

The Minnesota State Register

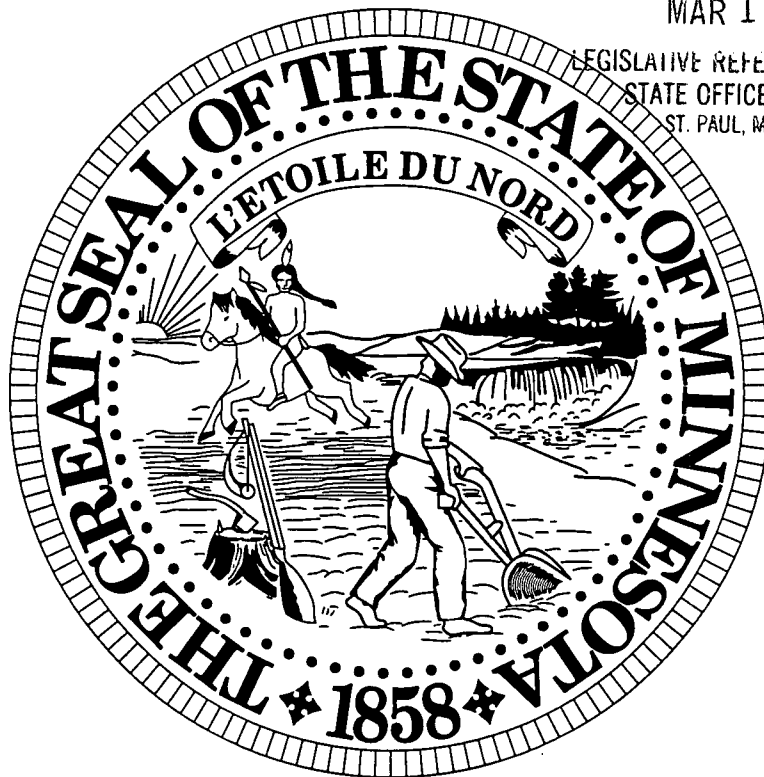
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Department of Administration—Print Communications Division

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State Register

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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.

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39	Monday 27 March	Monday 13 March	Monday 20 March
40	Monday 3 April	Monday 20 March	Monday 27 March
41	Monday 10 April	Monday 27 March	Monday 3 April

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (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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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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Proposed Rules

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

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

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

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

Department of Human Services

Proposed Permanent Rules Governing Licensure of Residential Treatment Programs for Children With Severe Emotional Disturbance

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in the Auditorium of the Minnesota State Lottery Headquarters Building, 2645 Long Lake Road, Roseville, Minnesota, on Thursday, April 20, 1995, commencing at 9:30 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Judge Richard C. Luis, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138; telephone (612) 349-2542, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. Any written comment must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day.

The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have five business days to respond in writing to any new information submitted during the comment period. During the five-day period, the agency may indicate in writing whether there are amendments suggested by other periods which the agency is willing to adopt. No additional evidence may be submitted during the five-day response period. Any written responses must be received at the Office no later than 4:30 p.m. on the final day. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9545.0905 to 9545.1125 govern the department's licensure of residential treatment programs for children with severe emotional disturbance. In addition to the eight digit formal rule number noted above, this rule is also known as Rule 5, according to an informal numbering system used by the department. Persons affected by the rule include providers of residential mental health treatment services for children, children with severe emotional disturbance and their parents and guardians, county governments who provide the majority of funding for this service, and any other entity which provides funding for this service.

The proposed rule repeals and replaces parts 9545.0900 to 9545.1090 which was originally promulgated in 1971. The rule requires treatment to meet the standards of the Minnesota Comprehensive Children's Mental Health Act, *Minnesota Statutes*, sections 245.487 to 245.488, including a requirement that a child must have a mental health diagnosis for admission to a program. It establishes new staffing and staff training standards including a requirement that treatment be offered by persons who are culturally competent. It establishes standards for offering treatment in a setting with secure capacity. Standards are included in this rule for shelter programs until a separate rule for shelter programs is established by future rulemaking. It establishes standards for, but does not encourage the use of, restrictive procedures.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 245A.03, subdivision 1, 245A.09, 245A.095, and 245.4882, subdivision 2. Additional related statutory authority citations include *Minnesota Statutes*, sections 245.484, 245.696, subdivision 2 (14), and 245.802, subdivision 2a (6).

The adoption of this rule will increase aggregate local public body spending by over \$100,000 per year for the first two years following the rule's adoption. A fiscal note has been prepared for this rule which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the first two years immediately following adoption of the rule. The Department estimates that costs of implementing the rule will be \$2,240,000 the first year and \$2,000,000 the second year. The fiscal note is available from the Department at the address below.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Robert Klukas, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-2794. A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Robert Klukas at the address or phone number listed above.

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

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

In compliance with the requirements of *Minnesota Statutes*, section 15.065, the agency has submitted a copy of the fiscal note to the chairs of the House Appropriations Committee and Senate Finance Committee prior to publishing the notice of intent to adopt rules in the *State Register*. The Department has included a copy of a notice of hearing and the rule to aid the committees' review of the fiscal note.

Copies of this notice, proposed rule, fiscal note, and statement of need and reasonableness have been mailed to persons on the Department's discretionary notice list.

Lobbyists must register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, 1st Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

Dated: 28 February 1995

Maria R. Gomez
Commissioner

Rules as Proposed (all new material)

9545.0905 PURPOSE; OUTCOMES.

Subpart 1. **Purpose.** Parts 9545.0905 to 9545.1125 establish minimum standards that residential treatment programs serving children with severe emotional disturbance must meet to qualify for licensure under *Minnesota Statutes*, chapter 245A, the human services licensing act. Parts 9545.0905 to 9545.1125 also implement and must be read in conjunction with *Minnesota Statutes*, sections 245.487 to 245.4888, the Minnesota comprehensive children's mental health act.

Subp. 2. **Outcomes.** Compliance with the standards and requirements in parts 9545.0905 to 9545.1125 requires that services:

- A. are provided as specified in an individual treatment plan based on the clinical needs of the child;
- B. are developed with assistance from the child's family or legal representative in deciding what services are needed and how they are provided;

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- C. support the child in gaining the skills necessary to return to the community;
- D. support the family in gaining the skills necessary to care for the returning child;
- E. are provided by qualified people under the clinical supervision of a mental health professional; and
- F. meet the quality of services criteria in *Minnesota Statutes*, section 245.4876, subdivision 1, that are applicable to residential treatment providers.

9545.0915 APPLICABILITY.

Subpart 1. **Applicability.** Parts 9545.0905 to 9545.1125 apply to any individual, corporation, limited liability corporation, partnership, voluntary association, other organization, or controlling individual that operates a residential treatment program for children with severe emotional disturbance.

Until the commissioner adopts separate rules to license shelter services, parts 9545.0905 to 9545.1125 apply according to part 9545.1045 to:

- A. the shelter services component of programs that provide both residential treatment and shelter services; and
- B. providers of freestanding shelter services that do not provide residential treatment services for children with emotional disturbance but hold a current license under parts 9545.0900 to 9545.1090 (OLD RULE 5) on the effective date of parts 9545.0905 to 9545.1125.

Subp. 2. **Exclusions.** Parts 9545.0905 to 9545.1125 do not apply to:

- A. programs excluded from licensure under *Minnesota Statutes*, section 245A.03, subdivision 2;
- B. residential programs that serve children with severe emotional disturbance who do not need residential treatment services as determined by the county screening required in *Minnesota Statutes*, section 245.4885;
- C. an acute care hospital licensed under *Minnesota Statutes*, chapter 144.

9545.0925 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9545.0905 to 9545.1125, the following terms have the meanings given them.

Subp. 2. **Administrative discharge.** "Administrative discharge" means the discharge of a child before the child reaches its treatment goals.

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

Subp. 4. **Case manager.** "Case manager" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 4.

Subp. 5. **Child.** "Child" means a person under 18 years of age.

Subp. 6. **Child with severe emotional disturbance.** "Child with severe emotional disturbance" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 6.

Subp. 7. **Clinical supervision.** "Clinical supervision" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 7.

Subp. 8. **Commissioner.** "Commissioner" has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 5.

Subp. 9. **Cultural competence.** "Cultural competence" means the ability to respond to the unique needs of a population whose culture is different from the dominant culture.

Subp. 10. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 11. **Diagnostic assessment.** "Diagnostic assessment" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 11.

Subp. 12. **Discipline.** "Discipline" means the implementation of reasonable, age-appropriate consequences designed to modify and correct behavior according to a rule or system of rules governing conduct. The rules must be made known to the child, the child's family, or legal representative and staff.

Subp. 13. **Emotional disturbance.** "Emotional disturbance" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 15.

Subp. 14. **Family.** "Family" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 16, or, in the case of an Indian child, means a relationship recognized by the Minnesota Indian family preservation act, *Minnesota Statutes*, sections 257.35 to 257.3579.

Subp. 15. **Functional assessment.** "Functional assessment" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 18.

Subp. 16. **Incident.** "Incident" means an occurrence or event that interrupts normal procedures or precipitates a crisis.

Subp. 17. **Individual family community support plan.** "Individual family community support plan" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 19.

Subp. 18. **Individual education plan.** "Individual education plan" has the meaning given in part 3525.0200, subpart 6a.

Subp. 19. **Individual treatment plan.** "Individual treatment plan" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 21.

Subp. 20. **Informed consent.** "Informed consent" means written or documented consent to the use of a medical treatment or administration of a medication given voluntarily by a child and a child's parent or legal representative. Consent must be based upon the disclosure to the child and the child's parent or legal representative of the information required according to part 9545.1025, subpart 7.

Subp. 21. **Isolation.** "Isolation" means involuntary confinement, either alone or with a staff member, in a room where the child can be continuously observed but is prevented from leaving by devices or objects positioned to hold the door closed.

Subp. 22. **Legal representative.** "Legal representative" means a guardian appointed by the court to decide on services for a child as specified in *Minnesota Statutes*, section 525.619, a custodian or guardian as defined in *Minnesota Statutes*, section 260.015, subdivision 14, or an Indian custodian as defined in *Minnesota Statutes*, section 257.351, subdivision 8.

Subp. 23. **License.** "License" has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 8.

Subp. 24. **License holder.** "License holder" has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 9.

Subp. 25. **Medication assistance.** "Medication assistance" means assisting residents to take medication and monitoring the effects of medication but does not include administering injections. For purposes of this definition, medication means a prescribed substance that is used to prevent or treat a condition or disease, to heal, or to relieve pain.

Subp. 26. **Mental health practitioner.** "Mental health practitioner" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 26.

Subp. 27. **Mental health professional.** "Mental health professional" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 27.

Subp. 28. **Physical holding.** "Physical holding" means intervention intended to hold a child immobile or limit a child's movement by using body contact as the only source of restraint.

Subp. 29. **Physical restraint or restraints.** "Physical restraint" or "restraints" means the use of devices to limit a child's movement or hold a child immobile. The term does not apply to restraints used for medical needs such as braces or splints.

Subp. 30. **Prior authorization for emergency use of isolation or restraints.** "Prior authorization for emergency use of isolation or restraints" means a written statement by a physician, psychiatrist, or licensed psychologist who has reviewed a child's medical history, history of injurious behavior, and other assessments and diagnoses. The statement allows the use of isolation or restraint in a situation where the child poses a threat of harm to self or others.

Subp. 31. **Psychotherapy.** "Psychotherapy" has the meaning given in *Minnesota Statutes*, section 148A.01, subdivision 6.

Subp. 32. **Psychotropic medication.** "Psychotropic medication" means a medication prescribed by a physician, according to a child's diagnosis, to treat mental illness and associated behaviors or to control or alter behavior. The major classes of psychotropic medication are antipsychotic, neuroleptic, antidepressant, antianxiety, antimania, stimulant, and sedative/hypnotic. Other miscellaneous classes of medication are considered to be psychotropic medication when they are specifically prescribed to treat a mental illness or to alter behavior based on a child's diagnosis.

Subp. 33. **Punishment.** "Punishment" means an act designed to harm or injure which is inflicted upon a child as a result of the child's behavior.

Subp. 34. **Resident district.** "Resident district" has the meaning given in part 3525.0200, subpart 19a.

Subp. 35. **Residential program.** "Residential program" has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 14.

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Subp. 36. **Residential treatment.** "Residential treatment" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 32.

Subp. 37. **Shelter services.** "Shelter services" means services provided during time-limited placements of 90 days or less, to children who are in a behavioral or situational crisis, need out-of-home placement in a protective environment, and have an immediate need for services such as assessment, evaluation, or placement planning.

Subp. 38. **Special mental health consultant.** "Special mental health consultant" has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 33a.

Subp. 39. **Staff supervision or supervisor.** "Staff supervision" means the oversight responsibility to hire, train, assign duties, evaluate, and direct staff in day to day activities. A "supervisor" has staff supervision responsibility.

Subp. 40. **Time-out.** "Time-out" means an intervention in which a staff member trained in time-out procedures removes the child or the child removes self from an ongoing activity to an unlocked room or area which is safe and where the child remains alone or with a staff member until the precipitating behavior abates or stops.

Subp. 41. **Treatment team.** "Treatment team" means a team consisting of the child, the child's parent or legal representative, staff who provide program services, including a mental health professional, case manager, and, if applicable, the child's caretaker, advocate, child psychiatrist, special mental health consultant, or other persons relevant to the child's needs.

Subp. 42. **Updated diagnostic assessment.** "Updated diagnostic assessment" means a written summary by a mental health professional of the child's current mental health status and services needs according to *Minnesota Statutes*, section 245.4876, subdivision 2.

9545.0935 CONDITIONS OF LICENSURE.

No person, corporation, limited liability corporation, partnership, voluntary association, controlling individual, or other organization can provide residential treatment services to children with severe emotional disturbance unless licensed by the commissioner under parts 9545.0905 to 9545.1125, according to the licensing requirements of parts 9543.1000 to 9543.1060.

9545.0945 PROGRAM AND SERVICE STANDARDS.

Subpart 1. **Program capability.** An applicant or license holder must offer the following services scheduled at accessible times which are appropriate to the child's age or level of functioning to support achieving the following outcomes:

A. individual and group psychotherapy which is designed to achieve the outcomes and meet the specific requirements of the child's individual treatment plan and when possible help the child reintegrate into the family, the community, and a less restrictive setting than residential treatment. The person providing individual and group psychotherapy must at a minimum qualify as a mental health practitioner, who is supervised by a mental health professional;

B. crisis assistance services designed to help children and family members recognize factors that precipitate a psychiatric crisis, anticipate behaviors and symptoms, and know the resources to use when crisis is imminent or occurs. Persons providing crisis assistance services must be at least mental health practitioners and must be supervised by a mental health professional;

C. medication education designed to have the child and family understand:

(1) the role of psychotropic medication in the child's treatment and the effect the medication may have on the child's physical and mental health; and

(2) the physical, emotional, or behavioral changes resulting from the child's use, misuse, or refusal to use psychotropic medications prescribed. The person who provides medication education must be a registered nurse or licensed physician;

D. instruction in independent living skills designed to strengthen a child's ability to function in a less restrictive environment than a residential treatment center. The services must support the child in carrying out the tasks of daily living, encourage the development of self-esteem, and promote self-sufficiency. Persons providing independent living skills services must either qualify as mental health practitioners or as child care workers who are supervised by a mental health practitioner;

E. recreation, leisure, and play activities designed to achieve these outcomes:

(1) the child develops recreational skills; and

(2) the child and family learn how to plan and participate in recreation and leisure activities.

The persons providing these services must be at least child care workers under the supervision of a mental health practitioner or a recreational therapist;

F. social and interpersonal skills development designed to achieve these outcomes:

(1) the child develops and maintains friendships; and

(2) the child communicates and interacts with peers and adults.

The person providing these services must be at least a child care worker under the supervision of a mental health practitioner;

G. vocational skills development services designed to prepare the child for the world of work by exploring the importance of such areas as use of time, acting responsibly, and working within the goal of an organization. Persons providing these services must be at least mental health practitioners or must be child care workers supervised by a mental health practitioner. The license holder may make vocational skills development services available to the child through the school district. The license holder shall coordinate vocational skill development services with the child's secondary transition plan developed by the school according to part 3525.2950;

H. instruction in parenting skills designed to achieve the outcome of parents using therapeutic parenting techniques that address management of specific behaviors or learning issues directly related to or resulting from the child's emotional disturbance. Persons providing parenting skills services must be supervised by a mental health practitioner; and

I. family support services designed to achieve the outcomes in subitems (1) to (3):

- (1) family members gain insight into family dynamics and resolving conflicts;
- (2) family members have broader family support, family goals, and improved family coping skills; and
- (3) the child is reintegrated into the family and community.

The license holder must provide these services at times, including evenings and weekends, that are mutually agreed upon by family and program staff. The person providing family support services must be at least a mental health practitioner.

Subp. 2. **Cultural competence.** The license holder must have services designed to achieve the outcomes in items A to C.

A. The child has opportunities to associate with adult and peer role models with similar cultural and racial backgrounds and participate in positive experiences related to the child's racial or cultural minority group.

B. Program services and treatment services must address cultural differences and special needs of all children. The license holder's development and periodic updating of program services must reflect the advice of representatives of the racial, cultural, or ethnic groups represented by children in treatment. The license holder may use a special mental health consultant to provide or develop program services which respect cultural differences and meet the special needs of cultural or racial groups.

C. Staff must be trained and competent in cultural aspects of mental health treatment for children and their families.

Subp. 3. **Interpretive services.** The license holder must use interpreters and equipment as necessary to ensure that all children admitted to the facility and children's representatives with whom the facility is working are informed in a way they can understand about treatment plans, choices, and rights. The license holder must not use a child as an interpreter.

Subp. 4. **Emergency medical, mental health, and dental services.** The license holder must have a system for meeting emergency medical, mental health, and dental needs of the children. The license holder's access system must assure contact with a mental health professional, or a physician, within 30 minutes after the emergency is identified.

Subp. 5. **Grievance procedure.** The license holder must have a written grievance procedure which allows an interested person, the child or the child's parent, or legal representative to formally complain about any aspect of the child's care during the child's stay in the facility. The license holder's written grievance procedure must provide:

A. that the child and the child's parent or legal representative receive a copy of the grievance procedure prior to or upon admission;

B. that, upon request, the child or child's parent or legal representative receive necessary forms and assistance in filing a grievance; and

C. that the license holder must make a written response within one week of the grievance. The written response must explain what action the license holder took in response to the grievance. A license holder's response to a grievance which alleges abuse or neglect must meet the requirements of the maltreatment of minors act, in *Minnesota Statutes*, section 626.556.

Subp. 6. **Staffing pattern and minimum staff/children ratio.** The license holder must provide a sufficient number of appropriately trained staff who provide program services to ensure that a child accepted by the facility can have the treatment needs identified in the child's individual treatment plan met while the child stays in the facility. A facility providing treatment in a setting with

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secure capacity according to part 9545.1035 must meet the staff-to-child ratio of part 9545.1035, subpart 4. A facility licensed according to parts 9545.0905 to 9545.1125 shall not have a ratio of staff who provide program services to children less than the following schedule:

Age of child	Minimum ratio of staff to children during waking hours when children are present
less than six years old	one staff person to three children
six to eight years old	one staff person to four children
nine to 11 years old	one staff person to six children
12 to 18 years old	one staff person to eight children

During sleeping hours a license holder caring for children younger than nine years old must provide at least one staff person for every seven children present. During sleeping hours a license holder caring for children nine years old or older must provide at least one staff person for every 12 children present.

9545.0955 ADMISSIONS CRITERIA AND PROCESS.

Subpart 1. **Conditions governing admission.** A license holder must admit a child only if the child meets the conditions in items A to F.

A. The child must be under 18 years of age at the time of admission.

B. If public funds are used to pay for the services, the child must be screened by the county prior to admission as required by *Minnesota Statutes*, section 245.4885, subdivision 1.

C. If public funds are not used to pay for the services, the child must be screened by a mental health professional using a screening process which is equivalent to that required by *Minnesota Statutes*, section 245.4885, subdivision 1, prior to admission.

D. The prior-to-admission screening in item B or C must determine that the residential treatment proposed is necessary and appropriate for the child's treatment needs, provides a length of stay as short as possible consistent with the child's need for treatment, and could not be effectively provided in the child's home.

E. The child must not be in need of primary chemical abuse treatment or detoxification at the time of admission.

F. The developmental and mental health needs of the child can be met by the license holder's program.

Subp 2. **Information at time of admission or intake.** At the time of intake or admission, the license holder is responsible for placing the information in items A to K regarding the child in the child's file:

A. date of admission;

B. description of presenting problems and circumstances leading to admission;

C. copy of the child's diagnostic and functional assessments and screening required under subpart 1, item B or C;

D. race or cultural heritage, including tribal affiliation, religion, and other cultural factors, including family relationships;

E. history of previous out-of-home placements and previous treatments;

F. history and current status of legal custody;

G. family history, including physical and mental health and social history;

H. medical history, including all available medical records authorized for release to the facility for the last three years;

I. a statement signed by the child's parent or legal representative indicating that the child and parent or legal representative

understands and has received prior notification before the implementation of the license holder's policies and procedures regarding discipline and the use of time-out, isolation, and physical holding during the child's treatment;

J. a statement signed by the child, if possible, or the child's parent or legal representative affirming that the license holder has advised the child of the availability of the following advocacy services:

- (1) office of the Ombudsman for Mental Health and Mental Retardation; and
- (2) other advocacy services which are currently available to the child or the child's parent or legal representative; and

K. a statement signed by the child, if possible, or the child's parent or guardian affirming that the license holder has advised the child and the child's parent or guardian of their rights and provided the child and the child's parent or guardian a copy of the patient's Bill of Rights according to *Minnesota Statutes*, section 144.652, subdivision 1.

9545.0965 EDUCATION PLANNING.

During the child's admission to the facility, the license holder must facilitate the child's school attendance and enroll the child in the local school district or, if appropriate, the child's home school district. If the child has no individual education plan or requires an assessment, the license holder is responsible for referring the child to the local school district or home school district for an assessment of eligibility for special education services.

9545.0975 DEVELOPING AND REVIEWING INDIVIDUAL TREATMENT PLAN.

Subpart 1. **Developing plan.** Within ten working days of admitting a child, the license holder must develop an individual treatment plan that supports achieving the outcomes in items A to E.

A. The development and content of the plan are consistent with the requirements in *Minnesota Statutes*, section 245.4871, subdivision 21.

B. The plan is based on the diagnostic and functional assessments required in part 9545.0955 and reflects the child's age or level of development and any other assessments completed by the license holder or provided by other agencies such as the county, a mental health center or other community agencies, and the Minnesota state departments of education, health, and corrections.

C. The plan identifies the skills and behaviors the child will need to be successful at home and in school.

D. The plan focuses on changes projected in the child's level of functioning and specifies or documents:

- (1) how the child and the child's family will be involved in the treatment process;
- (2) outcomes or goals the child is expected to achieve;
- (3) how the license holder will monitor outcomes;
- (4) how the treatment team participated in plan development;
- (5) who is to receive copies of the plan;
- (6) the schedule for accomplishing treatment goals and objectives leading to discharge;
- (7) criteria for discharge and projected discharge date;
- (8) an assessment of the child's susceptibility to abuse and a statement of the measures to be taken by the license holder to minimize the child's risk of abuse;
- (9) where appropriate, the specific number of hours for certain needed treatments or other remedial actions; and
- (10) the medically or programmatically indicated reasons for limiting a child's communication and visitation rights.

E. The plan incorporates the child's individual education plan, the case placement plan required of the county by part 9560.0610, and the plan for transition to the community required by *Minnesota Statutes*, section 245.4882, subdivision 3.

Subp. 2. **Quarterly review of individual treatment plan.** A license holder must review a child's individual treatment plan every 90 days. The quarterly review must document that:

A. treatment team members participated in the review;

B. the summary of the review addresses the success of the original plan, whether the child requires the same, or less, or more

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treatment than originally projected, whether any prior authorization for the use of isolation or restraint should be continued, and how the original plan and discharge date should be modified if change is indicated;

C. copies of the summary in item B were distributed to the child, the child's family and legal representatives, and the county case manager within ten working days after the review is completed; and

D. the child was advised of the right to appeal according to *Minnesota Statutes*, section 245.4887.

Subp. 3. **Progress notes.** The license holder must record each child's progress at least weekly in the child's file. Notes must be legible, signed, and dated. Notes must address the child's progress toward the goals and objectives identified in the child's individual treatment plan and the child's participation in program services and activities.

9545.0985 CRITERIA FOR CONTINUED STAY, DISCHARGE, AND DISCHARGE PLANNING.

Subpart 1. **Continued stay criteria.** The license holder must have continued stay criteria required by *Minnesota Statutes*, section 245.4882, subdivision 4. The criteria must include at least the following conditions:

A. the child is less than 18 years old;

B. continuing residential treatment is necessary and appropriate to meet the treatment needs of the child; and

C. the license holder continues to make available the services needed by the child.

Subp. 2. **Discharge criteria.** The license holder must have discharge criteria required by *Minnesota Statutes*, section 245.4882, subdivision 4. Discharge criteria must include at least the following conditions:

A. the child is at least 18 years old;

B. the child's condition has changed to the extent that residential treatment in the licensed program is no longer appropriate; and

C. the license holder cannot make available the services the child needs to continue a course of treatment which meets the child's needs.

Subp. 3. **Discharge planning criteria.** At least 30 days prior to discharge the treatment team must develop a discharge plan consistent with *Minnesota Statutes*, section 245.4882, subdivisions 3 and 4. Discharge services must be coordinated with the child's individual family community support plan, individual education plan, and family reunification plan, if applicable. For children who are from a racial or cultural minority group, the plan must be developed with advice from a special mental health consultant. The plan must state:

A. the methods, strategies, and resources to be used in assisting the child and the child's family make the transition from residential treatment to less restrictive community-based services. The transition-planning component of the individual treatment plan must recommend:

(1) family community support services and agencies that will be involved with the child and family after the child's discharge from the residential treatment program;

(2) strategies for involving the services identified in subitem (1) with the child and the child's family while the child is in residential treatment; and

(3) strategies for incorporating the transition-planning component of the child's individual education plan into the transition-planning component of the individual treatment plan;

B. the license holder's recommendations for follow-up care in the community;

C. the names of individuals responsible for specific tasks and time lines for completing these tasks; and

D. the recommendations for the continuing care and treatment of a child with serious and persistent mental illness or other needs, who is being discharged because the child has reached the child's 18th birthday.

Subp. 4. **Notice of discharge.** At least 30 days prior to discharging a child, the license holder must prepare a written discharge notice.

A. The license holder must give written notice of the projected discharge date to:

(1) the child;

(2) the child's case manager and parent or legal guardian;

(3) the local education agency in which the child is enrolled; and

(4) the receiving education agency to which the child will be transferred upon discharge.

B. The notice must give the following information:

(1) a copy of the child's individual education plan under chapter 3525, if the child has one;

(2) the information about appeals from *Minnesota Statutes*, section 245.4887; and

(3) the license holder's offer to meet with the county caseworker or person responsible for the child's care after discharge from the facility to review the discharge plan, including the program director's or license holder's recommendation for follow-up care in the community.

Subp. 5. Administrative discharge. Prior to making an administrative discharge, the administrator must meet with the treatment team to review the issues involved in the decision. During this review process, which must not exceed five working days, the license holder may arrange a temporary removal of the child to another site. The purpose of the review is to determine whether the license holder, treatment team, and child can develop additional treatment strategies, to resolve the issues leading to the discharge and to permit the child an opportunity to continue treatment services with the license holder. If the review indicates the discharge is warranted, the reasons for it and the alternatives considered or attempted must be documented in the child's file.

Subp. 6. Discharge summary. Within 15 working days after a child's discharge, the license holder must place a written discharge summary in the child's file. The summary must document:

A. a review of the progress the child made while receiving residential treatment services from the licensed program, the reasons for the initial referral and the child's response to goals and objectives identified in the individual treatment plan;

B. a statement describing the child's current strengths and needs;

C. an updated diagnostic assessment;

D. a copy of the discharge plan; and

E. the name and address of the caretaker of the child following discharge, the name and address of the case manager, and the names of other agencies that will be providing services for the child and family after discharge.

9545.0995 STANDARDS GOVERNING USE OF RESTRICTIVE TECHNIQUES AND PROCEDURES.

Subpart 1. Policy. A facility must not use restrictive techniques prohibited under *Minnesota Statutes*, section 245.826. A facility must:

A. use positive and least restrictive approaches to changing behavior;

B. permit and control the use of time-out in accordance with the child's individual treatment plan;

C. prohibit the use of isolation and physical restraints except under the conditions specified in this part and in *Minnesota Statutes*, section 144.651, subdivision 31; and

D. prohibit the following actions:

(1) restricting a child's normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, school, fresh air, adequate exercise, and necessary clothing;

(2) corporal punishment, such as hitting a child with the hands or the fists or with an object; throwing objects at a child; pinching, shaking, kicking, or biting a child, or requiring a child to march, stand, kneel, or otherwise assume and remain in any fixed position as punishment;

(3) humiliating or shaming a child privately or publicly;

(4) any action defined as maltreatment by *Minnesota Statutes*, section 626.556;

(5) assigning artificial work that is not therapeutic and a part of the child's individual treatment plan;

(6) disciplining one child for the behavior or action of another, except for the imposition of restrictions on the child's peer group as a part of a recognized treatment program;

(7) use of restrictive techniques or procedures as punishment, for convenience of staff, to compensate for not having an adequate number of staff, to enforce program rules, or to substitute for program services;

(8) use of physical restraints, except for the transport of a child who is determined by the program director or a mental health professional to present a threat of harm to self or others. No physical restraint may be used which limits the circulation of

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blood to the extent that the child may be injured. Persons using restraints for transporting a child must be trained in the proper use of restraints for transportation;

(9) restricting the visitation rights of the parents of a child placed in the facility by court order according to *Minnesota Statutes*, section 260.191, subdivision 1d, beyond the limitations placed on the visitation rights imposed by the order; and

(10) placing restrictions on a child's communications rights beyond the restrictions specified in the child's individual treatment plan.

Subp. 2. **Standards governing use of time-out.** The standards in items A to H apply to the use of time-out by a license holder.

A. Time-out is implemented only as specified in a child's individual treatment plan, is specific to an identified behavior, and is supported by documentation describing how intervention procedures incorporating positive approaches and less intrusive procedures have been tried.

B. Prior notification was provided to the parent or legal representative for the use of time-out according to part 9545.0955, subpart 2, item I.

C. The purpose and terms of termination of the time-out have been explained to the child.

D. Time-out is terminated as soon as the precipitating behavior has abated or stopped.

E. Staff members must monitor and assess the child at least every five minutes and document on an appropriate form the child's condition at least every 15 minutes. The assessment must determine if the child can return to ongoing activity.

F. If time-out is implemented for more than 15 minutes, the child must have access to bathroom facilities.

G. Time-out procedures are implemented in the child's room or other area commonly used as living space whenever possible rather than in a room set aside specifically for time-out.

H. When time-out is used:

(1) the child must not be prevented from leaving the room by a locked door or other devices or objects positioned to hold the door closed; and

(2) the room must provide a safe environment, be well-lighted, well-ventilated, and clean, and have an observation window or other device to permit direct monitoring of the child.

Subp. 3. **Emergency use of isolation or physical holding.** A license holder must limit the use of isolation or physical holding to emergency situations involving a likelihood that the child will physically harm the child's self or others.

Subp. 4. **Policies on emergency use.** The license holder must have and implement policies and procedures that specify how emergency use of isolation or physical holding will be monitored and how the requirements of subparts 5 to 9 will be met.

Subp. 5. **Standards governing emergency use of physical holding.** A license holder must use physical holding only under the conditions in this subpart. The license holder must have the approval of a mental health professional at the time of the incident if seeking the approval of the mental health professional does not continue or increase the likelihood of harm to the patient or others. The license holder must also have prior authorization of a physician, psychiatrist, or mental health professional in the child's file. Less restrictive measures must be ineffective or not feasible. Staff members using physical holding must be trained in using physical holding. The standards in items A to E must be met when a program uses physical holding with a child.

A. The child must be told at the clinically appropriate time by the person doing the physical holding why the procedure is being used and what is expected of the child for termination of the physical holding.

B. There must be an ongoing assessment of the child's condition which is documented in at least 15 minute intervals and an attempt to terminate the physical holding according to item C.

C. The physical holding must be terminated as soon as the threat of harm to self or others abates or stops.

D. Upon the termination of physical holding the child must be assessed to determine if the child can be returned to an ongoing activity.

E. The child must be treated respectfully throughout the procedure.

Subp. 6. **Standards governing emergency use of isolation.** Isolation must be used only: with the approval of a mental health professional if possible at the time of the incident; with prior authorization of a physician, psychiatrist, or mental health professional in the child's file; and when less restrictive measures are ineffective or not feasible. The standards in items A to I must be met by a license holder when isolation is used with a child.

A. The child must be told at the clinically appropriate time by the person monitoring the child why the isolation is being used and what is expected of the child for termination of the isolation.

- B. The child must be within hearing range at all times and be observed by staff at least every five minutes during isolation.
- C. There must be ongoing assessment of the child's condition which is documented in at least 15-minute intervals.
- D. The isolation must end as soon as the threat of harm to self or others abates.
- E. At the end of isolation the child must be assessed by the person observing the child to determine if the child can be returned to an ongoing activity.
- F. The child must be treated respectfully throughout the procedure.
- G. Staff members must be trained in using the isolation technique.
- H. The room used for isolation must be well lighted, well ventilated, clean, have an observation window allowing the direct monitoring of the child in isolation, have fixtures which are tamper proof, with electrical switches located immediately outside the door, and have doors that open out and are unlocked or are locked with keyless locks that have immediate release mechanisms.
- I. All dangerous objects must be removed from the child prior to the child's placement in isolation.

Subp. 7. **Documentation.** When emergency use of physical holding or isolation occurs, the license holder must document:

- A. the precipitating behavior;
- B. less restrictive measures used unsuccessfully or considered but not used because they were judged to be ineffective or not feasible;
- C. the start and ending time of isolation or physical holding;
- D. that the child was offered access to bathroom facilities when needed;
- E. that efforts were made to terminate the isolation or physical holding at least once every 15 minutes;
- F. that a mental health professional was consulted if possible before the isolation or physical holding was used and an approval signed by the mental health professional was placed in the child's file within 24 hours of the approval;
- G. the names of the staff members involved in implementing the isolation or physical holding;
- H. the description of the isolation or physical holding used;
- I. that the mental health professional and the staff have reviewed the child's individual treatment plan within one week to determine whether revised treatment strategies are necessary to reduce the child's risk of harm to self or others;
- J. that the staff attempted to inform the child's parent or legal representative and case manager within one working day of the emergency use of isolation or physical holding;
- K. that the prior notification statement required by part 9545.0955, subpart 2, item I, is in the child's file; and
- L. any injury and any medical treatment to the child that occurred during the isolation or physical holding.

Subp. 8. **Administrative review.** The program administrator must complete an administrative review within one working day after the emergency use of physical holding or isolation. The administrative review must be conducted by someone other than a person actually involved in the incident or the person's immediate supervisor. The record of the administrative review must state whether:

- A. documentation required by subpart 7 is recorded;
 - B. prior authorization is on file and a mental health professional approved the emergency use;
 - C. standards governing use of physical holding or isolation established by this part were met;
 - D. the individuals implementing the procedure are properly trained under the requirements in parts 9545.1095 and 9545.1105;
- and
- E. the reviewer has made recommendations to the license holder for action to correct deficiencies, if any, indicated by the review conducted according to this subpart.

Subp. 9. **Committee review.** At least quarterly, the license holder must review patterns of emergency use of physical holding

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and isolation and use of time-out. The review must be done by a committee comprised of administrative staff, child care staff, and a mental health professional. The review must consider:

- A. the administrative reviews required in subpart 8;
- B. any patterns or problems indicated by similarities in the time of day, day of the week, and individuals involved with emergency use of isolation or physical holding or use of time-out or any other relevant factors;
- C. any injuries resulting from physical holding or isolation;
- D. corrective actions judged to be needed to correct deficiencies in the program's implementation of isolation and physical holding; and
- E. results of the corrective actions in item D.

9545.1005 DISCIPLINE; RULES OF CONDUCT.

Subpart 1. **Policies and procedures governing discipline.** The objective of discipline is not to punish the child for specific behavior but to teach appropriate skills and help the child learn accountability and self control from the experience of being disciplined. The license holder must have and utilize written policies and procedures for implementing, documenting, and monitoring the use of discipline. These policies and procedures must be made available to parents, referring agencies, and staff. The policies and procedures governing discipline must specify:

- A. only age-appropriate techniques will be used;
- B. the methods of discipline that staff are to use, including methods for managing stress and reducing impulsive behavior;
- C. discipline that will result from specific behaviors;
- D. which staff are authorized to use disciplinary actions and the types of actions authorized;
- E. how the license holder will ensure that a child's individual treatment plan takes precedence over general disciplinary procedures if there is a conflict between an individual's plan and the procedures;
- F. how the license holder's quality assurance plan will provide for documenting and monitoring the use of discipline and evaluating the effectiveness of the discipline;
- G. that the plan is approved by a mental health professional and the program director for use by program staff; and
- H. that the plan is reviewed and approved annually by a mental health professional and the program director. The review must include results of quality assurance activities required in part 9545.1055.

Subp. 2. **Rules of conduct.** A license holder must have rules of conduct for children in the program.

- A. The rules of conduct must indicate or describe:
 - (1) what the program considers to be appropriate and inappropriate behaviors;
 - (2) the consequences that will be applied in recognizing and rewarding appropriate behavior and modifying inappropriate behavior;
 - (3) the circumstances for the emergency use of restraint and isolation; and
 - (4) that an individual treatment plan takes precedence over the rules of conduct if there is a conflict.
- B. No later than at the time of admission, the license holder must explain and provide a copy of the program's rules of conduct to the child and the child's parent or legal representative. The license holder must obtain a signature from the child, if the child is older than seven years, and the child's parent or legal representative indicating they have received a copy of and understand the rules of conduct. If the child or the child's legal guardian requires an interpreter to understand the rules of conduct, the license holder must make interpreted copies of the rules and an interpreter available.
- C. The license holder must post the rules of conduct in a place where they are visible and accessible to the children in the program.

9545.1015 COMPLIANCE WITH MALTREATMENT OF MINORS ACT.

Subpart 1. **Notice to children and families.** Prior to or at the time of admission, the license holder must inform the child and child's family of the license holder's obligations under *Minnesota Statutes*, section 626.556, and the policies and procedures in place to meet the obligations.

Subp. 2. **Notice to staff.** During orientation and annual training and any time a staff person requests the written material, the license holder must distribute to staff members written material that explains staff obligations under *Minnesota Statutes*, section 626.556, and the program policies and procedures to be followed to meet the obligations.

Subp. 3. **Policies and procedures.** The license holder must develop policies and procedures to follow if a staff person is suspected of maltreatment. Policies and procedures must be reviewed and revised annually by the program director and license holder. The review and revisions must be based on such factors as whether the governing statutes have changed in the year since the last review and on the program's quality assurance review of incident reports and reports of maltreatment over the past year.

9545.1025 USE OF PSYCHOTROPIC MEDICATIONS.

Subpart 1. **Conditions governing use of psychotropic medications.** When psychotropic medications are administered to a child in a facility licensed under parts 9545.0905 to 9545.1125, the license holder is responsible for seeing that the conditions in items A to C are met.

A. Use of the medication must be included in the child's individual treatment plan and is based on the prescribing physician's diagnosis and the diagnostic and functional assessments defined in *Minnesota Statutes*, section 245.4871.

B. The license holder must document the following in the child's individual treatment plan:

(1) a description in observable and measurable terms of the symptoms and behaviors that the psychotropic medication is to alleviate;

(2) data collection methods the license holder will use to monitor and measure changes in the symptoms and behaviors that are to be alleviated by the psychotropic medication; and

(3) the criteria to prompt review by the physician for possible dosage increase, and decrease, or medication discontinuation.

C. Psychotropic medication must not be administered as punishment, for staff convenience, as a substitute for a behavioral or therapeutic program, or in quantities that interfere with learning or other goals of the individual treatment plan.

Subp. 2. **Monitoring side effects.** The license holder must monitor for side effects if a child is prescribed psychotropic medication and must have the prescribing physician or a pharmacist list possible side effects. The license holder under the direction of a licensed nurse or physician must document and check for side effects at least weekly for the first month after a child begins taking a new psychotropic medication or an increased dose of a currently-used psychotropic medication and at least quarterly thereafter. In addition to appropriate physical or laboratory assessments as determined by the physician, standardized checklists or rating scales such as the Monitoring of Side Effects Scale (MOSES), Systematic Assessment for Treatment Emergent Effects (SAFTEE) or other scales developed for a specific drug or drug class must be used as monitoring tools. The license holder must provide the assessments to the physician for review.

Subp. 3. **Monitoring for tardive dyskinesia.** The license holder must monitor for tardive dyskinesia if a child is prescribed an antipsychotic medication or amoxapine. The license holder under the direction of a licensed nurse or physician must document and check for tardive dyskinesia at least once every three months. A child prescribed antipsychotic medication or amoxapine for more than 90 days must be checked for tardive dyskinesia at least 30 and 60 days after discontinuation of the antipsychotic medication or amoxapine. Monitoring must include use of a standardized rating scale and examination procedure such as the Abnormal Involuntary Movement Scale (AIMS) or Dyskinesia Identification System: Condensed User Scale (DISCUS). The license holder must provide the assessments to the physician for review.

Subp. 4. **Standards governing administration of psychotropic medications.** An employee other than a physician, registered nurse, or licensed practical nurse who is responsible for medication assistance must provide a certificate verifying successful completion of a trained medication aide program for unlicensed personnel offered through a post-secondary institution or shall be trained by a registered nurse to provide medication assistance. The specific medication administration training provided by a registered nurse to unlicensed personnel must be documented and placed in the unlicensed employees' personnel records. A registered nurse must provide consultation and review of the license holder's administration of medications at least weekly. The consultation shall review the license holder's compliance with subparts 5 and 6.

Subp. 5. **Psychotropic medication review.** If a child is prescribed a psychotropic medication, the license holder must conduct a psychotropic medication review as frequently as required by the physician, but at least monthly for the first six months and at least quarterly thereafter. The license holder must consider and document the following items at the quarterly review and provide the information to the physician for review:

A. symptoms and behaviors of concern and any corresponding diagnosis;

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- B. data collected since the last review;
- C. level of symptoms and behaviors and whether this level meets the criteria prompting physician review for possible dosage increase or decrease;
- D. any side effects observed and actions taken;
- E. status of other therapies or interventions being used and how they relate to decisions about the child's psychotropic medications;
- F. the status of the child's goals in the individual treatment plan and whether these goals are adversely effected by the psychotropic medication; and
- G. any factors such as illness or environmental changes which were considered and reviewed.

Subp. 6. **Informed consent.** The license holder must obtain informed consent before any nonemergency administration of psychotropic medication. To the extent possible, the child shall be informed and involved in the decision-making.

A. Informed consent is required either orally or in writing before the nonemergency administration of any psychotropic medication except for antipsychotic (neuroleptic) medication where informed consent must be in writing. If oral informed consent is obtained for a nonantipsychotic medication, the following items must occur and be documented by the license holder:

- (1) an explanation why written informed consent could not be initially obtained;
- (2) that the oral consent was witnessed and the name of the witness;
- (3) the communication of all items in subpart 7; and
- (4) an explanation that written informed consent material is immediately being sent by the license holder to the child's parent or legal representative, that the oral consent expires in one month, and that the medication must be discontinued one month from the date of the telephone consent if written consent is not received.

B. Informed consent for any psychotropic medication must be renewed in writing within six months of the initiation and at least yearly thereafter.

C. Informed consent must be obtained from an individual authorized to give consent. Individuals authorized to give consent are specified in subitems (1) to (4).

(1) If the child has a legal representative or conservator authorized by a court to give consent for the child, consent is required from the legal representative or conservator.

(2) If subitem (1) does not apply, consent is required from at least one of the child's parents. If the parents are divorced or legally separated, the consent of a parent with legal custody is required, unless the separation or marriage dissolution decree otherwise delegates authority to give consent for the child.

(3) If the commissioner is the child's legal representative, consent is required from the county representative designated to act as legal representative on the commissioner's behalf.

(4) If the child is an emancipated minor according to *Minnesota Statutes*, section 144.341, or the child has been married or borne a child, the child may give consent under *Minnesota Statutes*, section 144.342.

D. Informed consent is not necessary in an emergency situation where the physician determines that the psychotropic medication is needed to prevent serious and immediate physical harm to the individual or others. In the event of the emergency use of psychotropic medication, the license holder must:

(1) inform and document the individual authorized to give consent orally and in writing within 24 hours of the emergency use of the medication;

(2) document the specific behaviors constituting the emergency, the circumstances of the emergency behaviors, the alternatives considered and attempted, and the results of the use of the emergency psychotropic medication; and

(3) arrange for an interdisciplinary team review of the individual treatment plan within seven days of the emergency to determine what actions, if any, are required in light of the emergency. If a psychotropic medication continues to be required, written informed consent is required within 30 days or a court order must be obtained.

Subp. 7. **Information to be communicated in obtaining consent.** The information in items A to G must be provided both orally and in writing in nontechnical language to the child's parent, legal representative, and, to the extent possible, the child. The information must include:

- A. the diagnosis and level of severity of the symptoms and behaviors for which the psychotropic medication is prescribed;

B. the expected benefits of the medication, including the level to which the medication is to change the symptoms and behavior and an indication of the method used to determine the expected benefits;

C. the pharmacological and nonpharmacological treatment options available and the course of the condition with and without the treatment options;

D. specific information about the psychotropic medication to be used including the generic and commonly known brand name, the route of administration, the estimated duration of therapy, and the proposed dose with the possible dosage range or maximum dose;

E. the more frequent as well as less frequent or rare but serious risks and side effects of the psychotropic medication including how the risks and possible side effects will be managed;

F. an explanation that consent may be refused or withdrawn at any time and that the consent is time-limited and automatically expires as described in subpart 6; and

G. the names, addresses, and phone numbers of appropriate professionals to contact should questions or concerns arise.

Subp. 8. Refusal to consent to administration of psychotropic medication. If the authorized person refuses consent for a psychotropic medication, the conditions in items A to C apply.

A. The psychotropic medication shall not be administered or, if the refusal involves a renewal of consent, the psychotropic medication for which consent had previously been given shall be discontinued according to a written plan as expediently as possible taking into account withdrawal side effects.

B. A court order must be obtained to override the refusal.

C. Refusal to consent to use of a specific psychotropic medications in and of itself is not grounds for discharge. Any decision to discharge a child shall be reached only after the alternatives to the specific psychotropic medication have been attempted and only after an administrative review of the proposed discharge has occurred.

9545.1035 TREATMENT IN A SETTING WITH SECURE CAPACITY.

Subpart 1. Definition. "Treatment in a setting with secure capacity" means a residential mental health intensive treatment program offered to a child whose diagnostic assessment indicates that the persistent pattern of the child's mental health presents a likely threat of harm to self or others which would best be treated in a setting which prevents the child from leaving the program. The setting may be within a building or part of a building secured by locks.

Subp. 2. Limitations on admissions to a residential mental health program offering treatment in a setting with secure capacity. Before accepting a child for admission to a residential mental health program offering treatment in a setting with secure capacity, the license holder must determine that the child meets the following criteria:

A. the child's record includes a written statement that a diagnostic assessment conducted according to *Minnesota Statutes*, section 245.4871, subdivision 11, has established the child's need for residential mental health treatment in a setting with secure capacity; and

B. the child has an individual treatment plan which:

(1) meets the requirements of part 9545.0975;

(2) identifies the need for treatment in a setting with secure capacity;

(3) identifies the relationship of treatment in a setting with secure capacity to the child's overall treatment goals;

(4) identifies the treatment goals the child should meet to be placed in a less restrictive treatment setting;

(5) includes a plan for discharge from treatment in a setting with secure capacity to a less restrictive environment; and

(6) is reviewed weekly by the program director to determine the level of treatment needed.

Subp. 3. Prohibited placements. A facility must not admit a child for treatment in a setting with secure capacity as a disposition resulting from adjudication of an offense under the juvenile code without meeting the diagnostic assessment requirements of subpart 2, item A, nor transfer a child from an unsecured part of a residential facility to a secure capacity part of the same facility as punishment for violating the rules of conduct of the treatment facility.

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Subp. 4. **Staff ratio.** During waking hours the part of a facility providing treatment in a setting with secure capacity must provide at least a ratio of one treatment staff member to three children. The staff to child ratio for the treatment in a setting with secure capacity part of the facility does not apply during waking hours when the children are out of that part of the facility attending school. During sleeping hours the part of the facility providing treatment in a setting with secure capacity must provide at least two treatment staff persons to nine children. At least one of the two staff persons required during sleeping hours must be awake and present in that part of the facility. If the required second staff member is not awake and present in the secure capacity setting, the program must assure that the second staff person is in the immediate vicinity and may be readily contacted either visually, by telephone, or by radio to come to the immediate assistance of the staff person in the secure capacity setting part of the facility.

Subp. 5. **Additional staff training.** In addition to the training required in part 9545.1105, staff providing treatment in a setting with a secure capacity must have at least eight hours of additional training annually in subjects which will improve staff's ability to deal with children who present a risk of harm to self or others.

Subp. 6. **Notice to commissioner and compliance with codes.** A facility must, prior to offering mental health treatment in a setting with secure capacity, notify the commissioner of its intent to do so and comply with any additional health, fire, or building code requirements which the commissioner, state fire marshal, or the Department of Health may require.

Subp. 7. **Limitations on the use of rooms for isolation.** The license holder must ensure that the requirements of part 9545.0995 regarding isolation are met if a child is locked in a room in the part of the facility offering mental health treatment in a setting with a secure capacity.

9545.1045 SHELTER SERVICES.

Subpart 1. **Applicability of subparts 2 to 10.** Until the commissioner adopts rules specifically developed to govern the licensure of shelter services available to children in a variety of residential settings, the requirements in this part apply to shelter services provided by a residential treatment program licensed under parts 9545.0905 to 9545.1125. The number of beds that a license holder designates for shelter services must be specified in the application for licensure and on the program license.

Subp. 2. **Description of services.** An application for licensure under parts 9545.0905 to 9545.1125 that includes shelter services must provide a written description of services which meet the requirements of part 9545.0945, subparts 1, items E and F, and 2 to 6. The description must state how the applicant will provide program services, address cultural needs, collaborate with community services, and work with families to meet children's needs, except under circumstances where contact with the family is prohibited by the court or contraindicated by the child's condition and documented in the child's record.

Subp. 3. **Initial assessment.** When a shelter services program admits a child, the license holder must:

- A. meet the requirements governing admission in part 9545.0955, subpart 1, items A and E;
- B. assess the child's vulnerability to maltreatment and develop a plan to reduce the child's risk of maltreatment while in the shelter; and
- C. assess the child's situation, condition, and immediate needs as a basis for developing the immediate needs plan required in subpart 5. The assessment in this item is in lieu of the information taken at the time of admission required under part 9545.0955, subpart 2.

Subp. 4. **Physical examination.** Within 24 hours of admitting a child to shelter services, the license holder must arrange for a qualified professional as specified in items A to D to conduct a basic health screening to determine whether the child needs a physical examination by a licensed physician or dental examination by a dentist. If the need is determined, the license holder is responsible for making an appointment with a licensed physician or dentist to complete the required examination within three working days of admission. A qualified professional is:

- A. a certified pediatric nurse practitioner;
- B. a licensed nurse trained to do child and teen checkups;
- C. a certified family nurse practitioner; or
- D. a registered nurse experienced in the care of children in a shelter facility under the direction of a physician.

Subp. 5. **Immediate needs plan.** Within 24 hours of admitting a child, the license holder must develop a plan for meeting the child's immediate needs. The immediate needs plan in this subpart may be used in lieu of the individual treatment plan in part 9545.0975, subpart 1. The plan must:

- A. identify what is immediately needed to help stabilize or ameliorate the child's situation, behavior, or condition based on the assessment in this subpart and subpart 4;
- B. specify short-term objectives and methods for meeting the needs identified in item A; and

C. indicate shelter services program responsibilities for meeting needs identified in the placement plan developed by the county.

Subp. 6. **Diagnostic assessment.** If the license holder has reason to believe that a child has or may have severe emotional disturbance, the license holder must, within 72 hours of recognition of the need for the assessment or screening, refer the child to the county for a diagnostic assessment as required in *Minnesota Statutes*, sections 245.4876, subdivision 2, and 245.4871, subdivision 11.

Subp. 7. **Follow-up contact.** If the county does not respond to the referral in subpart 6 within three working days, the license holder must make a second request of the county.

Subp. 8. **Individual stabilization plan.** Within five working days after a child is admitted, the license holder must complete an individual stabilization plan and recommend a discharge plan for the child. The stabilization plan must be based on the license holder's assessment of the child's needs and must include a schedule for meeting the needs and the name of the person or agency responsible for meeting the needs.

Subp. 9. **Discharge recommendations.** The discharge requirements of this subpart may be used in lieu of discharge requirements contained in part 9545.0985 for a child who is receiving shelter care services under this part.

A. The license holder must prepare discharge recommendations for a child residing in shelter more than five days. The discharge recommendations must address the services, supports, and referrals necessary to return the child to the family when possible or to another setting as an alternative to the family. In addition to the discharge summary required under part 9545.0985, subpart 6, the license holder must forward all medical, behavior, and incident notes regarding the child to the child's subsequent caregiver or county case manager.

B. If a child is in a shelter facility less than five days, the license holder must prepare a discharge summary which, at a minimum, meets the requirement of part 9545.0985, subpart 6, item E.

Subp. 10. **Limitations on length of stay.** The license holder must apply for a variance according to part 9545.0935, to retain a child in shelter care beyond 90 days. If a child must remain in the shelter longer than 30 days, the treatment team must review the necessity of the child remaining in the facility and alternative placement plans. The license holder must document the reason for not including a member of the treatment team in the review process. The determination of the treatment team must be placed in the child's file and a copy sent to the entity placing the child in the program.

9545.1055 QUALITY ASSURANCE.

The license holder must develop a quality assurance plan based on program goals and objectives, and the goals and objectives for client outcomes. The plan must provide for monitoring and evaluating:

- A. the use of all treatment modalities;
- B. incidents or accidents involving children or personnel;
- C. emergency use of isolation and physical holding;
- D. patterns of grievances raised by children and families; and
- E. problems with administration of medications.

The quality assurance plan must use a client satisfaction survey that obtains responses from the children, their family members, case managers, referring agencies, and court staff. The plan must state how often the license holder will gather the information and the actions to be taken in response to the information.

9545.1065 PERSONNEL POLICIES AND PROCEDURES.

Subpart 1. **Policy requirements.** The license holder must have written personnel policies that are available to all employees. The personnel policies must:

- A. comply with federal, state, and local regulations;
- B. assure that employee retention, promotion, job assignment, or pay are not affected by a good faith communication between an employee and the Minnesota Department of Health, the Minnesota Department of Human Services, or other agencies investigating complaints regarding a child's rights, treatment, alleged maltreatment, health, or safety concerns;

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C. contain job descriptions that specify the following:

- (1) position title;
- (2) qualifications;
- (3) tasks and responsibilities;
- (4) degree of authority to execute job responsibilities; and
- (5) standards of job performance related to specified job responsibilities;

D. provide for annual job performance appraisals, based on the standards of job performance in the job description;

E. specify the behaviors that constitute grounds for disciplinary action, suspension, or dismissal, and the policies about employee mental health and chemical use problems;

F. prohibit sexual involvement with clients according to *Minnesota Statutes*, chapter 148A;

G. prohibit maltreatment of minors as specified under *Minnesota Statutes*, section 626.556;

H. include a code of ethical conduct for all employees and volunteers which states the license holder's expectations for the ethical behavior of all employees and volunteers;

I. set forth a staff grievance procedure; and

J. specify a program of orientation for all new staff based on a written plan that provides for regular training which is related to the specific job functions for which the employee was hired, the program's orientation policies and procedures, and the needs of the children to be served.

Subp. 2. **Recruitment.** The license holder must have a written plan for recruiting and employing staff members who are representative of the racial, cultural, and ethnic groups, and sex of the population served by the program.

Subp. 3. **Personnel records.** The license holder must maintain personnel records on all staff. The personnel records for each person must have the information in items A and B:

A. the most recent notice issued by the commissioner under part 9543.3060, subpart 5. If the current notice is more than two years old, the personnel file must also include documentation that the license holder has made a timely application for a background study as required by *Minnesota Statutes*, section 245A.04, subdivision 3; and

B. documentation that the staff person's education, training, licensure, and experience is commensurate with the position for which the program employs or contracts with the person.

9545.1075 CLINICAL SUPERVISION BY A MENTAL HEALTH PROFESSIONAL.

Subpart 1. **Mental health professional consultation.** The license holder must ensure that the residential program employs or contracts with a mental health professional to provide consultation relating to the planning, development, implementation, and evaluation of program services.

Subp. 2. **Supervision of staff.** A mental health professional must provide at least weekly face-to-face clinical supervision to staff persons providing program services to a child as follows: to mental health practitioners for program services in part 9545.0945, subpart 1, items A to D, F, G, and I; to a recreational therapist if the therapist supervises the program service in part 9545.0945, subpart 1, item E; to a registered nurse if needed for program services in part 9545.0945, subpart 1, item C; and to child care workers for program services in part 9545.0945, subpart 1, item H. The mental health professional:

A. must provide clinical supervision of staff either individually or as a group;

B. must document the clinical supervision of staff;

C. must advise the program director about the planning, development, and implementation of staff development and evaluation; and

D. may provide consultation in lieu of clinical supervision to other mental health professionals under contract or employed by the program to provide program services to a child.

Subp. 3. **Supervision of treatment.** A mental health professional must:

A. supervise the diagnostic assessment of each child in the program and the development of each child's individual treatment plan;

B. document involvement in the treatment planning process by signing the individual treatment plan;

C. supervise the implementation of the individual treatment plan and the ongoing documentation and evaluation of each child's progress, including the quarterly progress review; and

D. document on a weekly basis a review of all the program services provided for the child in the preceding week.

The license holder must ensure that a mental health professional can be reached for consultation about a mental health emergency, at least by phone, within 30 minutes.

9545.1085 STAFF QUALIFICATIONS.

Subpart 1. **General staff qualifications.** Staff that provide, supervise, or directly administer program services must:

- A. be at least 21 years old;
- B. have at least a high school diploma or a general education degree (GED); and
- C. provide documentation of cultural competence training.

Staff and contract consultants holding positions that require licensure, certification, or registration by Minnesota must provide evidence of current licensure, certification, or registration.

Subp. 2. **Administrator.** The license holder must designate an individual as administrator. The administrator must have at least a bachelor's degree in the behavioral sciences, health administration, public administration, or a related field. The administrator must be responsible for ongoing operation of the program, and maintenance and upkeep of the facility.

Subp. 3. **Program director.** The license holder must designate an individual as program director. The program must have at least one program director for every 50 children receiving program services. The positions of program director and administrator may be filled by the same person if the person meets the qualifications in items A and B. The program director must have the qualifications described in items A and B:

A. a master's degree in the behavioral sciences or related field with at least two years of work experience providing services to children with severe emotional disturbance or have a bachelor's degree in the behavioral sciences or a related field with a minimum of four years of work experience providing services to children with severe emotional disturbance; and

B. one year of experience or training in program administration and supervision of staff.

Persons who do not meet the qualifications in this part, but were employed on January 1, 1994, as administrators and program directors in programs licensed under parts 9545.0900 to 9545.1090, will be considered qualified for these positions until July 1, 1999.

9545.1095 STAFF ORIENTATION.

Subpart 1. **Initial orientation training for staff who provide program services.** A staff member who provides program services must complete orientation training related to the specific job functions for which the person was hired and the needs of the children the person is serving. During the first 45 calendar days of employment, and before assuming sole responsibility for care of children, staff who provide program services must complete training on:

- A. the maltreatment of minors act, *Minnesota Statutes*, section 626.556, and the license holder's policies and procedures related to this statute;
- B. client rights;
- C. emergency procedures;
- D. policies and procedures concerning approved physical holding and isolation techniques, de-escalation techniques, physical and nonphysical intervention techniques;
- E. rules of conduct and policies and procedures related to discipline of children served;
- F. psychiatric emergencies and crisis services; and
- G. problems and needs of children with severe emotional disturbance and their families.

No staff person may participate in the use of physical holding, isolation, or other restrictive procedures with a child prior to completing approved training in item D.

Subp. 2. **Orientation training for staff who do not provide program services.** Facility staff who do not provide program services must receive orientation training in subpart 1, items A to C and G.

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9545.1105 INDIVIDUAL STAFF DEVELOPMENT.

Subpart 1. **Individual staff development and evaluation plan.** The license holder must ensure that an annual individual staff development and evaluation plan is developed and implemented for each person who provides, supervises, or directly administers program services. The plan must:

- A. be developed within 90 days after the person begins employment and at least annually thereafter;
- B. meet the staff development needs specified in the person's annual employee evaluation; and
- C. address training relevant to specific age, developmental, cultural, and mental health needs of the children the person serves.

Subp. 2. **Amount of annual training.** The license holder shall ensure that all staff who provide, supervise, or directly administer program services complete the amount of training specified in this part.

- A. A staff member who works an average of more than half-time in a year shall receive at least 40 hours of training per year.
- B. A staff member who works an average of less than half-time in a year shall complete at least 20 hours of training per year.
- C. A staff member who is licensed as required by part 9545.1085, subpart 1, shall complete the training required to maintain the staff member's license.
- D. The orientation required in part 9545.1095 may be counted as annual training.

Subp. 3. **Content of quarterly training.** The license holder must ensure that all staff providing program services review the following at least quarterly:

- A. de-escalation techniques;
- B. physical and nonphysical intervention policies and procedures and techniques to address aggressive behaviors that place a child in imminent danger to self or others;
- C. assignment of persons to specific tasks and responsibilities in an emergency situation;
- D. instructions on using alarm systems and emergency equipment;
- E. when and how to notify appropriate persons outside the facility; and
- F. evacuation routes and procedures.

Subp. 4. **Content of annual training.** The license holder must ensure that all staff and volunteers of the facility annually review the maltreatment of minors act, *Minnesota Statutes*, section 626.556, and all policies and procedures related to the act. The license holder must also ensure that 75 percent of the required hours of annual training address the following subjects:

- A. treatment modalities for children with severe emotional disturbance;
- B. treatment modalities for children with severe emotional disturbance with special needs;
- C. cultural and ethnic diversities and culturally specific treatment;
- D. individual needs of children and their families;
- E. psychotropic medications and their side effects;
- F. assessment and individual treatment planning;
- G. symptoms of children's diseases;
- H. family systems;
- I. children's psychological, emotional, intellectual, and social development;
- J. suicide prevention;
- K. facility security; and
- L. crisis de-escalation.

Subp. 5. **First aid training required.** A license holder must ensure that staff who provide program services have documentation of current American Red Cross Standard First Aid certification.

Subp. 6. **Cardiopulmonary resuscitation (CPR) training required.** A license holder must ensure that child care staff who provide program services have a current American Red Cross Community CPR certificate.

Subp. 7. **Orientation and training record.** The license holder must ensure that staff orientation under part 9545.1095 and training under this part are documented. The record must include the date orientation or training was completed, the topics covered, the name of the presenter, the number of hours spent on each topic, and the signature of the staff receiving the training.

9545.1115 PHYSICAL PLANT.

Subpart 1. **Compliance with board and lodging requirements.** Until the Minnesota Department of Health adopts chapter 4665 governing the physical plant, food preparation, and nutrition requirements for facilities licensed under parts 9545.0905 to 9545.1125, the license holder must:

- A. comply with parts 4625.0100 to 4625.2300 regarding physical plant conditions and practices;
- B. comply with parts 4625.2401 to 4625.4701 regarding food handling practices for food service;
- C. ensure that meal plans are reviewed and approved by a qualified dietitian at least annually. Additionally, the license holder shall evaluate and meet the dietary needs identified in a child's functional assessment. A program that accepts a child who has a medically prescribed therapeutic diet must document that the diet is provided as ordered by the physician; and
- D. provide foods and beverages that are palatable, of adequate quantity and variety, attractively served at appropriate temperatures, and prepared by methods which conserve nutritional value. All meals provided must be planned, prepared, and served by persons who have received instruction in food-handling techniques and practices.

Subp. 2. **Compliance with supervised living facility requirements.** When applicable, facilities licensed under parts 9545.0905 to 9545.1125 must meet the physical plant, food preparation, and nutrition rule requirements of chapter 4665 as determined by the commissioner of the Minnesota Department of Health, to ensure that each child is adequately housed; receives treatment in a safe, sanitary, and healthful environment; and receives adequate quantities of properly prepared, nutritious food.

9545.1125 EMERGENCY PREPAREDNESS.

Subpart 1. **Written plan required.** A facility must have a written plan which specifies actions and procedures for responding to fire, serious illness, severe weather, missing persons, and other emergencies. The program administrator must review the plan with staff and residents. The plan shall be developed with the advice of the local fire and rescue authority and other emergency response authorities. The plan shall specify responsibilities assumed by the license holder for assisting residents who require emergency care or special assistance to residents in emergencies.

Subp. 2. **First aid kit required.** Every facility shall have on the premises a first aid kit approved in writing by a physician for use for residents and staff. The kit shall be kept in a place readily available to all staff responsible for the health or well-being of residents.

REPEALER. Upon the effective date of this rule, *Minnesota Rules*, parts 9545.0900, 9545.0910, 9545.0920, 9545.0930, 9545.0940, 9545.0950, 9545.0960, 9545.0970, 9545.0980, 9545.0990, 9545.1000, 9545.1010, 9545.1020, 9545.1030, 9545.1040, 9545.1050, 9545.1060, 9545.1070, 9545.1080, and 9545.1090, are repealed.

EFFECTIVE DATE. *Minnesota Rules*, parts 9545.0905 to 9545.1125, shall be effective six months after the notice of adoption is published in the *State Register*.

Department of Human Services

Proposed Permanent Rules Relating to MinnesotaCare

DUAL NOTICE:**Notice of Intent to Adopt a Rule without a Public Hearing Unless 25 or More Persons Request a Hearing,****And****Notice of Hearing if 25 or More Requests for Hearing are Received**

Introduction. The Minnesota Department of Human Services intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by April 19, 1995, a public hearing will be held on Thursday, May 4th, 1995. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 19, 1995 and before May 4th, 1995.

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

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

Martha N. O'Toole
Minnesota Department of Human Services
Rules Division
444 Lafayette Road
Saint Paul, Minnesota 55155-3816
(612) 296-7815
Fax (612) 297-3173

Subject of Rule and Statutory Authority. The proposed rule amendments govern implementation of managed care for MinnesotaCare enrollees, i.e. delivery of health services on a prepaid capitation basis through contracts with managed care health plans. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256.9352, subdivision 2 and section 256.9363. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Copy of the Rule. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the county welfare or human service agencies in the State of Minnesota.

Comments. You have until 4:30 p.m. on April 19, 1995 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on April 19, 1995. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

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

Cancellation of Hearing. The hearing scheduled for Thursday, May 4th, 1995 will be canceled if the agency does not receive requests from 25 or more persons that a hearing will be held on the rule. If you request a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Martha N. O'Toole at (612) 296-7815 after April 19, 1995 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Thursday, May 4th, 1995 in the Office of Aeronautics Building, 222 East Plato Blvd., St. Paul, MN 55107, beginning at 9 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Allen E. Giles. Judge Giles can be reached at the Office of Administrative Hearings, 100 Washington Square, #1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; telephone (612) 349-2543.

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a

summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained from the Office of Administrative Hearings.

Small Business Considerations. In preparing these amendments, the Department considered the requirements of *Minnesota Statutes*, section 14.115 but determined that these amendments are exempt from those requirements under the exemption for providers of medical care in section 14.115, subd. 7, clause (3).

Expenditure of Public Money by Local Public Bodies. A copy of the fiscal note is available from the agency contact person at the address and telephone number listed above. The Department estimates that the proposed amendments will not result in additional state and local costs; costs associated with the proposed amendments are statutorily-imposed and do not result from the proposed amendments.

Impact on Agriculture Lands. The Department has determined in the review required under *Minnesota Statutes*, section 14.11, subd. 2, that the proposed amendments do not have a direct and substantial adverse impact on agricultural land in Minnesota.

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

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

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 22 February 1995

Maria R. Gomez
Commissioner

Rules as Proposed

9506.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9506.0010 to ~~9506.0400~~ 9506.0400 have the meanings given them in this part.

[For text of subps 2 to 13, see M.R.]

Subp. 13a. Managed care health plan or health plan. "Managed care health plan" or "health plan" means a vendor of medical care, including a county, that contracts with the department to provide covered health services to enrollees on a prepaid capitation basis. Examples of managed care health plans include health maintenance organizations, integrated service networks and community integrated service networks defined in Minnesota Statutes, section 62N.02, and competitive bidding programs.

[For text of subps 14 and 15, see M.R.]

Subp. 15a. Nonrisk contract. "Nonrisk contract" means a contract between the department and a managed care health plan under which the health plan is not responsible for the costs of inpatient hospital services for enrollees.

[For text of subps 16 and 17, see M.R.]

Subp. 17a. Participating provider. "Participating provider" means a provider who is employed by or under contract with a health plan to provide health services to enrollees.

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

Subp. 18a. Risk contract. "Risk contract" means a contract between the department and a managed care health plan under which the health plan may incur a financial loss because the cost the health plan incurs providing inpatient hospital services may exceed the payments made by the department for inpatient hospital services under the contract.

9506.0050 COORDINATION OF MINNESOTACARE AND MEDICAL ASSISTANCE.

[For text of subs 1 to 4, see M.R.]

Subp. 5. Continuing health plan participation. An enrollee in an managed care health plan who becomes eligible for medical assistance or general assistance medical care shall remain in that health plan if the health plan has a contract with the department to provide health services in that geographic area to recipients of medical assistance or general assistance medical care.

9506.0070 APPEALS.

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

Subp. 3. Health plan complaint and appeal procedure. An enrollee participating in a managed care health plan may utilize the health plan's internal complaint procedure but is not required to exhaust the internal complaint procedure before appealing to the commissioner. The appeal rights and procedures in part 9500.1463 apply to health plan enrollees.

9506.0090 COPAYMENTS AND ELIGIBLE PROVIDER REIMBURSEMENT.

Subpart 1. Copayments required. Adult enrollees must pay eligible providers and managed care health plans or participating providers the copayments required under Minnesota Statutes, section sections 256.9353, subdivision 7, and 256.9363, subdivision 6. Adult enrollees who are not eligible for medical assistance must pay inpatient hospital charges above the annual MinnesotaCare benefit limit to the hospital that provided the inpatient hospital services.

Subp. 2. Reimbursement for covered health services. Covered health services are reimbursed at the same rate and subject to the same conditions established for medical assistance, except:

- A. federally qualified health centers, rural health clinics, and Indian health facility services are reimbursed as provided in Minnesota Statutes, section 256.9362, subdivision 2; and
- B. inpatient hospital services are reimbursed as provided in Minnesota Statutes, section 256.9362, subdivisions 3 to 6; and
- C. managed care health plans are paid as provided in part 9506.0300.

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

Subp. 4. Commissioner's access to enrollee medical records. Eligible providers and managed care health plans or participating providers must provide the commissioner access to enrollees' personal medical records to monitor compliance with parts 9506.0010 to ~~9506.0100~~ 9506.0400 and to identify fraud, theft, or abuse by providers of health services through MinnesotaCare.

Rules as Proposed (all new material)

9506.0200 PREPAID MINNESOTACARE PROGRAM; GENERAL.

Subpart 1. Designation of geographic area. The commissioner shall designate geographic areas in which enrollees must receive covered health services through a managed care health plan.

A. In designating geographic areas, the commissioner shall consider area size, size of the population to be served, accessibility of health services, the availability of health plans, and any other factors necessary to provide the most economical care consistent with high medical standards.

B. The commissioner shall implement either a multiple health plan model or a single health plan model in a designated geographic area.

(1) A multiple health plan model is a health services delivery system in which more than one managed care health plan is offered to enrollees in the geographic area.

(2) A single health plan model is a health services delivery system in which only one health plan is available to enrollees in the geographic area.

C. The commissioner may limit the number of health plans with which the department contracts within a designated geographic area, taking into consideration:

- (1) the number of enrollees within the designated geographic area;
- (2) the number of potential health plan contractors;
- (3) the size of the provider network offered by health plans;

- (4) the health services offered by a health plan;
- (5) qualifications of health plan personnel;
- (6) accessibility of services to enrollees;
- (7) health plan assurances of enrollee confidentiality;
- (8) health plan marketing and enrollment activities;
- (9) health plan compliance with parts 9506.0010 to 9506.0400;
- (10) health plan performance under other contracts with the department to serve MinnesotaCare enrollees and medical assistance or general assistance medical care recipients; or
- (11) any other factors necessary to provide the most economical care consistent with high medical standards.

Subp. 2. Contracts. Contracts between the department and a health plan to provide covered services to enrollees must:

- A. require the health plan to serve medical assistance recipients and general assistance medical care recipients;
- B. comply with the requirements of *United States Code*, title 42, section 1396a(a)(23)(B), prohibiting the health plan from restricting enrollee access to family planning services; and
- C. permit the commissioner to terminate the contract upon 90 days notice to the health plan.

Subp. 3. Multiple health plan model areas. After the department has executed contracts with health plans to provide covered health services in a multiple health plan model area, the department or an entity under contract with the department shall:

- A. inform applicants and enrollees, in writing, of available health plans, when written notice of health plan selection must be submitted to the department, and when health plan participation begins;
- B. assign to a health plan enrollees who fail to notify the department in writing of their health plan choice; and
- C. notify enrollees, in writing, of their assigned health plan before the effective date of the enrollee's health plan participation.

Subp. 4. Single health plan model areas. After the department has executed a contract with a health plan to provide covered health services as the sole health plan in a geographic area:

- A. the department shall assure that applicants and enrollees are informed, in writing, of participating providers in the health plan and when health plan participation begins;
- B. the health plan may require the enrollee to select a primary care provider and may assign to a primary care provider enrollees who fail to notify the health plan of their selection; and
- C. the health plan shall notify enrollees, in writing, of their assigned providers before the effective date of health plan participation.

Subp. 5. Changing health plans or primary care providers.

A. In multiple health plan model areas, enrollees may change health plans once within the first year the enrollee participates in a health plan. After the first year of health plan participation, enrollees may change health plans during the annual 30-day open enrollment period.

B. In single health plan model areas, enrollees may change primary care providers at least once during the first year of health plan participation. After the first year of health plan participation, enrollees may change primary care providers at least annually. The health plan shall notify enrollees of this change option.

C. If a health plan's contract with the department is terminated for any reason, enrollees in that health plan shall select a new health plan and may change health plans or primary care providers within the first 60 days of participation in the second health plan.

D. Enrollees may change health plans or primary care providers at any time as follows:

(1) in multiple health plan areas, if the travel time from the enrollee's residence to the enrollee's primary care provider is over 30 minutes, the enrollee may change health plan;

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(2) in single health plan areas, if the travel time from the enrollee's residence to the enrollee's primary care provider is over 30 minutes, the enrollee may change primary care provider; and

(3) if the enrollee's health plan or primary care provider was incorrectly designated due to department or health plan error.

Requests for change under this item must be submitted to the department or health plan in writing. The department or health plan shall notify enrollees whether the request is approved or denied within 30 days after receipt of the written request.

Subp. 6. **Family participation in a health plan.** All family members enrolled in MinnesotaCare must receive health services from the same health plan.

9506.0300 HEALTH PLAN SERVICES; PAYMENT.

Subpart 1. **Covered services; additional health services.** Except as provided in subparts 2 and 3, a health plan must provide and pay for all covered health services listed in *Minnesota Statutes*, section 256.9353. A health plan may offer enrollees additional health services that are not covered by MinnesotaCare.

Subp. 2. **Payment for inpatient hospital services.** The commissioner may contract with a health plan for inpatient hospital services for enrollees on either a risk or a nonrisk basis.

A. If the commissioner contracts with a health plan for inpatient hospital services on a nonrisk basis:

(1) except as authorized under subpart 3, the health plan must require enrollees to receive inpatient hospital services from participating providers;

(2) the health plan must comply with units (a) to (c) when arranging inpatient hospital services for enrollees:

(a) parts 9500.1090 to 9500.1140 and *Minnesota Statutes*, sections 256.9685, 256.9686, 256.969, and 256.9695 governing inpatient hospital payment rates for medical assistance;

(b) parts 9505.0170 to 9505.0475 and *Minnesota Statutes*, section 256.9353, subdivisions 1 to 5, establishing standards for services covered by medical assistance; and

(c) part 9506.0080, subpart 3, governing hospital admission certification;

(3) the department shall pay for inpatient hospital services according to part 9506.0080, subpart 2, and shall make payment to the health plan to pass through to the hospital;

(4) the hospital shall collect from adult enrollees required MinnesotaCare copayments and costs not covered by MinnesotaCare or medical assistance; and

(5) the health plan must report enrollee inpatient hospital admissions to the department within 30 days after the admission date, in a form prescribed by the department.

B. If the commissioner contracts with a health plan for inpatient hospital services on a risk basis:

(1) except as authorized under subpart 3, the health plan must require enrollees to receive inpatient hospital services from participating providers;

(2) the health plan shall pay for all inpatient hospital services for children and up to the annual benefit limit established for adult enrollees;

(3) the hospital shall collect from adult enrollees required MinnesotaCare copayments and costs not covered by MinnesotaCare or medical assistance; and

(4) the health plan must report enrollee inpatient hospital admissions to the department within 30 days after the admission date, in a form prescribed by the department.

Subp. 3. **Payment for out-of-plan services.**

A. A health plan is not liable for payment for health services provided enrollees by providers not participating in the health plan, except, a health plan must pay for:

(1) enrollee emergency services, as defined in *Minnesota Statutes*, section 256B.0625, subdivision 4;

(2) any other health services required under the contract with the department or by law; and

(3) out-of-plan services authorized by the health plan or a participating provider; the health plan is not required to pay more than the rate under part 9506.0090, subpart 2, for authorized out-of-plan services unless another payment rate is required by law.

B. The department is not liable to nonparticipating providers for payment for health services.

Subp. 4. **Enrollee costs.** Except for copayments required under *Minnesota Statutes*, section 256.9353, subdivision 7, and inpatient hospital charges that exceed the MinnesotaCare benefit limit, enrollees are not liable for any costs for covered services or for authorized out-of-plan services.

Subp. 5. **Payment to health plans.**

A. Payments to health plans for covered health services for enrollees shall be prospective, per capita payments, made on an actuarially sound basis as determined by the commissioner; except, the commissioner may allow health plans to arrange for inpatient hospital services on a risk or nonrisk basis as provided in subpart 2.

B. By the tenth day of each month, the commissioner shall prepay the health plan the capitation rate specified in the contract.

C. The department shall make payment rates and contracts with health plans available to the public upon request.

9506.0400 OTHER MANAGED CARE HEALTH PLAN OBLIGATIONS.

Subpart 1. **Financial accountability.** A health plan is accountable to the commissioner for the fiscal management of covered health services. The state of Minnesota and enrollees shall be held harmless for the payment of obligations incurred by a health plan if the health plan or a participating provider becomes insolvent and the department has made the payments due the health plan under the contract.

Subp. 2. **Educational materials.**

A. A health plan shall provide the commissioner copies of educational materials explaining covered health services for distribution to applicants and enrollees as specified in the contract. A health plan shall not distribute any materials designed to solicit health plan participation without prior approval from the department.

B. A health plan shall provide each enrollee a certificate of coverage approved by the commissioner, a health plan identification card, a list of participating providers, and a description of the health plan complaint and appeal procedure. All written information provided enrollees must be understandable to a person reading at the seventh grade level, using the Flesch scale analysis readability score as determined under *Minnesota Statutes*, section 72C.09.

Subp. 3. **Case management.** A health plan shall implement a system of case management in which an enrollee's individual medical needs are assessed to determine the appropriate plan of care. The individual plan of care must be developed, implemented, evaluated, monitored, revised, and coordinated with other health care providers as appropriate and necessary.

Subp. 4. **Submission of information.** The health plan contract must specify the information that the health plan shall submit to the commissioner, and to the federal Health Care Financing Administration when applicable, the form of submission, and when the information must be available to the commissioner. If the commissioner requires additional information, the health plan shall provide the additional information within 30 days after receiving the commissioner's written request.

Subp. 5. **Quality assurance.**

A. A health plan shall have an internal quality assurance system that provides ongoing review of:

(1) enrollee use of services;

(2) case review of problem cases and of a random sample of all cases that includes reviewing medical records and assessing the care provided;

(3) enrollee complaints and disposition of complaints; and

(4) enrollee satisfaction as determined through surveys.

B. A health plan shall develop a corrective action plan based on the results of case reviews and shall monitor the effectiveness of its corrective actions.

C. A health plan shall permit the commissioner or the commissioner's agents to evaluate the quality, appropriateness, and timeliness of covered health services through inspections, site visits, and review of medical records.

D. The commissioner shall notify a health plan, in writing, if the commissioner finds a deficiency in the quality of health services offered enrollees. If the health plan fails to correct the deficiency within 60 days after receiving the written notice, the commissioner may withhold all or part of the capitation premium payments until the deficiency is corrected to the satisfaction of the commissioner.

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Subp. 6. **Third-party liability.** To the extent required under part 9506.0080 and *Minnesota Statutes*, section 62A.046, a health plan shall coordinate benefits for or recover the cost of health services provided enrollees who have other health coverage. Coordination of benefits by a health plan includes paying applicable copayments or deductibles on behalf of an enrollee.

Subp. 7. **Enrollee acceptance.** A health plan shall accept all enrollees who choose or are assigned to the health plan by the department, regardless of an enrollee's health status or previous utilization of health services.

Subp. 8. **Financial capacity.** A health plan shall demonstrate that its financial risk capacity is acceptable to its participating providers; except, a health plan licensed as a health maintenance organization or a nonprofit health plan, under *Minnesota Statutes*, chapters 62C and 62D, or an integrated service network or a community integrated service network under *Minnesota Statutes*, chapter 62N, is not required to demonstrate financial risk capacity beyond the requirements in those chapters for licensure or a certificate of authority.

Subp. 9. **Chemical dependency assessments.** A health plan shall assess the need for chemical dependency services and placement according to the criteria in parts 9530.6600 to 9530.6660.

Subp. 10. **Immunization.** A health plan shall collaborate with the local public health agencies to ensure immunization of children who are enrollees and must provide a recommended immunization schedule to families with children.

Subp. 11. **Second medical opinion.** A health plan must include in its certificate of coverage information about enrollees' right to a second medical opinion according to items A to C.

A. Upon enrollee request, the health plan shall provide at health plan expense a second medical opinion by a participating provider within the health plan.

B. The health plan shall comply with *Minnesota Statutes*, section 62D.103, and shall provide at health plan expense a second medical opinion by a qualified nonparticipating provider when the health plan determines that an enrollee's chemical dependency or mental health problem does not require structured treatment.

C. The health plan shall provide at health plan expense a second medical opinion when ordered to do so by a state human services referee under *Minnesota Statutes*, section 256.045.

Subp. 12. **Data privacy.** The contract between the commissioner and the health plan must specify that the health plan is an agent of the welfare system and shall have access to welfare data on enrollees to the extent necessary to carry out the health plan's responsibilities under the contract. The health plan shall comply with *Minnesota Statutes*, chapter 13, the Minnesota Government Data Practices Act, and applicable federal privacy law.

Subp. 13. **Complaint and appeal procedure.** Part 9500.1463, which establishes complaint and appeal procedures, applies to health plans and enrollees.

Subp. 14. **Contract termination.** If the commissioner or a health plan terminates a contract, the health plan must notify its enrollees at least 60 days before the termination date, in writing, that the contract will terminate.

Minnesota Racing Commission

Proposed Permanent Rules Governing Pari-Mutuel Horse Racing

DUAL NOTICE:

Notice of Intent to Adopt a Rule without a Public Hearing Unless 25 or More Persons Request a Hearing,

Notice of Hearing if 25 or More Persons Request a Hearing

And

Notice of Cancellation of Hearing if 25 or More Persons Do Not Request a Hearing

Introduction. The Minnesota Racing Commission intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, section 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by April 18, 1995, a public hearing will be held on April 28, 1995. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 18, 1995, the end of the 30-day comment period, and before April 28, 1995, the scheduled hearing date.

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

Richard G. Krueger, Executive Director
Minnesota Racing Commission
7825 Washington Avenue South
Suite 800
Bloomington, MN 55439
612-341-7555

Subject of Rule and Statutory Authority. The proposed rules relate to Class C licensing, supervision and oversight of pari-mutuel betting, stipulating the use of public communications at licensed racetracks, supervising the conduct of the races at both Class B and Class D (County Fairs) facilities and calculating and making award payments from the Minnesota Breeders' Fund. The statutory authority of the Commission to adopt the rules is *Minnesota Statutes*, § 240.23 (1994).

A copy of the proposed rules is published in the *State Register* on March 20, 1995 and attached to this notice as mailed. A copy is also available free of charge by contacting the agency contact person.

Comments. You have until 4:30 P.M. on April 18, 1995 to submit written comment in support of or in opposition to a proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 P.M. on April 18, 1995. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

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

Cancellation of Hearing. The hearing scheduled for April 28, 1995 will be canceled if the Commission does not receive requests from 25 or more persons that a hearing be held on the rule. If you request a public hearing, the Commission will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Richard G. Krueger at 612-341-7555 after April 18, 1995 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on April 28, 1995 in the B Level Conference Room, Olympic Place, Bloomington, Minnesota beginning at 9:00 A.M. and continuing until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is George A. Beck. Judge Beck can be reached at the Office of Administrative Hearings, #1700 Washington Square, 100 Washington Avenue South, Minneapolis, Minnesota 55401; telephone number (612) 341-7600.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five working days after the submission period ends to any new information submitted. All written materials and responses should be submitted to the Administrative Law Judge and must

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Proposed Rules

be received by the Office of Administrative Hearing no later than 4:30 P.M. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, section 14.14 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

Small Business Considerations. The Minnesota Racing Commission is subject to *Minnesota Statutes*, section 14.115 (1992), regarding small business considerations in rulemaking. The Commission'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 on small businesses have been considered and addressed in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. These rules will not require the expenditure of public money by local public bodies, therefore *Minnesota Statutes*, section 14.11, subd. 1 is not applicable.

Impact on Agriculture Lands. These rules will have no impact on agricultural lands, therefore *Minnesota Statutes*, section 14.11, subd. 5 is not applicable.

Notice to Department of Finance. In accordance with *Minnesota Statutes*, section 165A.1285, subdivision 5, pertaining to departmental charges, the Commission has notified the Commissioner of Finance of the Commission's intent to adopt rules in the above-entitled matter.

Notice to Chairs of Legislative Committees. In accordance with *Minnesota Statutes*, section 16A.1285, subdivision 5, pertaining to departmental charges the Commission has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Ways and Means Committee and the Senate Finance Committee prior to submitting this notice to the *State Register*.

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

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the 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 to be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Adoption Procedure after the Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Commission may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The Commission's Notice of Adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 3 March 1995

Richard G. Krueger, Executive Director
MINNESOTA RACING COMMISSION

Rules as Proposed

7869.0100 DEFINITIONS.

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

Subp. 2a. ADA. "ADA" means the Americans with Disabilities Act, United States Code, title 42, section 12101, et seq.

[For text of subps 3 to 69, see M.R.]

7870.0500 CONTRACT APPROVAL.

Subpart 1. Contracts and subcontracts subject to prior commission approval. Contracts entered into, renewed, or extended by Class A, B, and D licensees and their contractors for goods and services are subject to prior approval by the commission. Contracts must include affirmative action plans establishing goals and timetables consistent with *Minnesota Statutes*, chapter 363, where the contractor affirms compliance with the ADA. All Class A, B, and D licensees must submit as soon as practicable to the

commission the name and the address of the contractor or subcontractor, amount and duration of the contract or subcontract, and a description of the good or service provided. The commission shall determine whether the contract or subcontract may affect the integrity of pari-mutuel racing, and the commission shall notify the licensee whether the commission intends to review and approve or disapprove the contract or subcontract. In making a determination that a contract or subcontract may affect the integrity of racing, the commission shall consider the amount and duration; the extent to which the contractor or subcontractor will be on the premises of the licensee; the relationship of the contract or subcontract to security; opportunity for contact between the contractor or subcontractor and horses, horsepersons, or patrons; opportunity for the contractor or subcontractor to influence the management and conduct of pari-mutuel racing; contact with admission, pari-mutuel, concession, or purse money; and whether the commission has reason to believe that the contractor or subcontractor is incompetent, financially irresponsible, or not of good character. If notified of the commission's intention to review and approve or disapprove a contract or subcontract, the licensee shall promptly submit to the commission copies of any written contracts or subcontracts as well as any documentation, records, or information the commission may request with regard to the contract. If the commission notifies a licensee of the commission's intention to review and approve or disapprove a contract or subcontract, the contract or subcontract is not valid, nor is either of the parties bound by the contract until it has been approved by the commission. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to *Minnesota Statutes*, section 645.15, after submission.

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

7370.0510 AFFIRMATIVE ACTION.

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

Subp. 3. Economic opportunities for disabled.

A. Class A, B, and D licensees are required to comply with all provisions of the ADA.

B. Class A, B, and D licensees are required, to the extent feasible, to establish reasonable goals to assist in providing economic opportunities for disabled individuals. These affirmative action goals must be set with respect to the Class A, B, and D licensee's construction subcontracts/material suppliers during facility construction, on-site construction jobs, postconstruction labor force, postconstruction vendor, supplier and other contracts, and available equity ownership opportunities.

[For text of subps 4 and 5, see M.R.]

7371.0010 APPLICATION FOR PARI-MUTUEL POOLS.

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

Subp. 2. Disposition of requests. The commission must act on a request for approval of pari-mutuel pools under the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to ~~all persons registered with the commission for the purpose of notification of approval of pari-mutuel pools on televised racing days~~ and all other Class B licensees. The notice must include a brief description of the request, a statement that all ~~persons~~ licensees wishing to comment may do so in writing within ~~20~~ seven days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

B. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission shall direct the applicant to submit the additional data.

C. If the commission further determines it is necessary to fully understand an application, the commission shall request the applicant or a ~~person~~ licensee submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

D. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than ~~25~~ ten nor later than 45 days after filing of the application.

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and ~~persons~~ licensees who submitted written comments the reasons for its action.

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

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Proposed Rules

7871.0110 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Pursuant to *Minnesota Statutes*, section 240.13, subdivision 6, ~~paragraph (d), an amount equal to 25 percent of 22 percent of 5,~~ the amounts required to be withheld from all pari-mutuel pools must be allocated for purses by an association conducting televised horse racing.

Subp. 2. **Escrow accounts.** All money withheld for purses by an association pursuant to subpart 1 must be placed in interest-bearing escrow accounts and set aside for purse ~~monies~~ money in the next racing meeting for the breed involved, except that money may be first applied to any purse overpayment from the previous live race meet as agreed to between the association and the horsepersons' organization representing the breed involved.

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

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

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools pursuant to the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to ~~all persons registered with the commission for the purpose of notification of approval of pari-mutuel pools,~~ and all other Class B and D licensees. The notice must include a brief description of the request, a statement that all ~~persons~~ licensees wishing to comment may do so in writing within ~~20~~ seven days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

B. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission shall direct the applicant to submit the additional data.

C. If the commission further determines it necessary to fully understand an application, the commission shall request the applicant or a ~~person~~ licensee submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

D. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than ~~25~~ ten nor later than 45 days after filing of the application.

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and ~~persons~~ licensees who submitted written comments the reasons for its action.

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

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

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

Subp. 4. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in any pari-mutuel pool. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket designating the official winners in the pool.

7873.0130 PREVENTION TO START.

In a thoroughbred, quarter horse, arabian, or other breed race, if the doors in front of a stall in a mechanically or electronically operated starting gate should fail to open simultaneously with the other stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, the following shall apply:

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

B. If any horse is so prevented from starting, the entire amount in the exacta pool wagered on that horse shall be refunded unless the horse finishes first or second, in which case the horse shall be considered a starter for the exacta pool in which the horse earned a placing. ~~However, there shall be no refund if the horse is a part of a coupled entry or field. In the case of a coupled entry or field, it shall be left to the judgment of the stewards as to whether or not to provide a refund.~~

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

7873.0150 SCRATCHES.

For all wagers other than the daily double, pick six, or pick three, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been withdrawn, dismissed, or have participated in a race in which no horse finished. ~~No refund shall be made if the scratched, withdrawn, or dismissed horse is part of a coupled entry or field. In the case of a coupled entry or field, it shall be left to the judgment of the stewards as to whether or not to provide a refund.~~

7873.0192 SUPER-TRI WAGERING AND POOLS.

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

Subp. 2. **Price of tickets.** Super-tri tickets shall be sold in not less than ~~\$2~~ \$1 denominations.

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

Subp. 9. **Restrictions on super-tri races.**

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in super-tri races.

B. ~~There shall be no super-tri wagering on handicap races.~~

C. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carryover to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second race super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added on that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

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

7373.0198 PICK SEVEN.

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

Subp. 4. **Pick seven pool.** The pick seven pari-mutuel pool consists of amounts contributed for a selection for win only, or in the case of a place pick seven to win or place, in each of seven races designated by the association with the approval of the commission. Each person purchasing a pick seven ticket shall designate ~~the winning at least one~~ horse in each of the seven races comprising the pick seven.

[For text of subs 5 to 11, see M.R.]

7373.0550 DISTRIBUTION OF PURSE MONEY.

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

Subp. 3. **Overpayments carried over.** If, at the end of each race meeting, an overpayment of purses has occurred, the overpayment shall be ~~carried over to the next race meeting of the same breed and such overpayment may be recovered by the association adjusted by contract between the licensee and the horsepersons' organization representing the majority of horsepersons racing the breed involved at the licensee's facility.~~ The association must make its best effort to recover the overpayment on an even basis over the course of the race meeting to prevent serious inconsistencies in purse levels during the race meeting.

[For text of subs 4 to 6, see M.R.]

FACILITIES AND EQUIPMENT**7375.0100 FACILITIES.**

Subpart 1. **Facilities.** Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Bureau of Criminal Apprehension, and complaint desk. The facilities must meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses. The facilities must be in compliance with the requirements of the ADA.

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

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7875.0200 EQUIPMENT.

Subpart 1. **Equipment.** Each association must include equipment, devices, or apparatus necessary to start, time, film or tape, and photograph the finish of every race. Equipment necessary to view photographs, films, and tapes of each race must be provided. Each association must include pari-mutuel equipment, devices, or apparatus necessary to sell and cash tickets and calculate and display odds. An association also must include adequate internal communications equipment. The facilities must be in compliance with the requirements of the ADA insofar as offering special accommodations or alternative equipment to disabled individuals.

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

Subp. 9. **External communications.** An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public, the press, or for transacting ordinary business. No information regarding the results of any race shall be transmitted out of the racetrack until the results are official except for races that are broadcast or televised live. Under no circumstances shall any message be sent over said wires transmitting money, or other things of value, or directing the placing of any wager on the result of a race.

The use of public or portable telephones, transmitters, or any other instrument that can be used for transmitting or receiving messages off the grounds to transmit wagering information of any kind is strictly prohibited. Any one deemed to have used such an instrument to transmit or receive wagering information is subject to ejection and the equipment is subject to confiscation.

No telephone calls, telegrams, or messages of any kind for any person attending or participating in the conduct of a race meeting shall be accepted, nor shall any notice be given pertaining to such message or telephone call during the hours indicated unless permission is first given by the stewards or the authorized representative of the commission.

A telephone on a private line shall be provided in the offices of the commission. All costs of the telephone service shall be borne by the association and the service shall not be interrupted at any time. At the request of the commission, TDD devices shall be installed on all commission telephones at the track, and costs associated with the devices shall be borne by the association.

At least one of the public telephones allowed at an association shall be equipped with a TDD device.

One public telephone is allowed per floor at an association track. Each phone must be monitored by association security and must be part of an "information center" provided by the association. All other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

Any portable telephones, transmitters, or any other instrument that can be used for transmitting messages off the grounds of an association is subject to confiscation by security personnel or by the racing commission and its employees.

7877.0120 FEES.

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

Subp. 2. **Fingerprint charge: Fingerprinting and licensing reciprocity.** In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by a completed FBI fingerprint card taken by the commission and a cashier's check or money order in the amount established by the Association of Racing Commissioners International or the Federal Bureau of Investigation. The commission may license persons holding valid permanent licenses issued by Association of Racing Commissioners International (RCI) member racing jurisdictions in North America. The licensee must be in good standing, have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous 36 months, file an application and/or affidavit as may be required by the commission, and pay the required applicable fees before participating in racing.

A. The commission shall recognize racing licenses from RCI member jurisdictions in North America for purposes of issuing Minnesota licenses, provided the applicant meets the licensing qualifications in Minnesota Statutes, chapter 240, and rules of the commission.

B. Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

C. Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

D. The applicant must have submitted fingerprints within the past 36 months, for the purpose of a criminal records check by the FBI or RCMP. The applicant shall provide the commission with proof of licensure from another RCI member jurisdiction to which fingerprints were submitted.

E. The applicant shall submit the license application form and license fee required by the commission.

F. Provided the requirements in items A to E have been met, the commission may issue either a license and/or a validation

sticker. The validation sticker shall be affixed to either a license issued by the commission or a valid license issued by another racing jurisdiction. The validation sticker shall contain Minnesota's two-letter postal service abbreviation, the year of the validation, and may contain the audit trail code or serial number, if applicable. The validation sticker shall be constructed of an approved temper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that the license is valid in Minnesota.

G. In the event the licensee is absent from Minnesota, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office by the licensee so that a commission representative may affix the proper validation sticker to the racing license badge. Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency.

All reference to fingerprinting in this subpart does not apply to applications submitted by persons under the age of 18 or over the age of 80.

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

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

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

Subp. 3. **Compliance with laws.** An applicant for a Class C license shall certify that he or she is in compliance with all applicable federal and state laws and rules including, but not limited to, racing, tax, affirmative action, the ADA, and workers' compensation laws and rules.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

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

Subp. 8. **Harness driver.** Applicants for a harness driver's license must be at least 16 years old and must pass a physical examination administered by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to drive. In addition:

A. The applicant must have been licensed previously as a harness driver by the commission or another racing jurisdiction, or the USTA. When licensed by the USTA and applying to drive at a Class D race meet, the USTA license classifications shall apply.

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

[For text of subps 9 to 15, see M.R.]

Subp. 16. **Concessionaire or vendor.** Any person or entity that sells or distributes products or provides services at a Class A or D facility, for longer than three consecutive days, or more than a total of ten days in a calendar year, and which products or services are sold or distributed in a restricted area or are necessary for the running of a horserace, must be licensed. The director of pari-mutuel racing shall request the director of the division of gambling enforcement to investigate the background, financial responsibility, security, and integrity of any person or entity providing such products or services to a licensed racetrack.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a ~~temporary or emergency~~ provisional license, shall mean that the licensee consents and agrees to the following conditions:

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

C. The licensee will fully and truthfully provide information requested by the stewards or the commission in the course of an investigation, inquiry, ~~or hearing,~~ or application for a license.

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

E. The licensee will submit to inspections and searches as hereinafter provided:

[For text of subitem (1), see M.R.]

(2) Each applicant for a Class C license and each employee or agent of a Class A ~~or~~, B, or D licensee consents to such

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searches and inspections, and waives all claims or possible actions for damages that he or she believes he or she may have suffered in connection with any such search or inspection.

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

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

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

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

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

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's riding engagements. While in the performance of his or her duties, the jockey may have no contact or communication with any person outside the jockeys' room, without the permission of the stewards, other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

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

M. A jockey must wear a fully padded fiberglass helmet with a buckled chin strap while mounted upon any horse at a licensed racetrack. A jockey must wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association.

[For text of items N to W, see M.R.]

[For text of subps 4 to 10, see M.R.]

7877.0180 CONFLICTS.

Subpart 1. **Racing officials.** No racing official, other than a general manager, shall own any interest in a privately held Minnesota racetrack at which he or she is serving as an official, and, in the case of a publicly held corporation, no racing official, other than a general manager, shall own more than five percent of the outstanding shares of stock. No racing official shall own any interest in a horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall buy or sell for himself or herself, or as an agent for anyone else, any horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall hold any interest in the contract of a jockey or apprentice jockey riding at a meeting at which the official serves.

No racing official shall buy or sell for another person any right to a contract of any jockey or apprentice jockey riding at a meeting at which the racing official serves.

No racing official shall wager money or anything of value on any race in Minnesota during his or her term of employment.

No racing official, detention barn employee, commission staff, assistant starter, claims clerk, outrider, association veterinarian, or track superintendent shall request or accept any remuneration or honorarium in payment or kind from any owner, trainer, or other person licensed by the commission.

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

7878.0170 CLASS D SECURITY OFFICERS.

Subpart 1. **Security officers may be provided by sheriff's office and police department.** Security officers at a class D racetrack may be provided by the sheriff's office in the county and the police department in the city in which the class D license is held.

Subp. 2. **Designee.** The sheriff and/or the sheriff's chief of police or a designee will be the director of security for the race meet.

Subp. 3. **Assistance.** The sheriff and/or the chief of police may utilize deputies, reserve deputies, police officers, reserve officers, or any individual who meets the minimum standards as specified in part 7878.0110.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

Subpart 1. **Qualifications for stewards.** No person may qualify for commission appointment or approval as a steward unless:

A. he or she has served as a steward, director of racing, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge, or identifier, clerk of scales, or other racing officials' position at one or more recognized race meetings for a period of not less than 60 days per year during at least three of the five preceding calendar years or has had at least five years experience as a trainer or a jockey. In the case of racing at a Class B facility, other than in an emergency situation, all candidates must have completed the course work for accreditation as a steward at a steward accreditation program approved by the Association of Racing Commissioners International:

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

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

7883.0140 CLAIMING RACES.

[For text of subs 1 to 21, see M.R.]

Subp. 22. **Claimed horse shall race at track claimed.** No claimed horse shall race at any other racetrack until after the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter, except to fulfill a previously committed stakes engagement or with permission of the association.

[For text of subs 23 to 30, see M.R.]

7883.0160 POST TO FINISH.

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

Subp. 2. **Horses must load in post position Loading in starting gate.** Horses shall take their positions in numerical order from the inside rail; that order to be determined by post positions The starter, with approval of the stewards, shall determine the procedures for loading horses into the starting gate.

[For text of subs 3 to 14, see M.R.]

7884.0125 ENTERING AND DRAWING OF HORSES AT CLASS D FACILITIES.

The entering and drawing of horses at Class D licensed facilities shall be governed by the following:

A. Each Class D licensee must provide a locked entry box with an aperture through which all entries shall be deposited.

B. At the time specified by the licensee, the chief steward, or an official designated by the chief steward, shall unlock the entry box, sort the entries contained in it, and immediately draw the post positions in the presence of owners or an owner's representative as may be present.

C. At all Class D race meets the entry box shall be opened by the chief steward, or an official designated by the chief steward, at the advertised time. The chief steward or official conducting the draw will be responsible to assure that at least one owner or an official representative of the owner is present. No owner or agent for a horse with an entry in the entry box shall be denied the privilege of being present. Under the supervision of the chief steward, or an official designated by the chief steward, all entries shall be listed, the eligibility verified, preference ascertained, starters selected, and post positions drawn. If it is necessary to reopen any race as determined by the chief steward, a public announcement indicating such shall be made no fewer than two times and the entry box reopened at a specific time.

D. Drawing of post positions for the second heat in races of more than one dash or heat at pari-mutuel meetings, may be conducted by the stewards from the stand for succeeding dashes or heats.

E. Entries by mail, telegraph, or telephone actually received and evidence of which is deposited in the entry box before the time specified to enter, shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone, and telegraph entries must state the name, age, color, sex, sire, and dam of the horse; the name of the driver and driver's colors; the date and place of last start; a current summary, including the number of starts, firsts, seconds, thirds, earnings, and best winning time for current year; and the event in which the horse is to be entered. It shall state any relevant medication information. It shall be the responsibility of the racing secretary to assure that such entries are signed by the person receiving same.

F. When a Class D licensee requires a horse to be entered at a stated time, failure to enter as required shall be considered a withdrawal from the event.

G. After entries have been made, no horse shall be withdrawn from the race except by permission of the stewards. A fine and/or a suspension shall be imposed for drawing a horse without permission and the penalty shall apply to both the horse and the party who violated this item.

H. Drawings shall be final unless there is conclusive evidence that a horse properly entered was omitted from the race through the error of a track or its agent or employee in which event the horse shall be added to the race but given the last post position, provided the error is discovered prior to either scratch time or the printing of the program; however, in the case of early closers of more

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than \$10,000 and stake and futurity races, the race shall be redrawn. This shall not apply at commercial pari-mutuel meetings in overnight events.

I. Entries shall state who shall drive the horse and give the driver's colors. Drivers may be changed until the time prescribed by the stewards, of the day preceding the race, after which no driver may be changed without permission of the stewards and for good cause. When a nominator starts two or more horses, the stewards shall approve or disapprove the second or third driver.

J. Entries shall state when a horse is to be raced with furosemide (Lasix®) and, if it is the first time the horse is to race with furosemide, that information is to be included on the entry.

7884.0195 QUALIFYING RACES AT CLASS D LICENSED FACILITIES.

Horses may qualify under part 7869.0100, subpart 51, item C, "conditioned race," if they have a current race line not to exceed 60 days before entry. Entries for overnight events shall be governed by the following:

A. Within two weeks of being entered, a horse that has not raced previously at the gait chosen must compete in a qualifying race under the supervision of a judge and acquire at least one charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be used.

B. A horse that does not show a charted line for the previous season, or a charted line within its last six starts must compete in a qualifying race as set forth in item A. Uncharted races contested in heats or more than one dash and consolidated according to item D will be considered one start.

C. A horse that has not started at a charted meeting by August first of a season must compete in a qualifying race as set forth in item A.

D. When a horse has raced at a charted meeting during the current season and subsequently started at meetings where the races are not charted, the information from the uncharted races may be summarized including each start, and consolidated in favor of charted lines. The requirements of item B would then not apply.

E. The consolidated line shall carry date, place, time, driver, finish, track condition, and distance if the race is not at one mile.

F. The judges may require any horse that has been on the stewards' list to compete in a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horses, the horse may be required to compete in a qualifying race. During a season, after starting, if a horse has not started in the last 30 days, the horse must compete in a qualifying race as set forth in item A.

G. The judges may permit a fast-class horse to qualify by means of a timed workout consistent with the time of the races in which the horse will compete in the event adequate competition is not available for a qualifying race. These shall be limited to free-for-all preferred or invitational class horses as defined by the rules of the USTA.

H. To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting that opens before the first of July of a season and shall be scheduled at least once a week. Qualifying races shall also be scheduled once a week during the meeting.

I. Where a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed, or recorded. This item is not applicable to races qualifying both drivers and horses.

If a horse takes a win race record in a qualifying race, the record must be prefaced with the letter "Q" wherever it appears, except in a case where, immediately prior to or following the race, the horse taking the record has been given an approved urine or blood test. It will be the responsibility of the presiding judge to report the test on the judges' sheet.

7884.0270 EXPANDED HOMESTRETCH RACING.

Subpart 1. Authority. With the approval of the commission, a Class D licensee may expand the width of its homestretch by no less than ten feet nor more than 14 feet inward in relation to the width of the remainder of the racetrack.

Subp. 2. Rules. In the event the homestretch is expanded pursuant to subpart 1, the following shall apply:

A. When entering or while going through the homestretch for the first time in a race, no horse shall use the expanded inside lane in an attempt to pass other horses or improve its position. Any horse which does so shall be disqualified and placed last in the order of finish.

B. The lead horse in the homestretch shall maintain its position giving the trailing horses full access to the expanded inside lane. If, in the opinion of the stewards, the lead horse changes course in the homestretch in an attempt to prevent a trailing horse from passing, said horse may be placed accordingly.

C. Horses using the expanded inside lane, during the homestretch drive for the finish of the race must first have complete clearance of the pylons marking the inside boundary of the race course. Any horse or sulky running over one or more of the pylons

or going inside the pylons, while attempting to use the expanded inside lane, may be disqualified and placed last in the order of finish.

D. During the final one-eighth mile of a race, a horse may only be driven into the expanded homestretch lane for the purpose of passing another horse and may not be driven into the expanded homestretch lane for the purpose of blocking a trailing horse. It shall be presumed that any horse driven into the expanded homestretch lane which blocks a trailing horse, without advancing on the horse it was allegedly attempting to pass, was being driven for the purpose of blocking a trailing horse. If, in the opinion of a majority of the stewards, a horse is driven into the expanded homestretch lane for the purpose of blocking a trailing horse, the driver of the blocking horse may be fined and/or suspended and the horse may be placed accordingly.

7892.0160 COST RECOVERY.

The commission shall assess each association for its share of the total cost of establishing and initially staffing the official laboratory medical testing.

7895.0110 THOROUGHBRED BREEDERS' FUND.

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

Subp. 4. **Methods and time of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3 shall be paid out according to one of the two following methods as approved by the commission:

A. purse supplements shall be paid out for Minnesota-bred and registered stakes races in the same percentage as the purse money in the race and shall be paid out in overnight races to Minnesota-bred and registered horses that finish third or better and all such payments shall be credited to the owners' accounts at the time the purses are earned; or

B. purse supplements shall be paid out at the same time as breeders' and stallion awards. These supplements for overnight races shall be paid to owners of Minnesota-bred horses that finish third or better. Purse supplements earned shall not be included in determining breeders' or stallion awards. The amount of money to be distributed shall be in accordance with subpart 5.

C. The amount of money to be distributed in item A or B shall be according to subpart 5.

Subp. 5. **Adjustments.** The racing commission ~~shall~~ may set fixed amounts for stakes races and varying percentages for overnight races to be applied to purse supplements that may be earned during the current race meeting. The racing commission may, in its discretion, during the course of a race meeting vary the percentages set for the purpose of keeping purse supplements consistent with the amount of money being earned in the breeders' fund. The racing commission shall consider the following criteria in determining the applicable percentages:

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

Subp. 6. **Time of payment.** All money allocated for breeders' awards, stallion awards, and those purse supplements to be distributed according to subpart 4, item B, shall be distributed within 45 days of the end of the thoroughbred race meeting.

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

7895.0300 QUARTER HORSE BREEDERS' FUND.

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

Subp. 2. **Division of money.** The money available from the breeders' fund for the quarter horse category shall be divided as follows:

A. 45 percent shall be set aside and paid as breeders' awards to breeders of Minnesota-bred sired and foaled horses only (Minnesota-bred foaled horses and Minnesota-bred sired horses are not eligible for breeders' awards);

B. 45 percent shall be paid to supplement purses for Minnesota-bred sired and foaled horses, Minnesota-bred foaled horses, and Minnesota-bred sired horses. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission; and

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

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

Subp. 4. **Methods of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant

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to subpart 3 shall be paid out for stakes or handicap races in the same percentage as the purse money in the race and shall be paid out in open overnight races and restricted overnight races to Minnesota-bred horses that finish third or better. However, the commission may, prior to the beginning of each race meet, establish the maximum amount of earnings per race for a single horse that may be used in calculation of the breeders' fund awards. (For example: if the maximum amount of earnings per race per horse is set at \$10,000, then in the event a horse earns any amount over \$10,000 in one race, the breeders' fund awards will be calculated based on \$10,000 earnings for that race.) The amount of money to be distributed shall be in accordance with subpart 5. Purse supplements earned shall not be included in determining breeders' or stallion awards.

[For text of subs 5 and 6, see M.R.]

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose racing duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should ~~a~~ any licensee other than a racing official, jockey, apprentice jockey, assistant starter, or driver, be found to have levels of any nonprescription, prohibited, or illegal drug, or prescription medication at a concentration greater than which has been prescribed, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

- A. the number of grams of alcohol per 100 milliliters of blood; or
- B. the number of grams of alcohol per 210 liters of breath; or
- C. the number of grams of alcohol per 67 milliliters of urine.

Should a licensee who is a racing official, jockey, apprentice jockey, assistant starter, or driver be found to have any level of any nonprescription, prohibited, or illegal drug, or alcohol, or prescription medication at a concentration greater than which has been described, shall be subject to disciplinary action by the stewards and the commission.

VARIANCES

7899.0100 VARIANCES.

[For text of subs 1 to 4, see M.R.]

Subp. 5. Exceptions. In order to fully comply with the provisions of the ADA, exceptions to all rules requiring submission of documentation "in writing on a form prescribed by the commission" will be granted for those persons who, because of a disability, are unable to write. Submission of the required documentation will be allowed through alternative means agreed upon between the commission and the individual.

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 Public Safety

Adopted Permanent Rules Relating to Public School Driver Training Courses

The rules proposed and published at *State Register*, Volume 19, Number 26, pages 1410-1411, December 27, 1994 (19 SR 1410), are adopted as proposed.

Department of Transportation

Operations Division

Adopted Permanent Rules Relating to Minimum Energy Efficiency Standards for Street, Highway, and Parking Lot Lighting

The rules proposed and published at *State Register*, Volume 19, Number 22, pages 1188-1190, November 28, 1994 (19 SR 1188), are adopted with the following modifications:

Rules as Adopted

8885.0100 DEFINITIONS.

Subp. 3. **Initial efficiency.** "Initial efficiency" means a measurement of energy performance of a new lamp, and is determined by dividing the initial lumen output of the lamp by its wattage (nominal lamp wattage) and is expressed in lumens per watt.

Subp. 5. **Lumen output.** "Lumen output" means the total luminous flux (~~power~~) of a lamp in lumens.

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Official Notices

Commissioners' Orders

Department of Transportation

Commissioner's Order No. 80861: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

WHEREAS, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, and 80580 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

WHEREAS, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

CITY STREETS

City of Pine Island

Main St. From South Bound TH 52 to Goodhue CSAH 11
5th St. NE from Main St. to 3rd Ave NE
4th St. NE from Main St. to East Limits
3rd St. NE from Main St. to 3rd Ave. NE
2nd St. NE from CSAH 11 (Main St.) to Plum St. NE
Plum St. NE from 2nd St. NE to 3rd St. NE
3rd Ave. NE from 3rd St. NE to 5th St. NE

COUNTY ROADS

Goodhue County

CSAH 11 from Third Street North to the NE on-off ramps TH 52 overpass in the City of Pine Island.

Dated: 10 March 1995

James N. Denn
Commissioner

Official Notices

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

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

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C — for 160 Acres with Buildings in Fraser Township, Martin County

NOTICE IS HEREBY GIVEN that a public hearing will be held on April 5, 1995, at 9:00 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately

160 acres with buildings located in **Section 2, Fraser Township, Martin County, Minnesota** on behalf of **Derek G. Schwieger**, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is **\$200,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under Minnesota Statutes, Chapter 41C — for 40 Acres of Bare Farmland in Alden Township, Freeborn County

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 40 acres of bare farmland** located in **Section 8, Alden Township, Freeborn County, Minnesota** on behalf of **David & JoAnn M. Sorenson**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$39,600.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under Minnesota Statutes, Chapter 41C — for 116 Acres of Bare Farmland in Alden Township, Freeborn County

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 116 acres of bare farmland** located in **Section 14, Alden Township, Freeborn County, Minnesota** on behalf of **David & JoAnn M. Sorenson**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$108,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with

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the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C* — for 160 Acres of Bare Farmland, Nicollet County

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 160 acres of bare farmland** located in **Sections 3 & 27, Township 111N, R30W, Nicollet County, Minnesota** on behalf of **Joseph & Deborah Maidl**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$225,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C* — to Construct a Pig Nursery in Des Moines Township, Jackson County

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **construct a pig nursery** located in **Section 2, Des Moines Township; Jackson County, Minnesota** on behalf of **Cameron M. Mulder**, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is **\$250,000**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture**Minnesota Rural Finance Authority****Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under
Minnesota Statutes, Chapter 41C — for 160 Acres of Bare Farmland, Chippewa County**

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 160 acres of bare farmland** located in **Section 5, Tnshp 117N, R38W, Chippewa County, Minnesota** on behalf of **Daniel & Jennifer Dirksen**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$180,000**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture**Minnesota Rural Finance Authority****Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under
Minnesota Statutes, Chapter 41C — for 70 Acres of Bare Farmland, Waseca County**

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 70 acres of bare farmland** located in **Section 12, T105N, R22W, Waseca County, Minnesota** on behalf of **Erik D. Jacobson**, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is **\$73,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C — for 80 Acres with Buildings in Farmington Township, Olmstead County

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 80 acres with buildings** located in **Section 34, Farmington Township, Olmstead County, Minnesota** on behalf of **Thomas & Barbara Heaser**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$240,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C — for 160 Acres of Bare Farmland in Lone Tree Township, Chippewa County

NOTICE IS HEREBY GIVEN that a public hearing will be held on **April 5, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 160 acres of bare farmland** located in **Section 32, Lone Tree Township, Chippewa County, Minnesota** on behalf of **Gary & Lori Kruger**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$60,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 March 1995

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Agronomy Services Division

Notice of Extension of Comment Period for Solicitation of Outside Information or Opinions Regarding the Draft Pesticide Management Plan

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture (MDA) is extending the comment period on the draft Minnesota Pesticide Management Plan (PMP) until April 28, 1995.

The MDA is seeking information or opinions from sources outside the department in reviewing the draft PMP.

Minnesota Statutes section 18B.045 requires that the Commissioner of Agriculture develop a PMP for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide breakdown products in ground waters and surface waters of the state.

Interested persons or groups are encouraged to request copies of the draft PMP from:

Jerry Spetzman
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
Telephone: (612) 297-7269

Comments in support of or in opposition to the draft PMP or any part or subpart thereof should be directed to Jerry Spetzman at the above address by April 28, 1995. All comments received will be considered by the MDA and the draft PMP may be modified accordingly. Comments and proposed modifications will be especially valuable if supported by data or research.

Ethical Practices Board

Requests for Advisory Opinions Re: Gifts to Officials

The Ethical Practices Board solicits comments regarding the following requests for advisory opinions. The requesters filed Consent for a 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 March 30, 1995, for consideration at the Board's meeting of April 7, 1995.

March 1, 1995, the Honorable Cal Larson, State Senator

For the past 25 years I have been affiliated with BlueCross BlueShield of Minnesota. I have served on their advisory council for many years. At the last advisory meeting, I paid \$11.50 for my lunch because of the Ethics Bill that was passed in 1994. I am asking for an opinion of the Ethics Board of my being able to receive lunch without paying for it myself and also whether or not, especially during the interim, I can collect mileage for attending meetings. I have been asked to serve on yet another of their boards, the Northwest Council and the Agent Advisory Council. I would ask that I be exempt from the ethics law as I am serving on their advisory committees. I await your decision.

March 1, 1995, Todd Rapp

I received the letter of February 24, 1995, stating that the Ethical Practices Board voted not to issue an advisory opinion on the matters described in my letter of November 30, 1994, instead choosing to ask the Legislature for an interpretation of "promise of future employment." My questions relating to my work with the Minnesota State High School League ("MSHSL") (section I of my November 30, 1994, letter) are not related to the question of "promise of future employment." I continue my request for an opinion as to whether the MSHSL is a lobbyist principal, and whether my acceptance of a contract with them violates *Minnesota Statutes* § 10A.071. I asked in section IV of my letter for the Board's advice in responding to certain requests from session-only employees. In that the Board chose not to issue an opinion at this time, may I advise them that the Board was unable to conclude that their activities would be illegal? Thank you for your continued attention to my questions.

Minnesota Department of Human Rights

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule on the Marketing of Housing Developed with State or Local Government Assistance, to be Codified as *Minnesota Rules 5010, et. seq.*

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Rights (department) is seeking information or opinions from sources outside the department in preparing to propose the adoption of the rules governing the affirmative marketing of housing developed with state or local government assistance to groups identified in *Minnesota Statute* ch. 43A.02, Subd. 33 (1994). The adoption of the rule is authorized by *Minnesota Statute* ch. 363.032 which requires the department to adopt rules governing marketing regulations for housing opportunities developed with more than \$50,000 in state or local funds.

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

Ken Nickolai
Director, Policy and Legal Affairs
Department of Human Rights
500 Bremer Tower
Seventh and Minnesota Streets
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 612-296-5679 and in person at the above address.

Issues expected to be considered in the preparation of the rule include the standards for identifying which projects will be governed by the rule, the duties of both the government entity providing public funding for the project and the recipients of the public funding, to market the project to groups identified by statute, duties to maintain records of marketing efforts, reporting requirements, and any sanctions for the failure to comply.

All statements of information and opinions shall be accepted until close of business on Friday, April 28, 1995. Any written material received by the agency 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 department does not intend to establish an advisory task force. Opinion of others outside of the department is being sought through this and other notification of potentially interested persons.

The agency anticipates that a proposed rule will be published during the month of June. The length of time necessary for completion will depend upon whether a hearing on the proposed rule is requested. If a hearing is requested, the department anticipates completion of the rulemaking process within ten months from the date of publication. If no hearing is requested, the process could be complete as soon as two months from the date of publication.

Dated: 10 March 1995

David Beaulieu
Commissioner

Department of Labor and Industry

Workers' Compensation Division

Application for Appointment to Workers' Compensation Insurers' Task Force

Name _____ Title _____

Organization _____ Phone Number _____

Address _____

The purpose of the Workers' Compensation Insurers' Task Force is to provide information, advice and assistance to the Department of Labor and Industry and the Workers' Compensation Division for improved service to claims administrators.

Please indicate your experience with Minnesota workers' compensation claims and how you could contribute to the effectiveness of this task force.

Signed _____

Date _____

PLEASE RETURN COMPLETED FORM BY APRIL 14, 1995 TO:

Debbie Caswell
Assistant Commissioner's Office
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55101

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective March 20, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: ANE Airport Traffic Control Tower-Blaine; ISD #11 Hoover & Madison Elementary 1995 Reroofing-Coon Rapids & Blaine.

Beltrami: Northwestern Minnesota Juvenile Training Center-Bemidji.

Blue Earth: Maple River Schools Summer Abatement 1995-Mapleton.

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Carlton: Carlton High School ADA and General Remodeling-Carlton.

Clay: Hawley Radio Tower Painting-Hawley.

Dakota: MN/DOT Mendota Chemical Storage Building-Mendota; District 197 Elementary Remodeling-West St. Paul, Eagan & Mendota Heights.

Faribault: Winnebago Elementary Asbestos Abatement Removal-Winnebago; Maple River Schools Summer Abatement 1995-Minnesota Lake.

Fillmore: MN/DOT Preston Truck Station Addition-Preston.

Hennepin: Jackson Middle School Ventilation-Champlin; Minneapolis Veterans Home Building 17 Cooling Tower Replacement-Minneapolis.

Kanabec: Woodland Radio Tower Painting-Woodland.

Koochiching: Little Fork Radio Tower Painting-Little Fork.

Le Sueur: MN/DOT Montgomery Truck Station-Montgomery.

Martin: Martin County West Jr. High School Addition-Trimont; Fairmont National Guard Armory Reroofing-Fairmont.

Ramsey: Install High Pressure Sodium Bulb & Poles at Parking Area, Cedar Street National Guard Armory Vehicle Access Ramp Repair-St. Paul.

Scott: Belle Plaine Elementary & Sr. High Schools 1995 Reroofing-Belle Plaine.

Sterns: Remove Underground Storage Tank & Install Interruptible Fuel System, Whitney Center Addition, St. Cloud Technical College 1995 Remodeling & Addition-St. Cloud.

Swift: U of M Morris Communications Cabling-Morris.

Watsonwan: St. James National Guard Armory & Motor Vehicle Storage Building.

Wright: Annandale Middle School & District Office Remodeling.

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.

Gary W. Bastian
Acting Commissioner

Metropolitan Council

Notice of Public Hearing on Proposed Amendments to the *Transportation Development Guide/Policy Plan*

The Metropolitan Council will hold a public hearing to receive comments on proposed amendments to its transit system and policy plan, highway system plan, financial plan and regional air quality conformity determination. These plans and analysis are contained in the Council's *Transportation Development Guide/Policy Plan*. The changes primarily affect the regional transportation investment priorities over the 20-year period from 1996-2015. The amendments may affect the standards for determining projects of metropolitan significance in the metropolitan significance rules (*Minnesota Rules*, chapter 5800).

The public hearing will be held as follows: **Thursday, April 20, 1995, 2:30-4 p.m. and continued at 5:30 p.m.**, Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul, MN. (The Chambers are wheelchair accessible.)

All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 229-2758 or 291-0904 (TDD). Written comments may be submitted to Carl Ohrn, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101 until May 4, 1995, when the hearing record closes. Copies of the draft *Transportation Development Guide/Policy Plan* may be obtained from the Council's Data Center by calling 291-8140 or 291-0904 (TDD). A hearing report will be prepared following the close of the hearing record. Interested persons should contact Carl Ohrn by May 4 to request a copy.

Persons with disabilities may contact the Council at 229-2758 or 291-0904 (TDD) to request reasonable accommodations to make this public hearing accessible. Such requests should be made by April 13, 1995.

Metropolitan Council

Public Hearing on Regional Recreation Open Space Capital Improvement Program for Calendar Years 1996-2005

The Metropolitan Council's Community Development Committee will hold a public hearing on an amendment to the Regional Recreation Open Space Capital Improvement Program (CIP) for Calendar Years 1996-2005. This hearing will be held on Monday, April 24, 1995, 12 Noon, in Conference Room 1-A at the Council offices, Mears Park Centre, 230 E. Fifth St., St. Paul. The CIP may affect the standards for determining projects of metropolitan significance in the Metropolitan Significance Rules.

Interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Billie Porter at 291-6312 or 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities. Written comments, which must be received by 4:30 p.m., May 8, 1995, should be sent to Arne Stefferud, Metropolitan Council, 230 E. Fifth St., St. Paul, MN 55101. Copies of the public hearing document (Publication No. 78-95-022) are available for review at major public libraries in the seven-county Twin Cities Metropolitan Area or by contacting the Council's Data Center at 291-8140 or 291-0904 (TTY).

Minnesota Pollution Control Agency

Ground Water and Solid Waste Division

And

Minnesota Department of Agriculture

Agronomy Services Division

Notice of Proposed Update of the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Agriculture (MDA), are publishing for public comment proposed additions to and deletions from the Permanent List of Priorities (PLP) among releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA or the MDA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B. The statutory basis for, and explanation of, the PLP is discussed below.

Pursuant to *Minnesota Statutes* § 115B.17 (1994), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health, welfare, or the environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility.

Where the hazardous substance or pollutant or contaminant is an agricultural chemical, as defined in *Minnesota Statutes* § 18D.01, subd. 3, the Commissioner of Agriculture is authorized under MERLA to take any removal or remedial action deemed necessary with regard to such releases or threatened releases. See *Minnesota Statutes* §§ 115B.17; 115B.20; and 18D.1051 (1994).

Minnesota Statutes § 115B.17, subd. 13 (1984), required the MPCA to establish priority rules regarding releases or threatened releases of hazardous substances, and pollutants or contaminants. The revised priority rules, *Minnesota Rules* ch. 7044, became effective on April 5, 1993.

Minnesota Statutes § 115B.17, subd. 13 also requires the MPCA to adopt the PLP and to update the list annually according to the criteria set forth in the priority rules. Before any update of the PLP is adopted by the MPCA, it must be published in the *State Register* and a 30-day public comment period must be provided. This notice is, therefore, published to inform the public that the MPCA and MDA propose to update the PLP and to solicit public comment on the proposed additions and deletions.

The proposed additions to the PLP have been ranked using the Hazard Ranking system (HRS) method as required by *Minnesota Rules* pt. 7044.0350(1993). The HRS is based on the revised HRS scoring system adopted by the U.S. Environmental Protection Agency (EPA), as published in the *Federal Register* on December 14, 1990.

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The following 5 MPCA sites are proposed for addition to the PLP, with HRS scores for each site in parentheses: Warden Oil, Minneapolis (50); Little Fork Ground Water Contamination, Little Fork (23); Mankato Plating, Mankato (8), Jerry's Tank Service, Carlton County (9), and Willmar Dump, Willmar (15).

The MDA is not proposing to add sites to the PLP, at this time.

The numerical scores generated by the HRS scoring process should not be interpreted as exact number priorities. The scores shown indicate the relative ranking and general classification of sites, but sites with scores within approximately ten points of each other may be considered roughly equivalent in terms of a known or possible public health or environmental threat. Generally, the cleanup of a hazardous waste site involves a three-phase program:

1. Remedial Investigation/Feasibility Study—investigation of the extent, magnitude, and nature of the release or threatened release, and identification, evaluation, and selection of the appropriate removal or remedial action(s);
2. Remedial Design—detailed design of the selected removal or remedial action(s); and
3. Response Action—implementation of the selected removal or remedial action(s).

Minnesota Rules pt. 7044.0450(1993) requires that sites with a release or threatened release be assigned to response action classes. A site can be assigned to more than one response action class. The four response action classes are defined as follows:

CLASS A—Declared Emergencies.

This class includes all sites at which an emergency has been declared by the MPCA Commissioner or Commissioner of Agriculture pursuant to MERLA. According to *Minnesota Rules* pt. 7044.0200, subp. 4 (1993), an "emergency" means that a determination made by the Commissioner that immediate action is required to prevent, minimize, or mitigate damage to the public health or welfare or the environment. An "advisory" is defined in *Minnesota Rules* pt. 7044.0200, subp. 3 to mean a warning by the MPCA Commissioner, Commissioner of the Department of Health, Minnesota Department of Natural Resources, or the Minnesota Department of Agriculture issued to the public concerning a hazardous substance or pollutant or contaminant at or near a site.

CLASS B—Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing.

This class includes all sites where response actions have been completed and long-term monitoring of these completed response actions is in progress. This class also includes all sites where activities are necessary to operate and maintain response actions that have previously been completed. Examples include continued operation of a ground water pump out system, long-term monitoring, and work necessary to maintain the integrity of the site such as maintaining cover or closure.

CLASS C—Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site.

This class includes all sites where remedial design and implementation of response actions, such as barrel removal, soil decontamination, first year ground water pump out or monitoring, are necessary to effect a permanent remedy or cleanup of a site.

CLASS D—Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress.

This class includes all sites which require a remedial investigation (RI) to determine the extent, magnitude, and nature of the release or threatened release, and a feasibility study (FS) to evaluate and select response action(s).

The terms "response action", "removal action" and "remedial action" are defined in *Minnesota Statutes* § 115B.02 (1994). Each of the five sites proposed for addition to the PLP have been assigned to response action classes C and D. In addition, the Little Fork Ground Water site has been assigned to response action class A, as an alternate water supply has been provided to affected residents; as has the Jerry's Tank Service site for the purpose of site stabilization.

The MPCA is proposing to delete the following 3 MPCA sites from the PLP, as specified under *Minnesota Rules* pt. 7044.0950 (1993): MCDA/FMC Site, Minneapolis; McGuire Wire Salvage, Mora; and Hutchinson Technology, Hutchinson.

The MDA is not proposing to delete any MDA site from the PLP, at this time.

The MPCA and MDA invite members of the public to submit written comments on these proposed changes to the PLP only. All written comments with regard to these proposed additions and deletions must be received no later than 4:30 p.m., April 20, 1995.

Written comments regarding the proposed MPCA site additions and deletions should be submitted to: Gary L. Krueger, Program Development Section, Ground Water and Solid Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155-4194.

Requests for a complete updated PLP or information on a specific site currently listed on the PLP can be directed to the MPCA's Public Information Office at the above address, or by telephoning 612/296-6619.

The MDA is the administering state agency for the following 5 PLP Sites: Castle Rock Ground Water Contamination, Castle Rock; Cedar Services, Minneapolis; Howe Chemical Soil Contamination, Martin County; Lewiston Ground Water Contamination, Lewiston; Perham Municipal Airfield, Perham. Any questions regarding these sites should be directed to: Teresa L. McDill, Agronomy Services Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, Minnesota 55107.

All written comments received by the above deadline will be considered by the MPCA and the MDA in establishing the updated PLP.

Charles W. Williams
Commissioner
Minnesota Pollution Control Agency
Elton Redalen
Commissioner
Minnesota Department of Agriculture

Department of Transportation

Appointment of a State Aid Variance Committee, Notice of Additional Petition, and Meeting Wednesday 22 March 1995

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, March 22, 1995 at 9:30 a.m. in Conference Room 148 Water's Edge Building, 1500 West County Road B-2, Roseville Minnesota, 55113.

This notice is given pursuant to *Minnesota Statute* 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

- 1. Petition of the City of Cloquet** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on M.S.A.S. 105 (Broadway Street) between Avenue B and a point 390 feet North, to allow a 50 foot right-of-way width, in lieu of the required 60' right-of-way width.
- 2. Petition of Wabasha County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project (S.A.P. 79-602-27) on County State Aid Highway No. 2, between Trunk Highway No. 247 and County State Aid Highway No. 8, to allow a 22.2 to 23.1 foot recovery area, in lieu of the required 27 foot recovery area between Station 55+50 left and Station 55+70 left.
- 3. Petition of Steele County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project (S.A.P. 74-623-08) on County State Aid Highway No. 23, at approximate Station 1365+00 to allow a 25 mph design speed in lieu of the required 40 mph design speed.
- 4. Petition of Isanti County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on County State Aid Highway No. 30, between a point 1500 feet South of Bridge No. 5479 and a point 2597 feet North of Bridge No. 2597 in the City of Cambridge, to allow a 4 foot shoulder width, in lieu of the required 8 foot shoulder width.
- 5. Petition of Isanti County** for a variance from *Minnesota Rules* as they apply to a proposed resurfacing project on County State Aid Highway No. 1, between Trunk Highway No. 47 and County Road No. 65, 3.5 miles West of Cambridge to allow a horizontal design speed of 35 mph, in lieu of the required 40 mph minimum design speed.
- 6. Petition of the City of Rochester** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on Municipal State Aid Street No. 119 (Fourth Street Southeast), between Sixth Avenue Southeast and Eleventh Avenue Southeast in Rochester, to allow lane widths of 11' with 1' reaction area, in lieu of the required 11' lane widths with 2' reaction area.
- 7. Petition of Redwood County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on County State Aid Highway No. 202 (Tin Street) from Mill Street to Jefferson Street, and from Drew Street to Gould Street in Redwood Falls, to allow a 50' right-of-way width in lieu of the required 60' minimum right-of-way width.
- 8. Petition of the City of Oakdale** for a variance from *Minnesota Rules* as they apply to a proposed resurfacing project on Municipal State Aid Street No. 236 (Greenway Avenue North), between Hudson Boulevard and 7th Street North in the City of Oakdale, to allow a 28 mph vertical curve, in lieu of the required 30 mph minimum design speed.

Official Notices

9. **Petition of the City of St. Paul** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on Municipal State Aid Street No. 142 (Hoyt Avenue), between Huron Street and Victoria Street in St. Paul, to allow a 30 foot curb to curb width with parking allowed on one side of the street, in lieu of the required 32 foot curb to curb width with parking allowed on one side of the street.

10. **Petition of Renville County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on County State Aid Highway No. 28 from Second Avenue Southeast to First Avenue Southeast, and from First Avenue Southeast to Trunk Highway No. 19 in the City of Fairfax, to allow curb to curb street widths of 54 and 59 feet with diagonal parking allowed on both sides of the street, in lieu of the required 66 foot minimum curb to curb street width with diagonal parking allowed on both sides of the street.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

9:30 a.m.	City of Cloquet
9:45 a.m.	Wabasha County
10:00 a.m.	Steele County
10:15 a.m.	Isanti County
10:30 a.m.	City of Rochester
10:45 a.m.	Redwood County
11:00 a.m.	City of Oakdale
11:15 a.m.	City of St. Paul
11:30 a.m.	Renville County

Dated: 10 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of Renville County for a Variance from State Aid Requirements for DIAGONAL PARKING

NOTICE IS HEREBY GIVEN that the Renville County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on County State Aid Highway No. 28, from Second Avenue Southeast and First Avenue Southeast, and from First Avenue Southeast and Trunk Highway No. 19 in the City of Fairfax.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9960, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit curb to curb street widths of 54 and 59 feet with diagonal parking allowed on both sides of the street, in lieu of the required 66 foot minimum curb to curb width with diagonal parking allowed on both sides of the street.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 10 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

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

Chemical Dependency Division

Request for Proposals for Chemical Dependency Services for Released Offenders from Either a State Correctional Facility or Local County Jail

Due Date: May 1, 1995

The Chemical Dependency Program Division (CDPD) of the Minnesota Department of Human Services is soliciting proposals for the initiation of programs to provide aftercare, case management and support group services for released offenders. These funds may not be used to conduct drug testing nor manage electronic monitoring. \$150,000 is available and applicants may not request more than \$50,000. Eligible applicants include private and public non-profit agencies and local units of government. It is anticipated that the work will begin October 1, 1995 or upon such date as the grant agreement is executed by the commissioner of Finance, whichever occurs later. The funds contemplated for this RFP are from the Federal Alcohol and Drug Abuse Block Grant.

The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The state will not reimburse for the costs of proposal preparation or participation in the proposal review process. One original and seven copies of the proposal must be received by the CDPD no later than 4:20 p.m. on Monday, May 1, 1995, or have a legible postmark date no later than April 23, 1995.

Proposals must follow the CDPD proposal format. The RFP and Grant application forms are available on request from the CDPD (612/296-3991). Proposals should be sent to:

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

Programmatic requests for information concerning this RFP can be addressed to Phil Brekken (612/296-4611) and budget/funding questions should be addressed by contacting Mike Zeman at (612/297-1863).

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 Commerce

Licensing Division

Notice of Request for Proposals to Develop and Administer the Insurance Licensing Examination

The Minnesota Department of Commerce is seeking proposals from individuals or organizations qualified to develop and administer the insurance licensing examination established by *Minnesota Statutes Chapter 60K (1994)*.

For a copy of the Request for Proposal or more information contact:

Lori Swancutt
Licensing Division
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
Voice: (612) 296-6313
Fax: (612) 296-4328
TTY/TDD: (612) 297-5353 and ask for 296-6313

Minnesota Office of Environmental Assistance

Notice of Request for Proposals for an Evaluation of Performance of the Office

The Minnesota Office of Environmental Assistance (OEA) is seeking proposals for an evaluation of the OEA's performance over the 1990-1994 period. The evaluation will be a component of the OEA's broader effort to set the proper directions for the OEA for the next five years. The evaluation will be used to help determine the success of OEA programs and the impact the OEA has had on state waste management efforts.

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

Goals:

The program evaluation will provide the OEA with information on its programmatic operations in order to assist the OEA in preparing and implementing a plan for 1995 through 2000. The evaluation will assess the OEA's success in meeting established goals and examine the extent to which various tools contributed to those successes. The evaluation will assist the OEA in determining what activities to undertake and what tools to use in the future.

Tasks:

The consultant will assist the OEA in conducting a program evaluation of the OEA's activities over the 1990-1994 period and will provide the OEA with suggestions for future programs and activities. The consultant will conduct a survey of external groups that have had contact with the OEA, analyze OEA staff work that summarizes the OEA's goals and activities over the 1990-1994 period, and synthesize and analyze information from these two areas to develop a final report that will contain conclusions about OEA work from 1990-1994 and suggestions for program initiatives and activities for the OEA through 2000.

TASK A

- Survey external groups that have had contact with the OEA such as clients, interested or affected parties, or advisory groups to gather information on the OEA's performance.
 - Work with OEA staff to identify past and current clients, partners, and interested parties and to develop a survey instrument.

Professional, Technical & Consulting Contracts

- Survey a sample of the identified group about OEA activities. Surveys may be written surveys with oral follow up interviews, or oral surveys.
- In addition to gathering information on the OEA's performance over the 1990-1994 period, the survey should determine what environmental issues will be important to the respondents in the future, and how OEA can best assist them.
- **Summarize survey results.** Identify key conclusions and issues to assist the OEA in determining how well it has performed and what activities and tools will be most effective in the future.

TASK B

- **Combine information and analysis** developed by OEA staff with the survey results to provide the OEA with an assessment of its success in meeting goals, an evaluation of what tools were most effective, and suggestions for future program initiatives and activities. Key questions to answer are:
 - What role did the OEA play in meeting state waste management goals?
 - What tools did the OEA use in this period? What worked best? What could be improved?
- **Prepare a written report** to OEA containing conclusions about the OEA's work from 1990-1994 and suggestions for program initiatives through 2000.

In carrying out Task B, the responder should be prepared to:

- **Work with OEA staff.** OEA staff will summarize and provide existing analyses of OEA goals, activities and progress toward goals over the 1990-1994 period.
- **Examine existing information and data** from the OEA to determine past goals and activities of the OEA and the overall progress in waste management in Minnesota. Also, identify any goals the OEA may have overlooked. Samples of the existing information are: reports prepared by the OEA on state solid and hazardous waste goals and plans, information from selected OEA data bases, OEA reports on various specific waste issues, legislative charges, previous internal evaluations and strategic plans.
- **Incorporate information** from other OEA program-specific evaluations (e.g., previous and current program evaluations) into the overall evaluation for the OEA.
- **Consult with OEA staff** on preliminary conclusions about the future directions for the OEA and the tools that will assist the OEA in these future directions.

Responders may propose additional tasks or activities if they will substantially improve the results of the project.

Agency Contact:

Prospective responders who have any questions regarding this request for proposal may call or write:

Tricia Conroy
Research Analyst
Office of Environmental Assistance
520 Lafayette Road North, 2nd floor
St. Paul, Minnesota 55155
612-215-0261 or 612-296-3417. Toll Free: 1-800-657-3843.

Other OEA personnel are not allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

Deadline for Submitting Proposals:

All proposals must be received by the Office of Environmental Assistance not later than 4:00 p.m. on Monday, April 10, 1995. Late proposals will not be accepted. Please send three copies of the proposal. Each copy of the proposal must be signed in ink by an authorized representative of the organization submitting the proposal. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

All proposals must be sent to and received by the OEA staff member identified above.

Maximum Funding Available:

The OEA estimates the cost of this project at no more than \$30,000.

Completion Date:

All project activities shall be completed by Friday, June 30, 1995.

Professional, Technical & Consulting Contracts

Proposal Contents:

The following will be considered minimum content for the proposal:

- A statement of the goals, objectives, and tasks to show the responder's view of the nature of the project.
- Detailed description of the respondent's approach to the different pieces of the project (surveys, information collection with OEA staff, analysis, developing final product), including work plan, staffing and budget estimates for each piece.
- Identification and description of the deliverables to be provided by the responder.
- An outline of the responder's background and experience. Identification of personnel to conduct the project, with details on training and work experience. No change in personnel assigned to the project will be permitted without the approval of the OEA project manager.
- A detailed budget and work plan that will identify the major tasks to be accomplished and will be used as a scheduling and management tool and as the basis of preparing invoices.
- Identification of the OEA's level of participation in the project and a plan for working with OEA staff.

Criteria Used to Evaluate the Proposals:

The director of the OEA will evaluate the complete proposals. The evaluation will be based, at a minimum, on the following considerations:

- Expressed understanding of the proposal objectives.
- Work plan.
- Cost detail.
- Qualifications of the company and personnel. Experience of personnel who are committed to work on the contract will be given greater weight than that of the firm.

The OEA may choose to interview all or some of the organizations or individuals that submit complete proposals. The Director of the OEA will select one contractor, based on input from OEA staff and the evaluation factors listed above.

Minnesota Office of Environmental Assistance

Notice of Request for Proposals for a Financial Audit

The Minnesota Office of Environmental Assistance (OEA) is seeking proposals for a financial audit of the OEA's fiscal operations over the 1990-1994 period. The audit will be a component of the OEA's broader effort to determine the proper direction for the OEA for the next five years.

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

Goals

The financial audit will provide the OEA with information on its general fiscal operations including its grant and loan programs and procedures.

Tasks

- **Examine and report on the internal fiscal operations** and management to determine compliance with Generally Accepted Accounting Principles and applicable State of Minnesota laws, statutes, rules, policies and procedures.
 - Interview OEA staff to determine processes of OEA's fiscal operations and management.
 - Examine internal processes and evaluate validity and efficiencies.
 - Determine compliance of operations with applicable regulations.
 - Examine purchasing and contracting procedures, expense reimbursements, and general vendor payments to assure compliance with State of Minnesota regulations.
 - Examine and evaluate internal oversight and control measures of general internal fiscal operations.
- **Examine and report on OEA's internal process for awarding and administering grants and loans.**
 - Interview OEA staff to determine processes.
 - Examine award process to determine efficiency and effectiveness in meeting OEA's goals and Minnesota rules.

Professional, Technical & Consulting Contracts

- Examine and report on internal oversight and control measures of grants and loans that have been awarded.
- **Perform sample audit of grant and loan recipients.** The responder will identify sample recipients after interviewing OEA staff.
 - Examine recipients' use of funds to determine if funds are being used appropriately and responsibly.
- **Prepare a written report** on the results of the financial audits.
- *Responders may propose additional tasks or activities if they will substantially improve the results of the project.*

Agency Contact:

Prospective responders who have any questions regarding this request for proposal may call or write:

Mary G. Daly
Budget Manager
Office of Environmental Assistance
520 Lafayette Road North, 2nd floor
St. Paul, Minnesota 55155
612-215-0238 or 612-296-3417. Toll Free: 1-800-657-3843

Other OEA personnel are not allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

Deadline for Submitting Proposals:

All proposals must be received by the Office of Environmental Assistance not later than 4:00 p.m. on Monday, April 10, 1995. Late proposals will not be accepted. Please send three copies of the proposal. Each copy of the proposal must be signed in ink by an authorized representative of the organization submitting the proposal. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

All proposals must be sent to and received by the OEA staff member identified above.

Maximum Funding Available:

OEA staff estimate the cost of this project at no more than \$20,000.

Completion Date:

All project activities shall be completed by June 30, 1995.

Proposal Contents:

The following will be considered minimum content for the proposal:

- A statement of the goals, objectives, and tasks to show the responder's view of the nature of the project.
- Detailed description of the respondent's approach to the different pieces of the project.
- Budget estimates for each piece.
- Identification and description of the deliverables to be provided by the responder.
- An outline of the responder's background and experience with particular emphasis on local, state, and federal government work. Identification of personnel to conduct the project, with details on training and work experience. No change in personnel assigned to the project will be permitted without the approval of the OEA project manager.
- A detailed cost and work plan that will identify the major tasks to be accomplished and be used as a scheduling and management tool, as well as the basis of invoicing.
- Identification of the OEA's level of participation in the project and a plan for working with OEA staff.

Criteria Used to Evaluate the Proposals:

The director of the OEA will evaluate the complete proposals. The evaluation will be based on the following considerations:

- Expressed understanding of the proposal objectives.
- Work plan.
- Cost detail.
- Qualifications of the company and personnel. Experience of personnel who are committed to work on the contract will be given greater weight than that of the firm.

The OEA may choose to interview all or some of the organizations or individuals that submit complete proposals. The Director of the OEA will select one contractor, based on input from OEA staff and the evaluation factors listed above.

Minnesota Higher Education Coordinating Board

Request for Proposal for Auditor to Conduct an Examination of the Financial Statements of the Student Loan Programs Administered by the Minnesota Higher Education Coordinating Board

The Minnesota Higher Education Coordinating Board (MHECB) has legislatively mandated responsibility in the area of post-secondary education. This project focuses on the auditing of the student loan programs administered by the MHECB. This project will provide for the examination of the financial statements and other auditing services, including review of internal controls relative to the operation of the loan programs. The contract emanating from this proposal will be for fiscal years 1995, 1996, 1997, and 1998.

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

It is estimated that the total cost of this proposal will not exceed \$25,000 per fiscal year.

For further information and formal RFP documents, contact Administrative Services, Higher Education Coordinating Board, Suite 400, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-9696.

The deadline for receipt of proposals is 4:00 PM, Wednesday, April 5, 1995.

Department of Revenue

Request for Proposals to Design a Process for Gathering Information from its Taxpayers/Customers about Customer Service

The Department of Revenue is soliciting proposals to design a process for gathering information from its taxpayers/customers that will help identify areas of customer service that need improvement. The Department wants to use the concepts of continuous quality improvement in its customer relations. We are seeking proposals for consultation and design of a system to review and manage the quality of our services and products that assist customers in complying with Minnesota's tax laws. We expect four to six different surveys will be administered to as many as 450 customers.

Goals and Objectives

1. Increased understanding of the services and products our customers think they need and expect from the Department;
2. Identification of areas of customer service needing improvement;
3. Increased knowledge of customers' future requirements so that we can set our future direction to meet their needs;
4. Development of a system for collecting and analyzing customer input continuously to measure quality efforts in the Department's sales tax, withholding tax and MinnesotaCare tax divisions;
5. Possession of a system that can be used in-house on an ongoing basis to evaluate future improvements against established baselines; and
6. Possession of tools and materials that can be used in-house to design, implement and evaluate additional surveys in other parts of the agency in the future.

Additional Information

We will hold a proposers' conference on March 30, 1995 from 3:00 to 4:30 p.m., to discuss any questions prospective responders may have. Your attendance at the proposers' conference will not be a factor in vendor selection. For a copy of the Request for Proposal, you may call or write: Carolyn Brown, Sales and Use Tax Division, Department of Revenue, 10 River Park Plaza, St. Paul, Minnesota 55146-9901. Phone number (612) 296-1934.

Non-State Public Bids, Contracts & Grants

Department of Trade and Economic Development

Notice of Request for Proposals for Translation of Business Materials into Spanish, Hmong, Vietnamese, Cambodian, and Laotian

The Minnesota Department of Trade and Economic Development (DTED) is seeking proposals from experienced, professional translators to translate a document drafted in English into Spanish, Hmong, Vietnamese, Cambodian, and Laotian. DTED has drafted the document, entitled *An Introduction To Owning and Operating a Business in Minnesota for (the native language i.e. Hmong) Speaking Americans*. Those contracted with will be responsible for providing an accurate translation and delivering camera ready artwork of the translated material, in the format prescribed by DTED.

Applicants have until 2:30 p.m. on April 7, 1995 to submit a proposal to the address listed below.

A full copy of the Request for Proposals can be obtained by writing or calling the contact person identified below. For more information, contact:

Stewart McMullan
Department of Trade and Economic Development
500 Metro Square
121 7th Place East
St. Paul, MN 55101-2146
Telephone: (612) 297-3548

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Minnesota Historical Society

Notice of Request for Bids for the Manufacture of a Book: *Lost Twin Cities*

The Minnesota Historical Society is seeking bids from qualified firms to manufacture a book titled *Lost Twin Cities*. Manufacture will include re-stripping standing negatives, printing, binding, delivery and other incidental services to manufacture approximately 5000 paper cover, Smyth sewn copies of the book.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time March 31, 1995. Fax bids are not accepted.

Complete specifications and details concerning submission requirements are included in the Request for Bids.

Non-State Public Bids, Contracts & Grants

Metropolitan Council Wastewater Services

Public Notice for Letters of Interest for Professional Services for Review of the Local Pretreatment Standards in the Waste Discharge Rules and Development of a Computer Model

NOTICE IS HEREBY GIVEN that the Metropolitan Council Wastewater Services (MCWS) is soliciting qualifications for professional services for the review of the Local Pretreatment Standards in the Waste Discharge Rules for eight of its Wastewater Treatment Plants and the development of a computer model for future use by MCWS staff which will assist staff in future Local Limits Studies. This is viewed as a one year project to be completed by June 30, 1996. The estimated cost of professional services is \$180,000 or less.

The scope of professional services includes a headworks loading analysis of eight wastewater treatment plants and mass balance calculations as required by current NPDES permit conditions. The parameters of concern include mostly toxic metals along with cyanide, PCBs and some organics. Limiting factors include, but are not limited to, NPDES Discharge Standards, Sludge Regulations, Activated Sludge Inhibition and proposed EPA Air Quality Standards. All wastewater and process analytical data required for this project will be provided/obtained by the MCWS.

The computer model shall include all software and training of MCWS staff. This model shall enable the MCWS staff to review the Local Limits as new data becomes available.

The tentative schedule for selecting a consulting firm for the Local Limits Review and development of a computer model is as follows:

Receive Letters of Interest	March 1995
Request For Qualifications issued	March 1995
Statement of Qualifications received	April 1995
Determine shortlist of firms	April 1995
Request Proposals (RFP)	April 1995
Receive Proposals (RFP)	May 1995
Select Consultant	May 1995
Metropolitan Council Authorization	June 1995
Give Notice To Proceed	July 1995

All firms interested in being considered for this project are invited to submit a Letter of Interest (LOI) asking for the Request for Qualifications (RFQ) package.

All inquiries and submittals are to be addressed to:

Administrative Assistant, Contracts & Documents Division
Metropolitan Council Wastewater Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
(612) 229-2132



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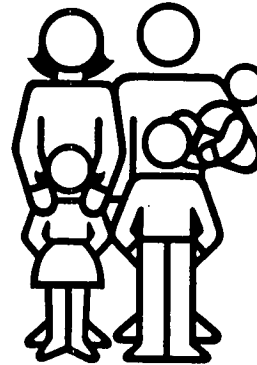
Human Services Rules

Minnesota Rules Chapters 9500-9585, including May '94 amendments. Extracts from Rules governing assistance programs, eligibility, grant amounts, AFDC and residence requirements. Looseleaf, 1,836pp. Stock No. 3-95 \$39.95

Need a Binder for your Rules? Due to its size, Human Services Rules require 2 binders. Order Stock No. 10-21 \$6.95/binder

Tab Dividers also available.

Order Stock No. 21-9 \$3.50/pkg. of 10



Are you up-to-date with these recently revised Laws, Rules, and Manuals ?

Human Services Laws

Selected Chapters from the 1993 Minnesota Statutes related to human services delivery. Among the many topics covered are: government data practices, human service licensing, MN Commitment Act of 1982, medical assistance, MN Family Preservation Act, and chemical dependency. Looseleaf, 1,551pp. **Requires 2 binders.** Stock No. 2-56 \$34.95

Health Care Program Manual

(...formerly known as the MA/GAMC Medical Care Provider Manual) This MinnesotaCare Programs Provider Manual provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994) Stock No. 10-12 \$20.00

Home Health Care/Hospice Rules 1993

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

Nursing & Boarding Care Home Rules

Chapters: 4620.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993) Stock No. 3-12 \$14.00

Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993) Stock No. 2-91 \$5.00

Nursing Board Rules

Rules governing preparation programs and licensing and registration of nurses. MN Chapters 6301, 6305, 6310, 6316, 6321, 6330 and 6340. **Includes '94 rule changes** as an insert. 70pp. (1993) Stock No. 3-94 \$7.00

Social Work Practice Act

Laws and rules relating to social work licenses. MN Statutes Chapter 148B and MN Rules Chapter 8740. 70pp. (1993) Stock No. 3-39 \$7.95

Supervised Living Facilities Laws & Rules

Statutes Chapters 144.56 and 144.651-.653 and Rules Chapter 4665. Standards for construction, equipment, maintenance, and operation of supervised living facilities. 42pp. (1992) Stock No. 3-15 \$4.50

Pharmacy Laws

MN Statutes Chapter 151-152, 214, 319A and sections of other chapters. 122pp. (1993) Stock No. 2-78 \$8.00

Pharmacy Rules

MN Rules Chapter 6800. 100pp. (1993) Stock No. 3-67 \$8.95



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