-5 State Capitol Building (during legislative session). The commission does not expire.

GAMBLING CONTROL BOARD 1711 W. Co. Rd. B, Suite 300 South, Roseville, MN 55113. 612-639-4000. *Minnesota Statutes* 349.151.

APPOINTING AUTHORITY: Governor/Attorney General/Commissioner of Public Safety.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Public member to be appointed by the Governor. No more than three members appointed by the Governor may belong to the same political party.

The board issues, suspends and revokes licenses of organizations, bingo halls, distributors and manufacturers of gambling equipment, registers gambling equipment, collects license fees and inspects records, conducts hearings to insure integrity of operations and compliance with all applicable laws and rules. The board consists of seven members including five members appointed by the Governor, one member appointed by the Commissioner of Public Safety, and one member appointed by the Attorney General. No more than three members appointed by the Governor may belong to the same political party. All appointments are with the advice and consent of the Senate. Members must file with the Ethical Practices Board. Meetings are held at the Kelly Inn, St. Paul, on the third Monday of each month. The board does not expire.

GOVERNOR'S COUNCIL ON GEOGRAPHIC INFORMATION MN Land Management Information Center, 330 Centennial Building, St. Paul, MN 55155. 612-296-1211. *Executive Order* 93-17.

APPOINTING AUTHORITY: Director of the Office of Strategic and Long Range Planning.

COMPENSATION: Travel expenses.

VACANCY: One vacancy: Members should have knowledge and interest in the GIS field. Members represent state government, higher education, GIS users in the private sector, the federal government, and local government.

The council provides leadership and direction in the efficient and effective development, management, and use of geographic information resources by all levels of government in Minnesota. The council recommends and promotes standards, policies, and guidelines for developing and sharing geographic information, and provides a formal forum for exploring issues and initiatives related to the successful use of Minnesota's geographic information. The council consists of eighteen members with knowledge

and interest in the geographic information systems (GIS) field, and represents state government, local government, the federal government, higher education, and GIS users in the private sector. Council meetings are held in St. Paul at least four times annually. Members are expected to serve on at least one committee. The council does not expire until Executive Order 93-17 is rescinded.

GOVERNOR'S OMBUDSMAN COMMITTEE FOR MENTAL HEALTH AND MENTAL RETARDATION Suite 202, Metro Square Bldg., St. Paul, MN 55101. 612-296-3848. *Executive Order 94-4.*

APPOINTING AUTHORITY: Governor.

COMPENSATION: Reimbursed for expenses.

VACANCY: One vacancy: Medical Doctor, preferably a psychiatrist.

The committee advises and assists the Ombudsman for Mental Health and Mental Retardation in developing policies, plans, and programs to benefit the mentally ill. The committee consists of fifteen members appointed on the basis of their knowledge of and interest in the health and human services system subject to the Ombudsman's authority. Overall membership shall reflect the agencies, facilities and programs within the Ombudsman's authority. Members shall include consumer representatives, representatives of advocacy organizations, human service and health care professionals, including professionals in psychiatry, internal medicine, and forensic pathology and other providers of services or treatment to clients. Meetings four times per year, usually in St. Paul. The committee exists until rescinded by proper authority or until the executive order creating the committee expires in accordance with *Minnesota Statutes 4.035, subd. 3.*

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE 2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591. *Minnesota Statutes 148.01 - 148.106.*

APPOINTING AUTHORITY: Executive Director, MN Board of Chiropractic Examiners.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Professional member, must be available to attend first meeting on Saturday, March 14, 1995 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the second Tuesday of every month at 12:30 p.m. at the MN Board of Chiropractic Examiners' office. The committee does not expire.

MINNESOTA MUNICIPAL BOARD 475 McColl Bldg. St. Paul, MN 55101. 612-296-2428. *Minnesota Statutes 414.01.*

APPOINTING AUTHORITY: Governor.

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

VACANCY: One vacancy: Public member.

The board acts on all boundary adjustments between a city and the adjacent land, and rules on incorporations of cities. The board consists of three members of whom at least one must be learned in the law, and one must be a resident from outside the metropolitan area. Monthly meetings and numerous hearings. Members must file with the Ethical Practices Board. The board does not expire.

NONPUBLIC EDUCATION COUNCIL 710 Capitol Square Bldg., St. Paul, MN 55101. 612-296-6595. *Minnesota Statutes 123.935, subd. 7.*

APPOINTING AUTHORITY: Commissioner of Education.

COMPENSATION: \$55 per diem, reimbursed for expenses.

VACANCY: One vacancy. This position was indicated as open for application in the November 7, 1994 announcement due to a member's term scheduled to end in January 1995. This member will not be seeking reappointment.

The council advises the Commissioner and the state board on nonpublic educational aids. When requested by the Commissioner or the state board, the council may submit its advice about other nonpublic school matters. The council is also authorized to recognize educational accrediting agencies for purposes relating to Minnesota's Compulsory Instruction Law. The fifteen member council shall represent various areas of the state, methods of providing nonpublic education, and shall be knowledgeable about nonpublic education. The council does not expire per *Minnesota Statutes 123.935 subd. 7* as amended by *Laws of 1993.*

RURAL HEALTH ADVISORY COMMITTEE 717 Delaware St. SE, Mpls., MN 55414. 612-623-5282. *Laws of 1992, Chp. 549, Art. 5, Sec. 7.*

APPOINTING AUTHORITY: Governor.

COMPENSATION: Expenses.

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VACANCY: One vacancy: Representative of nursing homes (long term care).

The committee advises the Commissioner of Health and other state agencies on rural health issues. The committee consists of fifteen members, all of whom must reside outside of the seven-county metropolitan area. Membership must include: two members from the Minnesota House of Representatives, one from the minority party and one from the majority party; two members from the Minnesota Senate, one from the minority party and one from the majority party; a volunteer member of an ambulance service based outside the seven-county metropolitan area; a representative of a hospital located outside the seven-county metropolitan area; a representative of a nursing home located outside the seven-county metropolitan area; a medical doctor or doctor of osteopathy licensed under Chapter 147; a mid-level practitioner; a registered nurse or licensed practical nurse; a licensed health care professional from an occupation not otherwise represented on the committee; a representative of an institution of higher education located outside the seven-county metropolitan area that provides training for rural health care providers; and three consumers, at least one of whom must be an advocate for persons who are mentally ill or developmentally disabled. In making appointments the Governor shall ensure that appointments provide geographic balance among those areas of the state outside the seven-county metropolitan area. The chair of the committee shall be elected by the members. Meeting location and schedule is undetermined at this time. The council does not expire per *Minnesota Statutes* 144.1481 as amended by *Laws of 1993*.

Department of Transportation

Office of Technical Support

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Selection Methods and Criteria for Off Right-of-way Advertising Directional Signs

NOTICE IS HEREBY GIVEN that the State Department of Transportation is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing selection methods and criteria for off right-of-way outdoor advertising directional signs. The adoption of the rules is authorized by *Minnesota Statutes*, Chapter 173.185 subd. 2, which allows the Commissioner of Transportation to adopt rules governing the erection and maintenance of outdoor advertising devices as may be necessary to carry out the policy of the state declared in Chapter 173.

The State Department of Transportation requests information and opinions concerning the subject matter of the rules. In proposing the rules, the Department may consider the following issues:

Standards:

- prohibited signs
- size and shape of signs
- lighting of signs
- spacing and location of signs

Sign specifications

Maintenance of signs

Message content

Selection methods and criteria

Permit application

Appeal procedure

Permit fees

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Gary E. Erickson
Office of Technical Support
Room 616, Transportation Building M.S. 686
395 John Ireland Boulevard
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 297-2252 and in person at the above address.

State Grants

All statements of information and opinions shall be accepted until May 1, 1995. Any written material received by the State Department of Transportation shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

The Department intends to form an advisory task force on the proposed adoption of the rules. The Department intends to invite representatives from:

- Federal Highway Administration
- Mn/DOT Districts
- Regional Development Commissions
- Outdoor Advertising Association of Minnesota
- Chambers of Commerce
- Minnesota Motel Association
- Environmental Activist Organization

The Department intends to form the task force by March 4, 1995. Persons interested in volunteering to participate on the advisory task force must contact Gary E. Erickson no later than 3:00 P.M., February 25, 1995 at the address or phone number given above.

The Department expects to have the rules ready for publication in the *State Register* by September 30, 1995. The Department anticipates this rulemaking to take one year to complete.

Dated: 23 December 1994

James N. Denn
Commissioner

State Grants

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

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

Department of Human Services

Family and Children's Services Division

Request for Proposals to Enhance Respite Child Care Services to Children Who Are Considered Medically Fragile

The Minnesota Department of Human Services is soliciting proposals from private and public agencies to provide respite child care to children who are considered medically fragile and their families. The community-based programs will focus on expanding the continuum of options through existing child care centers (both family and centers) to enhance their current respite care options through program uniqueness and systemic changes that will make the system more family-friendly. Special population targets will include communities of color and certain socio-economic groups that are traditionally not given enough appropriate options in their communities and are typically underserved.

This federal funding period grant is for a three year period ending September 30, 1997, contingent on annual funding.

This request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered in its best interest. All proposals must be submitted no later than February 3, 1995.

For a copy of a more detailed explanation of this Request for Proposals, please contact:

Georgi Larson
Respite Child Care Project Coordinator
Pathfinder Resources, Inc.
2324 University Avenue West, Suite 105
St. Paul, MN 55114
(612) 647-6905

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].

Department of Health

Division of Community Health Services

Request for Proposals for Conference Planning Services

The Minnesota Department of Health, Division of Community Health Services is releasing a Request for Proposals for conference planning services for the 1995 Community Health Conference. The services will include planning, administering, and evaluating a two-day conference aimed at state and local public health officials. The Conference is scheduled for September 27-29, 1995 at Cragun's Lodge and Conference Center near Brainerd and is expected to attract 350 - 400 participants.

Responsibilities of the contractor will include: assist in staffing a planning committee which develops program content; managing all correspondence with speakers; making all arrangements with the hosting facility; conducting and overseeing the registration process; insuring that conference support services run smoothly; developing and mailing all written materials and correspondence; maintaining records of all income and expenses associated with the conference; developing an evaluation process; and submitting a final report.

The contract with the Health Department will be from March 1 to December 31, 1995. Contract costs shall not exceed \$10,500.

Applicants shall be rated on: the level of experience of both the organization and staff; clarity and completeness of the proposed workplan and conference budget; clarity and appeal of sample conference brochure/programs and sample correspondence with speakers; and creativity in proposing ways to achieve the objectives of the conference.

The contract may be renewed for the 1996 Community Health Conference, based upon satisfactory performance of the contractor during 1995.

The application deadline for responding to the RFP is January 27, 1995. Interested bidders may obtain a complete copy of the RFP by writing or calling:

Jim Bluhm
Minnesota Department of Health
Division of Community Health Services
Metro Square Building - Suite 460
121 East Seventh Place, P.O. Box 64975
St. Paul, MN 55164
612/296-8914

State Board of Investment

Notice of Request for Professional Money Management Firms for Pension and Account Management

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
Suite 105 MEA Building
55 Sherburne Avenue
St. Paul, MN 55155

Please refer to this notice in your written request.

Department of Natural Resources

Forestry Division

Request for Proposal to Develop the Layout and Design of a Field Guidebook Presenting a Set of Wetland and Water Quality Best Management Practices for Minnesota Forests

I. INTRODUCTION

A wetlands Best Management Practices (BMP) task force and a water quality BMP revision group have completed the text for a revised combination water quality and wetlands BMP guidebook. The Minnesota Department of Natural Resources, Division of Forestry (DNR-DOF) has received funding to continue the BMP program which includes modifying and publishing the changes in a revised BMP guidebook. It is envisioned that the revised BMP guidebook will be used by resource managers, loggers and landowners when planning operations and conducting timber harvest activities.

II. BACKGROUND AND SUMMARY

Representatives from the DNR-DOF; DNR, Division of Fisheries and Wildlife; DNR, Division of Waters; U.S. Forest Service (USFS); Minnesota Association of County Land Commissioners (MACLC); Soil and Water Conservation Districts (SWCD); Blandin Paper Company; Boise Cascade Corporation; Minnesota Forest Industries; Timber Producer's Association (MFI-TPA); Associated Contract Loggers (ACL); Board of Water and Soil Resources (BWSR); Pollution Control Agency (PCA); Minnesota Forestry Association (MFA); Minnesota Power; Audubon Society; Minnesota Center for Environmental Advocacy (MCEA); and Soil Conservation Service (SCS) have been meeting for over two years to develop BMPs for wetlands in forested regions of Minnesota. A subcommittee of the wetlands BMP task force, named the BMP revision group, contained representatives from the DNR-DOF; USFS; MACLC; SWCDs; Blandin Paper Company; PCA; MFA; MFI-TPA; MCEA; BWSR; ACL; and the Minnesota Science Teachers Association. The BMP revision group met for over a year to identify changes to the water quality BMPs contained in the guidebook *Water Quality in Forest Management: Best Management Practices in Minnesota*. The outcome of the dialogue from both committees has been the development of text for both the wetland BMPs and changes to the water quality BMPs. The intent of both committees, hereafter referred to as the Forestry BMP Steering Committee, is to have both documents merged into a single guidebook.

The Forestry BMP Steering Committee is requesting proposals to:

1. Perform all steps necessary to prepare for publication of the text for Forestry Best Management Practices in Minnesota to Protect Water Quality and Wetlands.

This Request for Proposals does not obligate the Forestry BMP Steering Committee or the DNR-DOF to complete this project. The Committee and the DNR-DOF reserves the right to cancel the solicitation if it is considered to be in its best interests to do so.

III. PURPOSE AND SCOPE OF PROJECT

The purpose of this project is to produce a written and illustrated guidebook for use by natural resource managers, loggers, and landowners as a guide in forest management operations to prevent or minimize impacts to water quality and wetlands. The guidebook should be in a simple "how to" format which will provide practical guidance to the implementation of the recommended BMPs. This should be accomplished through the use of a clean, clear, concise and easy to read text complemented by photos,

Professional, Technical & Consulting Contracts

graphics or other appropriate illustrations. The guidebook is to be based on the text provided by the Forestry BMP Steering Committee.

IV. SPECIFIC PROJECT TASKS

The project consists of the following tasks:

1. The contractor will provide professional services necessary to complete the process of preparing the text of Forestry Best Management Practices in Minnesota to Protect Water Quality and Wetlands for publication. These services shall include but not be limited to, the following:
 - A. Edit and merge water quality and wetlands text into a single document.
 - B. Develop overall design and layout for the guidebook.
 - C. Develop the necessary photos, graphics, tables and other appropriate materials to properly illustrate the important key practices of the text.
 - D. Present draft versions of the handbook to the Forestry BMP Steering Committee for their review and approval prior to the final edit. This will require a minimum of four meetings with the Forestry BMP Steering Committee.
 - E. Provide copies of all documentation to all Forestry BMP Steering Committee members prior to each meeting.
 - F. Provide copyright releases, as appropriate, for illustrations and photographs to be included in the guidebook.
 - G. Prepare a camera-ready copy.
 - H. Provide a reliable estimate of the final cost of printing 5,000; 10,000; and 20,000 copies of the guidebook that includes color cover, illustrations and photographs.

The primary audience for this document will be practicing natural resource managers, loggers, and landowners. The document should be written and illustrated in such a fashion as to be easily used by that audience in order to facilitate their understanding and implementation of the recommended practices in the field.

2. The contractor will present a final draft document to the Forestry BMP Steering Committee for their final review and approval at least 30 days prior to the final date of the contract. Three copies of the completed document, one in camera-ready form, will be submitted to the Forestry BMP Steering Committee following final approval.

The responder is encouraged to propose additional project content, tasks or activities, or modify those listed, if they will substantially improve the results of the project.

V. PROPOSAL FORMAT

The proposal should be organized in the following manner:

- | | |
|--------|-------------------------|
| Part A | General Information |
| Part B | Project Work Plan |
| Part C | Budget |
| Part D | Project Completion Date |

Part A: General Information

1. Identification of the responder including name, address, firm name (if applicable) and telephone number.
2. Complete applicable resumes of all staff proposed to be committed to this project. List most directly related experience first. Discuss how expertise relates to the project.
3. The responder shall identify and demonstrate experience including examples of prior work with similar activities and/or competence in areas pertinent to the performance of the project tasks identified in Section IV.

Part B: Project Work Plan

The responder shall provide a detailed work plan suitable for use as a scheduling and managing tool. The responder is encouraged to modify or expand on project tasks listed in Section IV if it is felt that such modifications will better meet the stated purpose and scope of the project. The work plan shall include:

1. A description of proposed approach to project.
2. Identification of milestones in terms of dates of completed products, progress reports, meetings and tasks.
3. A description of the finished document (e.g. size, layout, cover, binding).
4. A description of the presentation of the finished document to the Forestry BMP Steering Committee.
5. An estimate of the type and number of graphics and illustrations that will be included in the final product.

Part C: Budget

Professional, Technical & Consulting Contracts

The responder shall provide a detailed budget identifying labor (including hourly rate for services), overhead, travel expenses and any other identifiable costs associated with the completion of the project. Describe the proposed schedule and method of invoicing for services.

The DNR-DOF has estimated that the total cost of this project should not exceed \$35,000 for all professional services and expenses if completed by July 21, 1995. For each week that the guidebook is completed prior to the completion date, a bonus of \$900 will be paid to the contractor up to a maximum of \$3,600. The bonus will be prorated for the fraction of a week.

Part D: Project Completion Date

The complete version of the Forestry Best Management Practices in Minnesota to Protect Water Quality and Wetlands guidebook should be provided to the DNR/DOF complete and ready for publication by July 21, 1995.

VI. OTHER PROJECT INFORMATION

A. Project Management

The project coordination will be the responsibility of the DNR-DOF.

B. Meeting Attendance

The selected contractor will be required to submit periodic accomplishment reports and attend at least 4 periodic meetings of the Forestry BMP Steering Committee to present evidence of project progress. This will include an initial meeting, final meeting and others as needed.

C. Solicitation of Proposals

The Forestry BMP Steering Committee seeks proposals from all prospective contractors but shall be held blameless for any failure to solicit proposals from any potential contractor.

D. Proposal Contacts

Prospective responders who have any questions regarding the Request for Proposals may call or write:

Mike Phillips
DNR/Division of Forestry
500 Lafayette Road
St. Paul, MN 55155-4044
Telephone (612) 297-4924
FAX (612) 296-5954

Rick Dahlman
DNR/Division of Forestry
500 Lafayette Road
St. Paul, MN 55155-4044
Telephone (612) 296-6502
FAX (612) 296-5954

These are the only personnel authorized to answer questions regarding this RFP.

E. Submission of Proposals

All proposals must be sent to and received by:

Mike Phillips
DNR/Division of Forestry
500 Lafayette Road
St. Paul, MN 55155-4044

not later than 4:00 pm February 1, 1995.

Late proposals will not be accepted. Submit three copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responders name 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 as stated must be valid for the length of the project.

F. Evaluation of Proposals

All proposals received by the deadline will be evaluated by the Forestry BMP Steering Committee. In some instances, an interview might be part of the evaluation process. Factors upon which the proposals will be judged include, but are not limited to, the following:

1. Project work plan.
2. Project budget detail and amount and kinds of services provided.
3. Qualifications of responder and/or firm and associated personnel. Experience of project personnel will be given greater weight than that of the firm.
4. Examples of previous work and materials produced.

Professional, Technical & Consulting Contracts

It is anticipated that evaluation and selection will be completed by February 15, 1995. Results will be sent immediately by mail to all responders.

VII. LIMITATIONS

This Request for Proposals does not commit the Forestry BMP Steering Committee or the DNR-DOF to award a contract, to pay any costs incurred in the preparation of a proposal to this request, or to procure a contract for services or supplies. The Forestry BMP Steering Committee and the DNR-DOF reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in entirety this Request for Proposals, if it is in the best interests of the Forestry BMP Steering Committee and DNR-DOF to do so. The project manager may require the proposer selected to participate in negotiations and to submit such price, technical or other revisions of their proposal as may result from negotiations.

Department of Transportation

Request for Proposals for Logo Sign Franchise Program

The Minnesota Department of Transportation seeks proposals from qualified firms to expand and execute the Logo Sign Franchise Program in Minnesota. The signs are located on highway rights-of-way and display business panels (logos) of nearby businesses that offer motorist services of gas, food, lodging and camping. The successful firm would fund, implement and maintain the program on selected rural and urban state freeways. The deadline for submitting a proposal is February 3, 1995.

Copies of the Request for Proposal and other information about this program are available from:

Janet G. Ekern
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 700, Room G20
Saint Paul, Minnesota 55155
Phone: 612-297-7509
FAX: 612-297-7576

Other Mn/DOT personnel are not authorized to provide information on this RFP.

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Uniform Fire Code 1991

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Volunteer Program Development Tools

The Power and Potential of Youth in Service to Communities

Comprehensive guide to developing and sustaining a successful and meaningful youth volunteer program. Learn what it takes--- from developing a mission, vision and management philosophy to identifying skill and ability experiences suitable for youth age 5-24; from defining a program structure and outcomes to understanding common concerns and issues. Includes information on model programs throughout the state. 96pp. (MOVS, 1993)
Stock No. 10-48 \$16.00



Planning it Safe: How to Control Liability & Risk in Volunteer Programs

Offers concrete suggestions, clear definitions, and a preventive approach to managing legal risk and liability concerns of volunteer programs. Discusses liability for personal injury, business liability, possible protection from liability, basic concepts of risk management, and specific risks your organization may face. 112pp. (MOVS, 1992)
Stock No. 10-45 \$17.95

Promise of the Future/Responsibility Today

Report sites findings of the Governor's Blue Ribbon Committee on Mentoring and Your Community Service (1989-90). Includes recommendations for mentoring programs/youth community service as a means to match caring responsible individuals with youth to encourage and guide their personal growth and development. 56pp. (MOVS, 1991)
Stock No. 10-16 \$15.00

Bridging the Gap: A Training Manual for Respite Care Volunteers

Program assistance for the project director, coordinator of volunteers, or anyone associated with the training of volunteers in a respite care program for caregivers of chronically ill, frail, and elderly individuals. The manual offers ideas, plans, and resources to recruit, train, place and retain volunteers in a respite care program. Provides flexibility/options that enable the trainer to pick and choose training activities that are appropriate for the participants, the time available, and the trainer's skills. Topics covered include:

- * Recruiting volunteers
- * Orientation
- * Resources
- * Handouts and forms
- * Practical tips
- * Guidelines for trainers
- * Ice breaker activities
- * Understanding the caregiver
- * Communications skills
- * Dealing with grief and loss

Looseleaf, 200pp. (MN Dept. of Human Services, 1994) Stock No. 10-50 \$35.00



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