

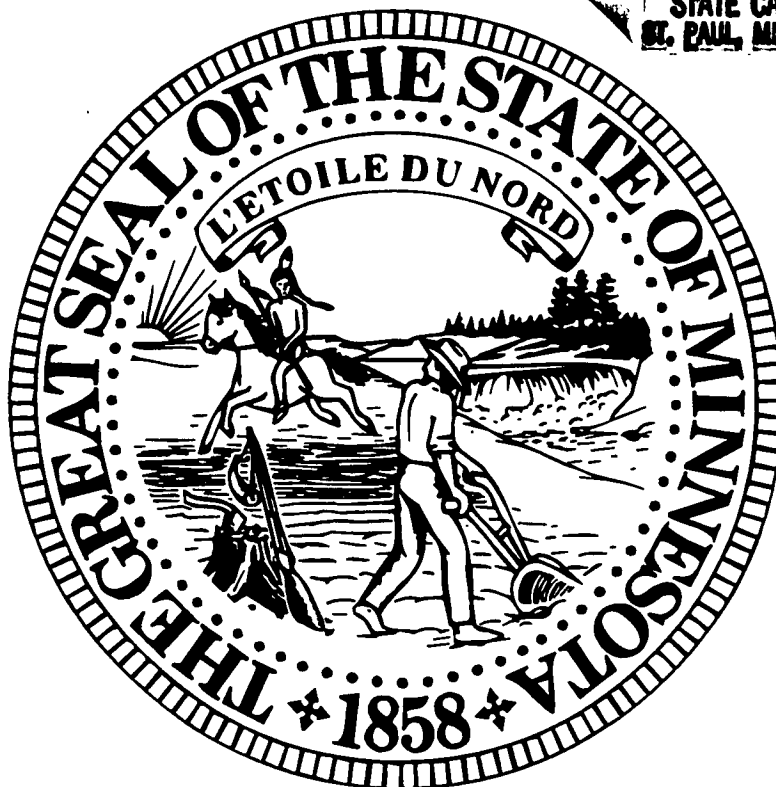
5

The Minnesota  
**State Register**

**RECEIVED**

JAN 02 1996

LEGISLATIVE REFERENCE LIBRARY  
STATE CAPITOL  
ST. PAUL, MN. 55155



**Rules and Official Notices Edition**

Published every Monday (Tuesday when Monday is a holiday)  
by the

Minnesota Department of Administration - Print Communications Division

**Tuesday 2 January 1996**

**Volume 20, Number 27**

**Pages 1859-1954**

# State Register

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

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

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

### Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 27	Tuesday 2 January	Monday 18 December	Friday 22 December
# 28	Monday 8 January	Friday 22 December	Friday 29 December
# 29	Tuesday 16 January	Friday 29 December	Monday 8 January 1996
# 30	Monday 22 January	Monday 8 January 1996	Friday 12 January

Arne H. Carlson, Governor 612/296-3391  
Joanne E. Benson, Lt. Governor 612/296-3391

Hubert H. Humphrey III, Attorney General 612/297-4272  
Judi Dutcher, State Auditor 612/297-3670

Joan Anderson Growe, Secretary of State 612/296-2079  
Michael A McGrath, State Treasurer 612/296-7091

#### Department of Administration:

Elaine S. Hansen, Commissioner 612/296-1424  
Robert A Schroeder, Asst. Commissioner 612/297-4261

#### Print Communications Division:

Kathi Lynch, Director 612/297-2553  
Mary Mikes, Manager 612/297-3979

Jane E. Schmidley, Acting Editor 612/297-7963  
Paul Hoffman, Assistant Editor 612/296-0929  
Debbie George, Circulation Manager 612/296-0931

An "Affidavit of Publication" can be obtained at a cost of \$5.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

To submit notices for publication in the *State Register*, contact the editor listed above. The charge is \$80.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Submit two copies of your notice, typed double spaced, with a letter on your letterhead stationery requesting publication date. Send to the *State Register* at the address listed below.

#### SUBSCRIPTION SERVICES:

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, pursuant to *Minnesota Statutes* § 14.46. The *State Register* is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Education. Single copies cost \$3.50 and are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: 297-3000 Toll free 800-657-3757. Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706. NO REFUNDS. Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751). Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
- *Contracts Supplement* (published every Tuesday, Wednesday, Friday) One year subscription: \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400. By purchasing the On-Line access you are agreeing to not redistribute without authorization.
- 13-week trial subscription which includes both the *State Register* and *Contracts Supplement*. \$60.00
- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* 50¢. Add shipping charge of \$3.00 per order.
- "Commodity Contract Awards Reports," - lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" - published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "Professional-Technical-Consulting Award Reports," - published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Appears monthly. Order stock number 90-15. Available in hard copy format only.

### FOR LEGISLATIVE NEWS

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

#### SENATE

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

*Perspectives*—Publication about the Senate.

*Session Review*—Summarizes actions of the Minnesota Senate.

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

#### HOUSE

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

*This Week*—weekly interim bulletin of the House.

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

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

## Minnesota Rules: Amendments & Additions

Vol. 20, issue #27 ..... 1862

## Proposed Rules

### Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

Examination, licensing, exempt structures, and professional conduct ..... 1863

### Health Department

Nursing and boarding care homes..... 1881

## Adopted Rules

### Commerce Department

Credit involuntary unemployment insurance..... 1925

### Public Service Department

Weights and measures..... 1928

## Official Notices

### Agriculture, Agronomy & Plant Protection Services Division

Re-scheduling of Minnesota Agricultural Chemical Response Compensation board meeting..... 1929

### Economic Security Department and Children, Families and Learning Department

Governor's Workforce Development Council By-laws ..... 1929

### Housing Finance Agency

Public hearing on the low income housing tax credit allocation plan..... 1934

### Human Services Department

Prior authorization list..... 1934

### Labor and Industry Department

Prevailing wage certifications for commercial construction projects..... 1936

### Minnesota Comprehensive Health Association

Legislative and Public Policy Committee meeting notice ..... 1936

### Nursing Board

Notice of meetings ..... 1936

### Public Employee Retirement Association

Board of trustees meeting notice..... 1936

### Public Service Department

Opinions sought on rule for weights and measures ..... 1937

### Public Utilities Commission

Hearing of application of Minnegasco for certificate of need for a large liquefied gas storage facility ..... 1937

## Secretary of State

Vacancies in multi-member agencies ..... 1940

## Transportation Department

Debarment of Donald A. Crowther and TCM Construction, Inc..... 1941

## State Grants

### Administration Department

Proposals sought by Governor's Council on Disabilities for:  
leadership development and cultural diversity ..... 1942  
co-sponsorship of statewide conferences ..... 1943

### Health Department

Proposals sought for 1996/97 Community-Based HIV/STD prevention programs ..... 1944

### Trade and Economic Development

Applications sought community development corporations certification 1996-1997..... 1946

## Professional, Technical and Consulting Contracts

### Health Department

Applicants sought for Minnesota Rural Health Network Reform Initiative..... 1948

### Human Services Department

Proposals sought for medical review agent ..... 1949  
Proposals sought for translation services..... 1950

### Minnesota Legislative Electric Energy Task Force

Proposals sought for two electric power industry studies..... 1950

### Public Safety Department

Proposals sought for a violence prevention multi-media campaign plan..... 1951

### Transportation Department

Proposals sought for transitional organization development consultant ..... 1951

## Awards of State Contracts & Advertised Bids

Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday. "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. For subscription information call 612/296-0931.

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.

### Vol. 20 issue 27

#### Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

1800.0200; .0300; .0400; .0500; .0600; .0800; .0900; .1000; .1100; .1200; .1500; .1600; .1700; .1900; .2100; .2200; .2500; .2600; .2700; .2800; .2900; .4000; .4100; .5100; .5200; .5800 (proposed) ..... 1863

1800.0700; .0900, s.2; .1000, s.8; .1100, s.3; .2000; .2300; .2500, s.3; .2700, s.4; .2900, s.3; .5700 (proposed repealer) ..... 1863

#### Commerce Dept

2761.0200; .0300; .0400; .0500; .0700 (adopted) ..... 1925

#### Health Dept

4655.0090; .1084; .6500; .7000; .9200; .9210; .9337; .9338; .9339; .9342; 4658.0010; .0191; .0192; .0193; .0200; .0205; .0210; .0215; .0220; .0250; .0255; .0260; .0265; .0275; .0290; .0300; .0445; .0450; .0615; .0620; .0900; .0950; .0960; .0990; .1000; .1005; .1090; .1100; .1190; .1200; .1290; .1400; .1405; .1410; .1415; .1420; .1425; .1490; .1600; .1605; .1610; .1690; .2000; .2010; .2020; .2030; .2090; .3000; .3005; .3090; .3500; .3590; .4000; .4005; .4010; .4015; .4020; .4025; .4030; .4035; .4040; .4090; .4100; .4105; .4110; .4115; .4120; .4125; .4130; .4135; .4140; .4145; .4150; .4155; .4160; .4165; .4170; .4175; .4190; .4200; .4205; .4210; .4215; .4290; .4300; .4305; .4310; .4315; .4320; .4325; .4330; .4335; .4340; .4345; .4350; .4355; .4360; .4365;

.4370; .4375; .4390; .4400; .4405; .4415; .4420; .4425; .4430; .4435; .4440; .4445; .4450; .4455; .4460; .4490; .4500; .4505; .4510; .4515; .4520; .4525; .4530; .4535; .4540; .4545; .4550; .4590; .4600; .4605; .4610; .4615; .4620; .4625; .4630; .4635; .4640; .4690; .5000; .5005; .5010; .5015; .5020; .5025; .5030; .5035; .5040; .5090; .5100; .5190; .5200; .5205; .5210; .5215; .5220; .5225; .5230; .5235; .5240; .5245; .5290; .5300; .5305; .5310; .5315; .5390; .5400; .5405; .5410; .5415; .5490; .5500; .5505; .5510; .5515; .5520; .5590; 4660.0090; .3900; .7800; .8000; .8310; 4665.0900 (proposed) ..... 1881

4655.0100, s.4,8,10; .7500; .8000; .9070; .9300; .9320; .9312; .9322; .9323; .9324; .9325; .9326; .9327; .9328; .9329; .9330; .9331; .9332; .9333; .9337; .9335; .9336; .9337; .9338; .9339; .9341; 4660.1300; .1400; .1410; .1420; .1430; .1440; .1450; .1460; .1470; .1480; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2610; .2620; .2630; .2640; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .5700; .5800; .5810; .7600; .7010; .8300; .8380; .7410; .8500; .7510; .8520; .8530; .8540; .8550; .8560; .8700; .9910; .9920; .9930 (proposed repealer) ..... 1881

**Public Service Dept**  
7601.0100; .1000; .3015; .3030 (adopted) ..... 1928

**Health Dept**  
9050.0040; .1070 (proposed) ..... 1881



## Proposed Rules

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

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

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

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

## Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

### Proposed Permanent Rules Relating to Examination, Licensing, Exempt Structures, and Professional Conduct

#### Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedures Act sections 14.22-14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

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

George Iwan, Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, 133 7th Street East, St. Paul MN 55101-2333: Phone (612) 296-2388, Fax (612) 297-5310.

**Subject of Rules and Statutory Authority.** The proposed rules are about Examination, Licensing, Exempt Structures, and Professional Conduct. The statutory authority to adopt these rules is *Minnesota Statutes*, section 326.06. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. January 31, 1996, to submit written comments in support of or in opposition to the proposed rules or any subpart of the rules. Your comments 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 rules 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 rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 31, 1996. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the Board will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by the data and views submitted to the Board and may not result in a substantial change in the proposed rules as attached and printed in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

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

## Proposed Rules

**Statement of Need and Reasonableness.** A statement of Need and Reasonableness is now available from the Board contact person. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules.

**Adoption and Review of the Rules.** 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 extent that form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified or wish to receive a copy of the adopted rules, submit your request to the Board contact person listed above.

### Rules as Proposed

#### 1800.0200 CLASSES OF REGISTRANTS AND LICENSEES.

There shall be three classes of ~~registrants~~ licensees as follows:

- A. Class 1: those who were ~~registered~~ licensed without examination prior to July 1, 1933, and by exemption subsequent to 1933. ~~Registration~~ Licensure by exemption or by mere submission of record with references was discontinued in 1938.
- B. Class 2: those registered ~~or~~ licensed by comity under the provisions of the law.
- C. Class 3: those registered ~~or~~ licensed following examination, either oral or written, or both.

#### 1800.0300 IN-TRAINING CLASSIFICATIONS.

There shall be a classification of engineer-in-training, a classification of land surveyor-in-training, and a classification of landscape architect-in-training. For examination of engineer-in-training see parts 1800.2500 to 1800.3000, for land surveyor-in-training see parts 1800.3500 to 1800.3800, and for examination of landscape architect-in-training see parts 1800.1500 to ~~1800.2000~~ 1800.1900.

#### 1800.0400 APPLICATION FOR REGISTRATION AND LICENSURE.

Subpart 1. **Form and filing.** Applications for licensure or registration shall be under oath and made on forms prescribed and furnished by the board and shall be filed with the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design and accompanied by payment of the examination fee as specified in part 1800.0500, subparts 5 and 6. Applications for certified interior designers shall be filed following passage of the applicant's National Council for Interior Design Qualification (NCIDO) examination or meeting the requirements outlined in part 1800.0800.

**Subp. 1a. Information required.** ~~Before making formal application for examination,~~ The applicant is requested to shall submit to the board, ~~on a preliminary letter in the form provided,~~ information relative to:

- A. place and date of birth;
- B. time and place of schools attended and studies completed;
- C. status relative to graduation from such schools or completion of studies;
- D. final official transcript showing the date of award of the degree or degrees received;
- E. for engineer, landscape architect, and land surveyor applicants, whether the engineer-in-training, land surveyor-in-training Fundamentals of Engineering (FE), Fundamentals of Land Surveying (FLS), or landscape architect-in-training examination has been successfully completed; and
- F. a ~~chronological~~ record of personal employment, with all dates and with complete information relative to duties and type of work performed, and particularly outlining the applicant's responsibilities in charge of the whole or any part thereof. ~~The preliminary letter form will be furnished an applicant upon request to the board office.~~

Subp. 2. **Evaluation of information.** ~~This~~ The information will required by subpart 1a shall be evaluated by the ~~appropriate member or members of the board and if the applicant is found ineligible for admission to the examination, or ineligible for certification as a certified interior designer, at that time, he or she will the applicant shall~~ be so notified in writing and given the reasons therefor and no expense will have been incurred by the applicant. ~~If the applicant is apparently eligible at that time for admission to the examination, such applicant will be so notified and a form will be sent on which to make formal application for licensure subject to the rules of the board. If the applicant is eligible for examination at the time for admission to the examination, the applicant shall be so notified by the board in writing. A new application for registration, in such instances, may be filed at any time after the lapse of six months next succeeding the date of the previous rejection.~~

Subp. 3. **Forms and filing In-training application.** ~~Applications for licensure shall be under oath and made on forms prescribed and furnished by the board and shall be filed with the executive secretary of the board at least 60 days before the date set for the professional examinations accompanied by the payment of the examination fee as specified in part 1800.0500, subparts 5 and 6.~~

## Proposed Rules

Applications for examination as engineer-in-training, land surveyor-in-training, or and landscape architect-in-training shall be made under oath and on forms prescribed and furnished by the board and shall be filed with the executive secretary of the board at least 60 days before the date set for the fundamentals examination accompanied by the examination fee as specified in part 1800.0500, subpart 6.

~~Application forms will be furnished to individual applicants but will not be furnished in quantities to intermediaries.~~

### 1800.0500 FEES.

Subpart 1. **Requirements.** Application for examination for certification as engineer-in-training, land surveyor-in-training, landscape architect-in-training, or certified interior designer or for licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this part. ~~The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board. A reexamination application shall be submitted each time the applicant applies to take the examination except as provided in subpart 2.~~

Subp. 2. **Refunds; validity of application.** ~~License or license renewal fees may not be refunded. Examination fees may be refunded except for a \$20 administrative charge. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit an application, together with an examination fee, unless the failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application upon which no action has been taken for three years after the date of its receipt by the board shall be void. Examination or registration fees shall not be refunded except for those circumstances when an applicant does not meet required qualifications. In those circumstances, the board shall retain a \$20 administrative fee. An applicant who fails to appear for examination, cancels, or fails to take any action relevant to the application within three years shall submit a new application with a new examination fee.~~

Subp. 3. **Initial licensure and renewal.** The fee for licensure or renewal of licensure as an architect, professional engineer, land surveyor, or landscape architect is \$70 per biennium. The fee for certification as a certified interior designer or for renewal of the certificate is \$70 per biennium. The fee for an architect applying for original certification as a certified interior designer is \$50 per biennium. ~~The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is \$70; for months 18 to 12, \$52.50; for months 12 to 6, \$35; and for months 6 to 0, \$17.50. Beginning July 1, 1994, The initial license or certification fee for all professions is \$70. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.~~

Subp. 4. **Delayed renewal fee.** A renewal fee is a delayed renewal fee within the meaning of *Minnesota Statutes*, section 326.10, subdivision 5, if it is not postmarked on or before June 30 of the year specified in subpart 3. ~~The delayed renewal fee is \$30 for the first three months of the lapsed period and \$60 for months 4 to 24.~~ A licensee who was originally licensed by examination by the board and who permits the license to lapse for more than two years must retake the appropriate professional licensing examination unless exempted by the board. The delayed renewal fee is computed from July 1 of any even-numbered year and is in addition to the renewal fee provided in subpart 3.

Subp. 5. **Certification or licensure examination fee.** The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, landscape architect, or certified interior designer is as follows:

A. Architect Registration Examination (ARE), 1992 \$480.

B. Professional engineer:

(1) Fundamentals of Engineering (FE) examination, \$40, effective October 1, 1992, and thereafter;

(2) Principles and Practice of Engineering examination (PE), \$80, ~~effective October 1, 1992, and thereafter; structural engineering, \$170.~~

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

~~An applicant, currently licensed as a professional engineer (civil) may apply for registration as a professional engineer (structural) by submitting an examination fee of \$170.~~

C. Land surveyor:

(1) Fundamentals of Land Surveying (FLS) examination, \$50, effective October 1, 1992, and thereafter;

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

## Proposed Rules

(2) principles and practice of land surveying examination, \$100.

D. Landscape Architect Registration Examination (LARE), 1992 \$415, 1993 \$445.

E. ~~Certified interior designer examination, \$475.~~

Subp. 6. **Reexamination and reexamination fees.** Applicants for reexamination shall notify the board by submitting an examination application as specified in part 1800.0900, subpart 4. The fee for retaking all or any part of any examination for certification or licensure is as follows each time the examination or any part of it is retaken:

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

C. Land surveyor:

(1) Fundamentals of Land Surveying (FLS), \$50;

(2) principles and practice of land surveying:

(a) ~~part III, \$40~~ parts I and II, \$100;

(b) ~~part IV A, \$40;~~

(c) ~~part IV B III, \$20;~~

(d) ~~parts III and IV A, \$80;~~

(e) ~~parts III and IV B, \$60;~~

(f) ~~parts IV A and IV B, \$60.~~

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

E. ~~Certified interior designer reexamination:~~

(1) ~~identification and application, \$150;~~

(2) ~~problem solving, \$75;~~

(3) ~~building and barrier free codes, \$75; and~~

(4) ~~practicums:~~

(a) ~~programming, \$50;~~

(b) ~~three-dimensional exercise, \$50; and~~

(c) ~~project scenario, \$50.~~

Subp. 7. **Additional fees.** In addition to all other fees for examination or registration, as provided in this part or *Minnesota Statutes*, section 326.10, subdivision 1, the following schedule of fees is applicable:

A. for each application for registration by comity under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, or in any foreign country, a fee of \$100;

B. for reissuance of a revoked, lost, destroyed, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, ~~or landscape architect-in-training,~~ or certified interior designer, \$25;

C. for certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, will be ten cents per sheet;

D. for monitoring licensing examinations for applicants of boards of other states ~~at overseas test sites,~~ the fee shall be \$25, payable by the applicant.

### 1800.0600 CERTIFICATE OF REGISTRATION.

Certification of an applicant's technical qualifications by the National Council of Architectural Registration Boards (NCARB), National Certification Committee of the National Council of ~~Engineering~~ Examiners (NCEE) for Engineers and Surveyors (NCEES), ~~or the Council of Landscape Architectural Registration Boards (CLARB), or the National Council of Interior Design Qualification (NCIDO)~~ may be accepted by the board as establishing such qualifications, and the applicant, in such instances, will not be required to pass further examination.

### 1800.0800 PROOF OF QUALIFICATION TO PRACTICE.

It is required that the an applicant shall submit evidence to the board indicating that the applicant is qualified to practice in the profession or field of major practice ~~thereof,~~ in which ~~she or he~~ the applicant seeks ~~registration licensure or certification.~~ The

burden of proof is upon the applicant who should ~~therefore~~ make every effort to present qualifications fully and clearly. Qualifications shall be established by one or more of the following methods:

- A. by passing a written examination;
- B. by successfully completing an oral examination;
- C. by submitting satisfactory exhibits of technical qualifications;
- D. by submitting a council certificate prepared by the National Council of Architectural Registration Boards (NCARB), for architect applicants only;
- E. by submitting ~~an NEC~~ a National Council of Examiners for Engineers and Surveyors (NCEES) council record prepared by the National Certification of the ~~National Council of Engineering Examiners, NCEES~~ for engineer applicants only;
- F. by submitting a council certificate prepared by the Council of Landscape Architectural Registration Boards (CLARB), for landscape architect applicants only;
- G. for registration by comity as an architect ~~or, engineer, or landscape architect~~ under ~~provisions of Minnesota Statutes, section 326.10, subdivision 1, paragraph 2 (a), clause (2), and experience as the board may thereunder require together with evidence of current registration and proof of good standing;~~
- H. for registration by comity as a land surveyor, an applicant shall be subject to ~~the provisions of Minnesota Statutes, section 326.10, subdivision 1, paragraph 2 (a), clause (2).~~ In addition ~~thereto~~, the applicant shall be required to take ~~such~~ examinations ~~as that~~ the board deems necessary to determine qualifications, but in any event the applicant shall be required to take a written orientation examination of not less than four hours duration; or
- I. for certification by comity as a certified interior designer under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph 2 (a), clause (2). The applicant shall meet the certification requirements that were in effect in Minnesota at the time of the applicant's original licensure or certification in the other state, territory, or the District of Columbia. Applicants who were certified in other states prior to August 1, 1992, shall meet the requirements of part 1800.2100.

#### **1800.0900 QUALIFICATION PROCEDURES.**

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

Subp. 2. [See repealer.]

Subp. 3. **Examination required.** An applicant must take all parts of the ~~in-training~~ fundamentals examination at one time. The applicant must pass the ~~in-training~~ fundamentals examination prior to taking the professional examination, if applicable. See part 1800.2800.

The applicant must take all parts of the professional examination at one time.

Subp. 4. **Reexamination.** An applicant who does not receive a passing grade in an examination may make application to retake that examination. ~~Such~~ The application shall be accompanied by a reexamination fee as required under part 1800.0500, subpart 6. The board may require an applicant failing an examination two or more times to submit evidence of improved qualifications before an additional retake examination is permitted. ~~Only an acceptable reason for nonappearance for a scheduled examination will permit the applicant to be rescheduled for such examination.~~

Subp. 5. **Date and place of examination.** Oral examinations may be given each year at such times as may be designated by the board. ~~Written examinations will be given twice each year for engineer and land survey applicants and once each year for architectural and landscape architectural applicants.~~ Persons who file applications for licensure by examination and are determined to be eligible for admission to the examination will be informed by letter of the date and place of the examinations.

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

#### **1800.1000 EDUCATION AND EXPERIENCE.**

Subpart 1. **Written examination requirement.** An applicant for licensure as an architect shall pass a written examination as provided in part 1800.1200. Written examinations are required of all applicants except those licensed under part 1800.0800, items D and G, that apply to those architects licensed in one or more states other than Minnesota. An applicant for licensure under part 1800.0800, items D and G, must satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original ~~licensure approved application~~ in the other state.

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

## Proposed Rules

Subp. 1a. **Admission to written examination.** To qualify for admission to the written examination, an applicant shall present evidence that the applicant has obtained at least 13 qualifying credits as provided in this part. At least ten of the qualifying credits must be for education and at least three of the qualifying credits must be for experience. The qualifying credits shall be granted as provided meets the education and experience requirements described in subparts 5 and 6.

Subp. 5. **Credits for education.** Qualifying credits for education shall be granted as follows:

A. An applicant who has graduated must present evidence of graduation from an architectural curriculum accredited by the National Architectural Accrediting Board (NAAB); shall, at the time of graduation or within two years after graduation, receive ten qualifying credits for education.

B. An applicant holding a four-year baccalaureate preprofessional degree in environmental design or architectural studies shall be granted credit depending on the number of years of architectural design courses successfully completed. An applicant with three years of design courses shall be granted eight qualifying credits. An applicant with two years of design courses will be granted six qualifying credits. In no case shall the applicant holding a preprofessional degree be granted less than six qualifying credits for education.

C. An applicant holding a four-year baccalaureate degree from the following curricula shall be given six qualifying credits for education:

(1) curricula in architectural, chemical, civil, electrical, mechanical, or structural engineering accredited by the Accreditation Board for Engineering and Technology (ABET);

(2) curricula in landscape architecture accredited by the American Society of Landscape Architects Committee on Education; or

(3) curricula in interior design accredited by the Foundation on Interior Design Education Research.

D. An applicant holding a two-year associate degree in architectural technology or architectural drafting from a community college or technical college shall receive two qualifying credits for education.

E. For the purposes of this subpart, 32 semester credit hours or 48 quarter credit hours is considered to be one year of education. Fractions of a year of education shall be given credit in the amount earned.

F. An applicant holding a degree or having completed coursework from a foreign college or university shall be granted credit toward the requirements of this subpart on the same basis as a graduate of a United States college or university if the board determines that the educational requirements for the degree are equivalent to the requirements of this subpart. The applicant shall furnish a copy of the applicant's grade transcript, including course descriptions of courses successfully completed, in English, with the initial application for evaluation by the board.

Subp. 6. **Credits for experience.** Qualifying credits for experience shall be granted as follows:

A. The applicant's total experience must meet the requirements for qualifying experience in subpart 7.

B. Experience must be acquired after graduation, except that continuous experience in periods of ten or more weeks gained before graduation shall be counted if gained as specified in subpart 7 after graduation from high school.

C. Each year of experience gained under the direct supervision and control of a licensed architect shall count for one qualifying credit.

D. Each year of architecturally related experience gained under the direct supervision and control of a licensed professional engineer, licensed landscape architect, or an interior designer certified by the American Society of Interior Designers shall count for one-half qualifying credit. Effective January 1, 1996, admission to the Architect Registration Examination (ARE) is limited to candidates that have met the training requirements through the National Council of Architectural Registration Boards - Intern Development Program (NCARB-IDP). A person enrolled in the Minnesota IDP program prior to that date is permitted to complete training in the Minnesota program.

Candidates are responsible for the establishment of their own National Council of Architectural Registration Boards - Intern Development Program (NCARB-IDP) record.

Subp. 7. **Qualifying experience defined.** As used in this part, qualifying experience consists of experience gained in each of the following areas of the practice of architecture in accordance with the minimum number of hours shown value units as required to satisfy the Intern Development Program (IDP) training requirements as defined in Appendix I of the National Council of Architectural Registration Boards - Intern Development Program (NCARB-IDP) guidelines.

A. Design and construction:

(1) programming and client contact, 80 hours;

(2) site and environmental analysis, 80 hours;

- (3) schematic design, 120 hours;
- (4) building code analysis, 80 hours;
- (5) code research, 120 hours;
- (6) design development, 320 hours;
- (7) construction documents, 1,240 hours;
- (8) specifications and materials, 120 hours; and
- (9) document checking, 120 hours.

**B. Construction and administration:**

- (1) bidding procedures, 80 hours;
- (2) construction office, 120 hours; and
- (3) construction observation, 120 hours.

**C. Office management:**

- (1) office procedures, 120 hours; and
- (2) professional activities, 80 hours.

The number of hours shown are minimum time requirements for the areas of practice listed and do not represent three years of experience. More experience may be gained in any of these areas of practice to total 5,600 hours or three years of experience. Persons requiring more than three years of experience shall document qualifying experience in the amount of 1,867 hours for each year required.

Subp. 8. [See repealer.]

**1800.1100 PROCEDURES.**

Subpart 1. **Completion date.** An applicant may request to be admitted to an examination if the applicant has completed, or will have completed the educational and experience requirements in part 1800.1000 by the time of the examination. The applicant shall submit to the board verification of completion of the education and experience requirements in part 1800.1000 before the applicant's examination scores can be released. Applicants who fail to verify the completion of education and experience requirements within one year from the date of examination shall have their scores voided.

Subp. 2. **Preliminary Admission request for licensing examination.** Applicants shall submit to the board a preliminary request completed application and an appropriate fee as described in part 1800.0500, subpart 5, for admission to the licensing examination. The request application shall be submitted on a form provided by the board and must shall include a detailed listing of all architecturally related experience gained in accordance with according to part 1800.1000. The Experience listing shall include the name and mailing address of the applicant's supervising licensed architect or other supervisor for each period of employment; and a final transcript of grades showing the date of award of any degree earned shall accompany the submittal. Upon approval of the preliminary request by the board, the applicant shall be provided formal application materials except in circumstances referenced in subpart 1. The preliminary request application shall be submitted to the board by February 1 for the June examination and by August 1 for the December examination. The application shall include one signed copy of Board Rules of Professional Conduct and a fee as specified in part 1800.0500, subpart 5, item A. Upon approval of the board, the applicant shall be notified in writing.

Subp. 3. [See repealer.]

Subp. 4. **Obtaining application.** Application materials may be obtained by calling or writing the board office.

**1800.1200 WRITTEN EXAMINATION.**

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

Subp. 5. **Equipment during examinations.** Silent, hand-held, battery-operated nonprogrammable electronic calculators may be used as required during the Architect Registration Examination (ARE). Applicants shall only use the architect registration examination supplied reference materials during the examination.

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

# Proposed Rules

## 1800.1500 EDUCATION AND EXPERIENCE.

**Subpart 1. Written examination requirement.** An applicant for registration licensure as a landscape architect shall be required to pass a written and oral examination as provided herein in part 1800.1700. Written examinations are required of all applicants except those licensed under part 1800.0800, items F and G, that apply to those landscape architects licensed in one or more states other than Minnesota. An applicant for licensure under part 1800.0800, items F and G, must satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state.

**Subp. 2. Admissions to written examination.** To qualify for such admission to the written examination, the applicant shall present satisfactory evidence that the following requirements have been met as provided in this part:

A. Graduated Graduation from a landscape architecture curriculum of a university or college accredited by the American Society of Landscape Architects (ASLA) Committee on Education.

B. Completed Completion of a minimum of at least three years of satisfactory diversified qualifying experience, after graduation, under the supervision of registered landscape architects, if the applicant has graduated from a five-year baccalaureate curriculum in landscape architecture accredited by the ASLA. Four years of qualifying experience is required, if the applicant has graduated from an institution with a four-year ASLA-accredited baccalaureate curriculum in landscape architecture.

C. **Subp. 3. Exception for non-ASLA-accredited education.**

A. An applicant who does not meet the requirements of subpart 2 may also qualify provided that satisfactory for admission to the examination if evidence is submitted to the board that the education and subsequent experience of such the applicant are substantially equivalent to the above meet the requirements as set forth in the following table:

Classification	Professional Education (years)	Professional Experience* (years)	Total Education and Experience
<b>Graduate of ASLA Accredited Landscape Architectural Curriculum</b>			
5-year course	5	3	8
4-year course	4	4	8
<b>Other Related Degree Plus Graduate of ASLA Accredited Graduate L.A. Curriculum</b>			
	5	3	8
<b>Graduate of Nonaccredited Landscape Architectural Curriculum</b>			
5-year course	4	5	9
4-year course	3	6	9
<b>Other Related Field Degree Plus Graduate of Nonaccredited L.A. Curriculum</b>			
	4	5	9
<b>Graduate of NAAB Accredited Architectural Curriculum</b>			
	3	7	10
<b>Graduate of ECPD Accredited</b>			



Engineering Curriculum	3	7	10
Graduate of Nonaccredited Architectural Curriculum	2	9	11
Graduate of Nonaccredited Engineering Curriculum	2	9	11
Graduate of Two Years Technical College in Landscape Architecture	2	9	11
No Professional Education	0	13	13

~~B.~~ B. Professional experience must be acquired after graduation except that continuous experience gained in increments of 90 days or more, before graduation will be evaluated by the board. "Professional experience" is defined as means equivalent to satisfactory diversified general practice under the supervision of registered landscape architects.

~~C.~~ C. For nongraduates, each year of approved landscape architectural education successfully completed at college level shall receive full credit.

~~D.~~ D. Employment by government agencies, engineering firms, and general contractors, in areas directly related to landscape architectural construction, may be substituted for professional experience, as defined ~~above~~ in item A; one full year of such experience will be considered the equivalent of one-half year of full-time professional experience, but not over two years of credit toward professional experience will be given for such experience.

~~E.~~ E. Employment by government agencies, including the military, when diversified and comparable to employment in the office of a registered landscape architect with a verified record of substantial practice shall receive full credit with no time limitation. ~~Such~~ The work shall be directly related to landscape architecture and shall be under the direct supervision of a registered landscape architect. This provision shall also apply to those registered landscape architects employed in a capacity of manager.

~~F.~~ F. Employment by organizations that have employees performing landscape architectural services in connection with projects owned or used by that organization when ~~said~~ the employment is directly related to landscape architectural work and is under the direct supervision of a registered landscape architect shall receive full credit with no time limitation. This provision shall also apply to those registered landscape architects employed in a capacity of manager.

~~G.~~ G. Employment or practice in such fields as interior design, architecture, engineering, city planning and periods of employment with such organizations as VISTA, HUD, Peace Corps, and advocacy planning shall receive full credit up to a maximum of two years when ~~such~~ the work is related to landscape architecture.

~~H.~~ H. An advanced degree from ASLA Committee on Education accredited landscape architecture curriculum shall receive full credit up to a maximum of two years. Teaching and research in an ASLA Committee on Education Accredited Curriculum shall also receive full credit as determined by the board.

~~I.~~ I. Other training, education, teaching, or practical experience of a landscape architectural nature will be subject to review and determination by the board.

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

## **Proposed Rules**

### **1800.1600 APPLICATION AND ORAL EXAMINATION.**

The board shall review the applicant's experience and education record and may, at its option to ensure the applicant's qualifications, conduct a personal interview of each applicant for admission to the examination process. The personal interview shall consist of direct examination by the board to and shall include such additional exhibits of drawings, specifications, photographs of work, and letters of reference, as the board may direct directs.

### **1800.1700 WRITTEN EXAMINATIONS.**

**Subpart 1. Landscape architect registration examination.** Written examinations shall be provided by the National Council of Landscape Architectural Registration Boards (CLARB).

**Subp. 2. Equipment during examination.** Handbooks, tables, reference books, bound notes, and hand-held, nonprogrammable, battery-operated, electronic calculators are permitted when authorized by the board.

### **1800.1900 PROFESSIONAL PRACTICE EXAMINATION.**

An applicant for registration as landscape architect by examination shall be admitted to the professional practice examination in landscape architecture provided the applicant has successfully completed the landscape architect-in-training examination and completed total combined education and experience as noted in table contained in part 1800.1500, item C subpart 2 or 3.

### **1800.2100 EDUCATION AND EXPERIENCE.**

**Subpart 1. Written examination requirement.** An applicant for certification as a certified interior designer shall pass a written examination prepared administered by the National Council for Interior Design Qualification (NCIDQ) except that a written examination is not required of an applicant certified under subpart 5 or part 1800.0800, item I, or 1800.2300.

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

**Subp. 4. Qualifying credits for experience.** Qualifying credits for experience shall be granted as follows:

A. one qualifying credit shall be granted for each year of experience under the direct supervision of a certified interior designer, interior designer, or licensed architect. This does not apply to those individuals granted certification under part 1800.2300 subpart 5; and

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

**Subp. 5. Applicants licensed as architects.** A person licensed as an architect in Minnesota who seeks certification as an interior designer shall submit an application to the board together with the required fee and shall be certified with no further requirements.

### **1800.2200 PROCEDURES.**

**Subpart 1. Written examinations.** The written examination shall be the examination as provided by the National Council for Interior Designer Qualifications Qualification (NCIDO).

**Subp. 2. Admission to examination.** An applicant shall be admitted to the examination, if, by the date of the examination, the applicant has completed the education and experience requirements in part 1800.2100. The applicant shall submit verification of completion of the experience requirements in part 1800.2100 to the board before the applicant is permitted to sit for the examination apply for examination directly to the National Council for Interior Designer Qualification (NCIDO) and follow the procedures outlined by the NCIDO.

**Subp. 3. Admission Application for certification examination.** Applicants shall submit to the board a completed application; the according to part 1800.0400 and the appropriate fee as described in part 1800.0500, subpart 5; a final official transcript showing the date of award of the degree earned, and a list of experience no later than 90 days before the first day of the examination. The application shall be submitted on a form provided by the board and shall include a detailed listing of all interior design related experience gained as provided in part 1800.2100. The list of experience shall include the name and mailing address of the applicant's supervising interior designer or other supervisors for each period of employment. The application shall include the applicant's acknowledgment that the applicant has read, understands, and shall abide by the rules of professional conduct, parts 1805.0100 to 1805.1600.

### **1800.2500 EDUCATION AND EXPERIENCE.**

**Subpart 1. Written examination requirement.** An applicant for licensure as a professional engineer shall pass a written examination examinations as provided in this subpart. Written examinations are required of all applicants except those licensed under part 1800.0800, items E and G, that apply to those professional engineers licensed in one or more states other than Minnesota. An applicant for licensure under part 1800.0800, items E and G, must shall satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state. The written Fundamentals of Engineering (EFF) (FE) examination shall be waived by the board if the applicant meets the requirements in part 1800.2800.

Subp. 2. Admission to written Fundamentals of Engineering (FE) examination. To qualify for admission to the written examination, the applicant shall present evidence of one of the following:

A. graduation from an engineering curriculum accredited by the Engineering Accrediting Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or is within 32 semester or 48 quarter credits of obtaining an engineering degree meeting the requirements of this subpart; and

B. Completion of a minimum of four years of qualifying engineering experience, if the applicant has graduated from a baccalaureate curriculum in engineering accredited by the ABET-EAC. Three years of qualifying engineering experience is required, if the applicant has graduated from a masters or doctoral curriculum in engineering from an institution with an ABET-EAC accredited baccalaureate curriculum in that discipline of engineering. graduation from an engineering curriculum that receives ABET accreditation within five years of the applicant's graduation;

C. graduation from a non-ABET-accredited or nonengineering degree curriculum with the minimum number of engineering science and design credits as required in an ABET-accredited degree (32 semester or 48 quarter credit hours of engineering science and 16 semester or 24 quarter credits of engineering design); or

D. has a graduate degree from an engineering program where the bachelor's degree is ABET-accredited, even though the applicant's bachelor's degree was earned in a nonengineering program, or is currently enrolled in a graduate program working toward a graduate degree and has completed a minimum of 36 quarter or 24 semester credit hours.

Subp. 2a. Admission to written professional engineering examination. To qualify for admission to the written examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in items A and B.

A. Education:

(1) graduation from an ABET-accredited engineering curriculum;

(2) graduation from an engineering curriculum that receives ABET accreditation with five years of the applicant's graduation;

(3) has a non-ABET-accredited or nonengineering bachelor's degree with the minimum number of engineering science and design credits as required in an ABET-accredited degree (32 semester or 48 quarter credit hours of engineering science and 16 semester or 24 quarter credits of engineering design); or

(4) has a graduate degree from an engineering program where the bachelor's degree in that discipline of engineering is ABET-accredited, even though the applicant's bachelor's degree was earned in a nonengineering program.

B. Qualifying experience:

(1) completion of a minimum of four years of qualifying engineering experience, if the applicant meets the educational requirements of item A, subitems (1) and (2);

(2) completion of a minimum of six years of qualifying engineering experience, if the applicant meets the educational requirements of item A, subitem (3); or

(3) completion of a minimum of three years of qualifying engineering experience, if the applicant meets the educational requirements of item A, subitem (4).

Not more than two years credit shall be allowed for qualifying engineering experience, gained before graduation from an accredited engineering curriculum. The two years experience before graduation must have been gained after completion of the second year of approved engineering education. The experience shall be credited at the rate of 50 percent up to the maximum allowable credit of two years.

Subp. 3. [See repealer.]

**1800.2600 ORAL EXAMINATION.**

An applicant shall appear before the board for oral examination and shall submit two exhibits of engineering work the applicant has performed if:

A. the applicant's experience record, in the sole opinion of the board, does not clearly indicate the required qualifying engineering experience;

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

## Proposed Rules

B. the applicant does not hold a degree from an approved engineering curriculum; or

C. the applicant qualifies for waiver of the fundamentals of engineering examination as provided in part 1800.2800.

The applicant shall furnish a letter to the board from the applicant's employer verifying the degree of involvement and responsibility displayed by the applicant in the conduct of the project exhibited.

An applicant residing in an overseas area shall submit one exhibit of the applicant's engineering work with a written critique of that exhibit in lieu of the oral examination.

### 1800.2700 WRITTEN EXAMINATION.

Subpart 1. **Two-part examination.** The written examination consists of the two parts described in subparts 1a and 2.

Subp. 1a. **Fundamentals examination.** Part I is the fundamentals of engineering examination that may be taken upon graduation from an engineering curriculum meeting the requirements of part 1800.2500, subpart 2. The applicant shall submit an official transcript from the college or university the applicant is attending. An applicant taking the Fundamentals of Engineering (FE) examination shall be notified of the score in writing, provided the applicant has met the criteria in this subpart. An applicant failing this examination shall retake the entire examination. A final official transcript showing the degree and the date awarded shall be submitted to the board before the Engineer-in-Training certificate is released to the applicant. The passing of this examination and providing proof of the degree and the award date gives the applicant the status of engineer-in-training as defined in *Minnesota Statutes*, section 326.10, subdivision 7. The applicant shall not again be required to take this examination. The applicant shall take and pass the Fundamentals of Engineering (FE) examination (~~EFF~~) before being permitted to take the professional examination.

Subp. 2. **Professional examination.** ~~Part II is~~ The applicant shall take and pass the Fundamentals of Engineering (FE) examination before being permitted to take the professional examination. The professional examination covering the principles and practice of engineering examination, ~~is an examination in a~~ the field of major practice ~~and~~ is required as outlined in this subpart. Examinations are presently offered in the following fields of major practice in engineering: aeronautical/aerospace, agricultural, ~~ceramic~~, chemical, civil, controls systems, electrical, environmental, fire protection, geological, industrial, manufacturing, mechanical, metallurgical, mining/minerals, nuclear, petroleum, ~~sanitary~~, and structural I and II. A person failing the professional examination shall retake the entire examination.

Subp. 3. **Scope of examinations.** The scope of the Fundamentals of Engineering (FE) examination, ~~EFF~~ and the principles and practice of engineering examination is as follows:

A. Fundamentals of Engineering (FE) examination, ~~EFF~~: multiple-choice questions in mathematics and the basic and engineering sciences as presented in accredited college or university engineering curriculum. Allotted time: eight hours.

B. Principles and practice of engineering examination: problems embracing knowledge of professional practice and applied economics as acquired in connection with the planning, design, and construction of engineering work during the required period of qualifying engineering experience. ~~This part of the examination, together with the oral examination or exhibit with written critique, shall not be permitted until the full required period of qualifying engineering experience has been completed.~~ Allotted time: eight hours.

Subp. 4. [See repealer.]

Subp. 5. **Equipment during examination.** Handbooks, reference books, bound tabular material and notes, and silent, hand-held, electronic calculators are permitted for use during examinations when authorized by the board. Applicants shall only use the reference handbook supplied by the National Council of Examiners for Engineering and Surveying (NCEES) during the Fundamentals of Engineering (FE) examination.

### 1800.2800 ENGINEERS QUALIFIED BY GRADUATION, LONG EXPERIENCE, AND EXAMINATION.

The fundamentals of engineering examination must be waived in those cases where the applicant furnishes evidence of:

A. ~~graduation from an accredited engineering curriculum, or receipt of a graduate degree based upon at least one academic year of resident study in a department whose undergraduate curriculum is accredited by the Accreditation Board for Engineering and Technology (ABET); being at least 40 years of age; and having a verified professional engineering record of 20 years or more of qualifying engineering experience;~~

~~B.~~ holding membership in a British Institute of Engineering as a chartered engineer by examination or other national certification by examination as approved by the board; or

~~C.~~ B. having a doctorate degree in engineering from an educational institution whose baccalaureate curriculum is accredited by ABET-EAC or whose education is equivalent thereto.

An applicant qualifying under item A, or B, ~~or~~ C shall pass a written professional practice examination of at least eight hours duration. ~~To qualify for waiver of the fundamentals of engineering examination under item A, the applicant's engineering experience shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work per-~~

formed. The experience gained before reaching the age of 20 years shall not be credited as a part of the required engineering experience, except that graduation from an accredited baccalaureate engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.

#### **1800.2900 PROCEDURES.**

Subpart 1. **Application deadline.** An applicant shall submit an application for admission to the fundamentals of engineering examination explained in part 1800.2700, subpart 1a, by ~~February 1 for the April examination or by August 1 for the October examination.~~ Application shall be made on a form provided by the board and shall include postmarked not later than 60 days prior to the first day of the date set for the fundamentals of engineering examination and accompanied by payment of the fee specified in part 1800.0500, subpart 5, item B, subitem (1). A transcript of grades showing the date of award of the degree earned shall be submitted before the applicant may be certified as engineer-in-training.

Subp. 2. **Preliminary Request for professional examination.** An applicant shall submit a ~~preliminary request~~ an application for admission to the principles and practice of engineering examination explained in part 1800.2700, subpart 2, by ~~November 1 for the April examination or by June 1 for the October examination~~ postmarked not later than 60 days prior to the first day of the date set for the professional examination and accompanied by payment of the fee specified in part 1800.0500, subpart 5, item B, subitem (2). The ~~request~~ application shall be made on a form provided by the board and shall include a detailed listing of engineering experience gained. The experience listing shall include the name and mailing address of the applicant's supervisor for each period of employment. The board shall ~~verify listed experience by sending~~ provide the applicant an employer employment reference form to each listed supervisor which shall be signed and certified. This form shall be submitted to the board by the employer. A final official transcript of grades showing the date of award of the degree earned shall accompany the completed form, unless previously submitted. Upon approval of the ~~preliminary request~~ application by the board, the applicant will be so notified ~~and provided formal application materials in writing.~~ The applicant shall submit one signed copy of Board Rules of Professional Conduct prior to receipt of the certificate and license.

Subp. 3. [See repealer.]

Subp. 4. **Obtaining application material.** Application materials may be obtained by calling or writing the board office.

#### **1800.4000 CERTIFICATES OF RECORD.**

The board shall issue to each applicant who successfully completes the fundamentals of engineering examination, or ~~fundamentals of land surveyor-in-training surveying~~ examination, a certificate indicating that the applicant's name has been recorded as ~~such engineer-in-training or land surveyor-in-training~~ in the office of the board. The board shall, upon written application, issue to each applicant who holds a degree from a landscape architectural curriculum approved by the board a certificate indicating that the applicant's name has been recorded as a landscape architect-in-training in the office of the board. The certificates of record as engineer-in-training, land surveyor-in-training, or landscape architect-in-training are permanent, subject only to ~~suspension or revocation~~ discipline for cause in the manner provided by law.

#### **1800.4100 CERTIFICATE OF LICENSURE AND REGISTRATION.**

Subpart 1. **Licensure as professional engineer.** The board shall issue to each applicant who has successfully completed the fundamentals of engineering examination, unless the fundamentals of engineering examination is waived as stated under part 1800.2800, ~~applying only in the case of engineer applicants, or land surveyor-in-training examination, or has been certified as a landscape architect-in-training, or has successfully completed the professional practice examination,~~ a ~~certificate of registration properly filled out, signed, and sealed, giving the licensee proper authority to practice the profession of architecture, professional engineering, land surveying, or landscape architecture under the Registration Act of the state of Minnesota and has successfully completed the professional practice examination,~~ a certificate of licensure giving the licensee authority to practice engineering as defined by Minnesota Statutes, section 326.02, subdivision 3. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are ~~registered~~ licensed by comity from other states, having met the Minnesota ~~registration~~ licensure requirements, shall be issued certificates of ~~registration~~ licensure in the same manner as provided in this part.

Subp. 2. **Licensure as land surveyor.** The board shall issue to each applicant who has successfully completed the fundamentals of land surveying examination and the professional practice examination a certificate of licensure giving the licensee authority to practice land surveying as defined by Minnesota Statutes, section 326.02, subdivision 4. This certificate shall be in effect for a

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

## Proposed Rules

period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 3. Licensure as architect. The board shall issue to each applicant who has successfully completed the requirements in part 1800.1000 and has successfully completed the professional practice examination a certificate of licensure giving the licensee authority to practice architecture as defined by Minnesota Statutes, section 326.02, subdivision 2. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 4. Licensure as landscape architect. The board shall issue to each applicant who has successfully completed the requirements in part 1800.1500 and has successfully completed the professional practice examination a certificate of licensure giving the licensee authority to practice landscape architecture as defined by Minnesota Statutes, section 326.02, subdivision 4a. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 5. Certification as interior designer. The board shall issue to each applicant who has successfully completed the requirements of part 1800.2100 and has successfully completed the National Council of Interior Design Qualifications examination a certificate authorizing the certificate holder to use the title "Certified Interior Designer." This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which the certificate shall expire unless renewed. A person whose certificate expires shall not use the title "Certified Interior Designer" until a certificate is reissued. Applicants who are certified by comity under part 1800.0800 shall be issued certificates as provided in this part.

### 1800.5100 DEFINITIONS.

Subpart 1. Uniform Minnesota State Building Code (UBC) (SBC). All Terms used herein shall be in parts 1800.5100 to 1800.5800 are as defined in the Uniform Minnesota State Building Code, 1976 edition chapter 1305, unless otherwise specified in these rules this chapter. The abbreviation UBC SBC as used in this rule chapter means the Uniform Minnesota State Building Code, 1976 edition.

Subp. 2. Occupancy. Occupancy shall be specified by the owner and verified classified by the building official in the manner provided in the UBC SBC.

### 1800.5200 GENERAL REQUIREMENT AND EXCEPTIONS.

Subpart 1. Requirement. Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed to practice pursuant to Minnesota Statutes, sections 326.02 to 326.15, except as set forth in subparts 2 to 4.

Subp. 2. Statutory exception. Building components or classes of buildings enumerated in Minnesota Statutes, sections 326.02, subdivision 5, and 326.03, subdivision 2, clauses (a) to (d).

#### Subp. 3. Remodeling or renovation exception.

A. Any remodeling or renovation to part or all of an existing building, structure, or work which does not:

(1) change the load on its mechanical or electrical systems or change the live or dead load on its structural systems, in either case, in such a manner that a violation of the Uniform Building Code, 1976 edition, SBC might occur;

(2) change the building's access or exit pattern in such a manner that a violation of the Uniform Building Code, 1976 edition, SBC might occur; or

(3) change the Uniform Building Code (UBC) SBC occupancy classification of the building.

B. Any remodeling or renovation, of any kind, in a building in the UBC SBC occupancy classes and consistent with the size, dwelling unit, and number of stories and basement thresholds specified in part 1800.5700, table + 1800.5800.

Subp. 4. Classes of buildings exceptions. Any new construction of or new addition to a building in the specified UBC occupancy classes and consistent with the size, dwelling unit, and number of stories and basement thresholds specified in part 1800.5700, table + 1800.5800. Provided that an exemption under this subpart shall not apply:

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

1800.5800 CLASSES OF BUILDINGS.

<u>SBC OCCUPANCY GROUP</u>		<u>USE</u>	<u>NO. STORIES AND BASEMENT</u>	<u>MAXIMUM GROSS SQUARE FOOTAGE (GSF)</u>
A	1	<u>ASSEMBLY - MORE THAN 1,000 PERSONS, W/STAGE.</u>	<u>NONEXEMPT</u>	
	2	<u>ASSEMBLY - LESS THAN 1,000 PERSONS, W/STAGE.</u>	<u>NONEXEMPT</u>	
	2 1	<u>ASSEMBLY/EDUC. - MORE THAN 300 PERSONS, W/O STAGE.</u>	<u>NONEXEMPT</u>	
	3	<u>ASSEMBLY/EDUC. - LESS THAN 300 PERSONS, W/O STAGE.</u>	<u>NONEXEMPT</u>	
	4	<u>ASSEMBLY - STADIA, REVIEWING STANDS, ETC.</u>	<u>NONEXEMPT</u>	
B		<u>BUSINESS - OFFICE, SERVICE (Other than Group H Occupancies below).</u>	<u>2 STORY AND BASEMENT</u>	<u>2,250 GSF</u>
		<u>BUSINESS - DINING/DRINKING - LESS THAN 50 PERSONS (Other than Group A Occupancies above).</u>	<u>1 STORY, NO BASEMENT</u>	<u>SEATING FOR NOT MORE THAN 20 PERSONS OR 1,000 GSF</u>
E	1	<u>EDUCATIONAL - 50 OR MORE PERSONS THROUGH 12TH GRADE FOR MORE THAN 12 HRS/WEEK OR 4 HRS/DAY.</u>	<u>NONEXEMPT</u>	
	2	<u>EDUCATIONAL - LESS THAN 50 PERSONS THROUGH 12TH GRADE FOR MORE THAN 12 HRS/WEEK OR 4 HRS/DAY.</u>	<u>NONEXEMPT</u>	
	3	<u>EDUCATIONAL - DAY CARE FOR MORE THAN SIX</u>	<u>NONEXEMPT</u>	

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

**Proposed Rules**

PERSONS.

E	1	<u>FACTORY/INDUSTRIAL - MODERATE HAZARD.</u>		<u>NONEXEMPT</u>
	2	<u>FACTORY/INDUSTRIAL - LOW HAZARD.</u>	<u>1 STORY, NO BASEMENT</u>	<u>3,000 GSF</u>
H	1	<u>HAZARDOUS - EXPLOSIVE HAZARD.</u>		<u>NONEXEMPT</u>
	2	<u>HAZARDOUS - MODERATE EXPLOSIVE HAZARD.</u>		<u>NONEXEMPT</u>
	3	<u>HAZARDOUS - HIGH FIRE OR MATERIAL HAZARD.</u>		<u>NONEXEMPT</u>
	4	<u>HAZARDOUS - REPAIR GARAGE (Other than Group S-3 Occupancies).</u>		<u>NONEXEMPT</u>
	5	<u>HAZARDOUS - AIRCRAFT HANGAR/HELIPORT (Other than Group S-5 Occupancies).</u>		<u>NONEXEMPT</u>
	6	<u>HAZARDOUS - SEMICONDUCTOR FABRICATION W/HAZARDOUS PRODUCTION MATERIALS.</u>		<u>NONEXEMPT</u>
	7	<u>HAZARDOUS - OTHER HEALTH HAZARD.</u>		<u>NONEXEMPT</u>
I	1	<u>INSTITUTIONAL - NURSERIES, FULL TIME CHILDREN UNDER SIX YEARS OF AGE (Each accommodating more than five children).</u>		<u>NONEXEMPT</u>
	1	<u>INSTITUTIONAL - HEALTH CARE, AMBULATORY PATIENTS, UNASSISTED SELF-PRESERVATION (Each tenant space accommodating more than five patients).</u>		<u>NONEXEMPT</u>
	2	<u>INSTITUTIONAL- NURSING HOMES, HOMES FOR CHILDREN UNDER SIX YEARS OF AGE (Each accommodating more</u>		<u>NONEXEMPT</u>



## Proposed Rules

		<u>than five patients or children).</u>		
	3	<u>INSTITUTIONAL - MENTAL HOSPITALS, JAILS, SANTARIUMS, ETC.</u>		<u>NONEXEMPT</u>
M		<u>MERCANTILE - RETAIL/WHOLESALE DISPLAY AND SALES.</u>	<u>2 STORY, BASEMENT</u>	<u>1,500 GSF</u>
R	1	<u>RESIDENTIAL - HOTELS AND APARTMENT HOUSES/CONDOMINIUMS.</u>		<u>NONEXEMPT</u>
		<u>CONGREGATE RESIDENCES (Each accommodating more than ten persons; four units and more).</u>		<u>NONEXEMPT</u>
	3	<u>RESIDENTIAL - DWELLINGS, LODGING HOUSES, ATTACHED SINGLE-FAMILY DWELLINGS/TOWNHOUSES.</u>		<u>EXEMPT</u>
		<u>CONGREGATE RESIDENCES (Each accommodating ten persons or less).</u>		<u>EXEMPT</u>
S	1	<u>STORAGE - MODERATE HAZARD (Other than Group S-2 or Group H Occupancies).</u>		<u>NONEXEMPT</u>
	2	<u>STORAGE - LOW HAZARD AND NONCOMBUSTIBLE.</u>	<u>1 STORY, NO BASEMENT</u>	<u>5,000 GSF</u>
	3	<u>STORAGE - REPAIR GARAGE AND PARKING (Other than Group S-4 Occupancies).</u>		<u>NONEXEMPT</u>
	4	<u>STORAGE - OPEN PARKING GARAGE.</u>		<u>NONEXEMPT</u>
	5	<u>STORAGE - AIRCRAFT</u>	<u>1 STORY, NO</u>	<u>3,000 GSF</u>

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

**Proposed Rules**

HANGARS AND HELIPORTS.

BASEMENT

U      1      UTILITY- PRIVATE  
GARAGES, BARNs,  
CARPORTS, SHEDS, AND  
AGRICULTURAL  
BUILDINGS.

1 STORY, NO  
BASEMENT

1,000 GSF

(See part 1800.5200,  
subpart 2,  
Statutory Exception  
above).

2      UTILITY - FENCES  
HIGHER THAN 8'-0",  
TANKS AND TOWERS.

NONEXEMPT

NONEXEMPT

MIXED  
USE OR  
OCCUPANCY

Exception: Buildings containing only R-3 and  
U occupancies may be considered exempt  
subject to the limitations listed above. See  
SBC for further information regarding  
buildings of mixed use or occupancy.

NONEXEMPT

BUILDINGS  
AND  
STRUCTURES  
REQUIRING  
SPECIAL  
INSPECTIONS  
IN  
ACCORDANCE  
WITH  
SBC

Exception: Exempt buildings and structures  
requiring special inspections for limited  
structural elements may be considered exempt  
for the purposes of architectural design  
only. Those limited structural elements  
requiring special inspections shall be  
designed by an engineer licensed and  
practicing pursuant to *Minnesota Statutes*,  
sections 326.02 to 326.15.

**REVISOR'S INSTRUCTION.** The revisor of statutes shall change all references in *Minnesota Rules* from part 1800.5700 to part 1800.5800.

**REPEALER.** *Minnesota Rules*, parts 1800.0700; 1800.0900, subpart 2; 1800.1000, subpart 8; 1800.1100, subpart 3; 1800.2000; 1800.2300; 1800.2500, subpart 3; 1800.2700, subpart 4; 1800.2900, subpart 3; and 1800.5700, are repealed.

## Department of Health

### Proposed Permanent Rules Relating to Nursing and Boarding Care Homes

**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 Department of Health intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by February 1, 1996, a public hearing will be held at Capitol View Conference Center, 70 West County Road B, Little Canada, Minnesota, starting at 9:00 a.m. on February 12, 1996. 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 February 1, 1996, and before February 12, 1996.

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

Maggie Friend  
Minnesota Department of Health  
Facility and Provider Compliance Division  
393 North Dunlap Street  
P.O. Box 64900  
St. Paul, Minnesota 55164-0900  
Telephone: (612) 643-3615  
Fax: (612) 643-2593

**Subject of Rule and Statutory Authority.** The proposed rule is about resident rights, activities and recreation programs, spiritual needs, social services, barber and beauty shop services, specialized rehabilitative services, physical environment, relocation of residents, and physical plant to be provided in licensed nursing homes. The proposed rule amendments are about the applicability of current rules and proposed rules to licensed nursing homes, documentation of restraint use, clarification of dietary and food services rules, and corrections to cross references in rules. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 144A.04, subdivision 3 and 144A.08. A copy of the proposed rule is published in the *State Register*. The proposed rule replaces the nursing home licensing rules found in *Minnesota Rules*, Chapters 4655 and 4660. A free copy of the rule is available upon request from the agency contact person listed above.

**Comments.** You have until 4:00 p.m. on February 1, 1996 to submit written comment in support of or 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. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**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 4:00 p.m. on February 1, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** 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. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

## Proposed Rules

---

---

**Accommodation.** If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address, telephone number, or facsimile number listed above.

**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 be supported by data and views submitted to the agency or presented at the hearing and the adopted rule may not be substantially different than this proposed rule. 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 February 12, 1996 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Maggie Friend at (612) 643-3615 after February 1, 1996 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 the date and at the time listed above. The hearing will continue until all interested persons have been heard. An administrative law judge is assigned to conduct the hearing. The judge can be reached at: Judge Jon L. Lunde, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138; telephone 612/341-7645; facsimile 612/349-2665.

**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 before the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit 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. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2400 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Statement of Anticipated Costs and Benefits.** *Minnesota Statutes*, section 144A.29, subdivision 4 (1993) requires each rule promulgated by the commissioner of health pursuant to sections 144A.01 to 144A.15 to contain a short statement of the anticipated costs and benefits to be derived from the provisions of this rule. This statement has been prepared and is available from the agency contact person. It is included in the document containing the Statement of Need and Reasonableness.

**Small Business Considerations.** In preparing these rules, the Department of Health has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. Subdivision 7 of that section exempts rules that affect "service business regulated by government bodies, for standards and costs, such as nursing homes, long-term care facilities, hospitals, providers of medical care, day care centers, group homes, and residential care facilities . . ." It is the Department's position that this rule regulating dietary services provided in nursing homes is exempt from § 14.115, because nursing homes are specifically exempted in that statute.

**Expenditure of Public Money by Local Public Bodies.** The implementation of this rule will not have a total cost of over \$100,000 to local public bodies in either of the two years immediately following the adoption of the rule.

**Impact on Agricultural Lands.** This rule will not pose any direct adverse impacts on agricultural land as specified in *Minnesota Statutes*, section 17.80 to 17.84.

**Departmental Charges.** *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges. Although portions of the rules relate to the schedule of fines for nursing home violations, the Department believes that the fines are exempt from the procedures of *Minnesota Statutes* section 16A.1285, subdivisions 4 and 5 because the fines are nonrecurring and do not produce significant revenues.

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

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, 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 ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 18 December 1995

Anne M. Barry  
Commissioner

## Rules as Proposed

**CHAPTER 4655**  
**DEPARTMENT OF HEALTH**  
**~~NURSING~~; BOARDING CARE HOMES: OPERATION**

### 4655.0090 SCOPE.

The rules in This chapter 4655 ~~apply~~ applies to ~~both nursing homes and boarding care homes~~ unless the content clearly indicates otherwise indicated.

### 4655.1084 DATA COLLECTION.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Environmental conditions for evaluation.** Information shall be developed that describes the differences between selected existing environmental conditions described under this subpart and the corresponding state licensing standards for new construction and between the proposed correction changes in these environmental conditions and the state licensing standards for new construction. This subpart refers only to those parts of the facility affected by the proposal.

The development of selected information for the purpose of evaluation, comparison, and ranking does not supersede or limit licensing and certification requirements established in chapters 4660 and 9505. The environmental conditions and standards for physical plant evaluation are listed in items A to L.

A. The width of corridors shall be compared with the standards in part ~~4660.1500~~ 4658.4120, subpart 2.

B. The width of door frames shall be compared with the standards in part ~~4660.1460~~ 4658.4110, subpart ~~2~~ 3.

C. Fire exit enclosures shall be compared with the standards in part ~~4660.0300~~ 4658.3005.

D. The method and materials of construction of the building shall be compared with the standards for Group D occupancy in the State Building Code. State Building Code has the meaning given in *Minnesota Statutes*, section 16B.60, subdivision 4.

E. The number of beds per resident room and the floor area per bed shall be compared to standards in parts ~~4660.1400~~ 4658.4100 and ~~4660.1430~~ 4658.4105, subpart ~~3~~ 2.

F. The amount of artificial light in resident rooms and major activity areas shall be compared to standards in parts 4658.4615 and ~~4660.9900~~ and ~~4660.9910~~.

G. The amount of natural light in resident rooms shall be compared with the standard in part ~~4660.1450~~ 4658.4105, subpart ~~6~~ 6.

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

## Proposed Rules

---

---

H. The number and type of bathing facilities or toilet facilities adjacent to bedrooms shall be compared to the standards in parts ~~4660.2400, subpart 2, 4658.4135 and 4660.2500~~ 4658.4140.

I. Ventilation arrangements shall be compared to the standards in ~~part 4660.8300~~ parts 4658.3500, subpart 2, item A, and 4658.4515 to 4658.4550.

J. Dining room space shall be compared to the standards in parts ~~4660.4830 to 4660.8380~~ 4658.4200 and 4658.4210.

K. Day room space shall be compared to the standard in ~~part 4660.4820~~ parts 4658.4200 and 4658.4205.

L. Heating and cooling arrangements shall be compared to the standards in part ~~4660.8200~~ 4658.4510.

[For text of subs 11 to 14, see M.R.]

### 4655.6500 SAFETY PROGRAM.

Subpart 1. **Written plan.** Every home shall have an organized safety program in accordance with a written plan and such shall be included in the orientation and in-service training programs of all employees and volunteers to assure safety to patients and residents at all times. In addition to fire safety, such precautions shall include the provision of safety features as outlined in parts ~~4660.6000 to 4660.7600~~ 4660.7500.

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

### 4655.7000 PATIENT OR RESIDENT UNITS.

Subpart 1. **Requirements.** The following items shall be provided for each patient or resident:

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

C. A locker or closet within the room to allow clothes to be hung. In existing facilities, if a closet is used for two or more persons, there shall be a fixed partition for complete separation of clothing for each person. There shall be dresser drawer space provided for each patient or resident. Closets, lockers, or drawers which are provided with locks shall have a master key available in the administrator's office. See ~~parts 4660.1470 and part 4660.3460~~.

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

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

### 4655.9200 FIFTY DOLLAR PENALTY FOR NONCOMPLIANCE.

A \$50 penalty assessment will be issued under the provisions of *Minnesota Statutes*, section 144.653, subdivision 6, for noncompliance with correction orders relating to the parts of these rules listed in items A to K:

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

H. ~~parts 4655.8000, subpart 8, and part 4655.8300, subpart 6;~~

I. part 4655.8630, subpart 3;

J. parts 4655.9030 and 4655.9050; and

K. ~~parts 4660.3000 and part 4660.4500.~~

### 4655.9210 TWO HUNDRED FIFTY DOLLAR PENALTY FOR NONCOMPLIANCE.

A \$250 penalty assessment will be issued under the provisions of *Minnesota Statutes*, section 144.653, subdivision 6 for noncompliance with correction orders relating to all other parts of these rules not specifically enumerated in ~~parts part 4655.9200, or 4655.9250, or 4655.9300.~~

### 4655.9337 SUPPORTIVE SERVICES; DIETARY AREAS.

Penalty assessments for violations of parts ~~4660.4810 to 4660.5810~~ 4660.5600 are as follows:

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

I. part 4660.5500, \$150; and

J. part 4660.5600, \$150;

~~K. part 4660.5800, \$150; and~~

~~L. part 4660.5810, \$150.~~

### 4655.9338 CONSTRUCTION DETAILS, CHUTES AND ELEVATORS.

Penalty assessments for violations of parts ~~4660.6000 to 4660.7600~~ 4660.7500 are as follows:

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

- S. part 4660.7400, \$200; and
- T. part 4660.7500, \$200; and
- ~~U. part 4660.7600, \$200.~~

**4655.9339 MECHANICAL AND ELECTRICAL SYSTEMS.**

Penalty assessments for violations of parts 4660.7800 to 4660.8610 and 4660.9900 to 4660.9940 are as follows:

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

- J. ~~parts~~ part 4660.8000, subparts 9 to 11 and ~~4660.8010, \$200;~~
- K. part 4660.8200, \$200;
- L. parts 4660.8300 to ~~4660.8380, 4660.9930,~~ 4660.8370, and 4660.9940, \$200;
- M. ~~part~~ part 4660.8410, \$200;
- ~~N. part~~ 4660.8420, subpart 1, \$50;
- ~~⊖ N.~~ N. part 4660.8420, subpart 2, \$200;
- ~~P. Q.~~ P. parts 4660.8430 to 4660.8450, \$200;
- ~~Q. P.~~ Q. P. part 4660.8460, \$200;
- R. ~~parts~~ parts 4660.8500 to 4660.8530, \$200;
- ~~S. parts~~ parts 4660.8540 to 4660.8560, \$350; and
- ~~T. Q.~~ T. Q. part 4660.8610, \$200.

**4655.9342 REPORTING MALTREATMENT OF VULNERABLE ADULTS; FINES.**

Penalty assessments for violations of *Minnesota Statutes*, section 626.557 are as follows:

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

- E. *Minnesota Statutes*, section 626.557, subdivision 14, \$100; and
- F. ~~*Minnesota Statutes*, section 626.557, subdivision 15, \$100; and~~
- ~~G. *Minnesota Statutes*, section 626.557, subdivision 17, \$250.~~

**4658.0010 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 4658.0010 to ~~4658.1365~~ 4658.5590 have the meanings given them in this part.

Subp. 1a. Addition of new resident services. "Addition of new resident services" means the commencement of a resident service, such as physical or occupational therapy, that is not being provided for the residents as of the effective date of this chapter.

Subp. 1b. Changes in existing resident services. "Changes in existing resident services" means the conversion of existing facility space used for resident services from one function to another function.

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

Subp. 4. **Existing facility.** "Existing facility" means a licensed nursing home or nursing home space that was in place before November 13, 1995. All existing facilities will be deemed to be in substantial compliance with the physical plant requirements for new construction, except as noted in this chapter and chapter 4660. Existing facilities must, at a minimum, maintain compliance with the rules applicable at the time of their construction.

Subp. 4a. Food service equipment. "Food service equipment" means all machinery, appliances, equipment, or supplies which are used in the storage, preparation, or serving of food as part of the nursing home's food service program.

Subp. 4b. Food storage equipment. "Food storage equipment" means food service equipment that is used in the cold and dry storage of food and supplies as part of the nursing home's food service program.

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

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

## Proposed Rules

**Subp. 5a. New construction.** "New construction" means any addition to, or replacement of, a nursing home after the effective date of this chapter that results in new facility space for the operation of the nursing home. The term new construction as used in this chapter includes the erection of new facility space, addition to existing facility space, and any existing facility space converted in order to be licensed under this chapter.

[For text of subs 6 and 7, see M.R.]

**Subp. 7a. Nursing area.** "Nursing area" means an area within the nursing home that is served by a single nurses' station.

[For text of subs 8 to 13, see M.R.]

**Subp. 13a. Redecoration.** "Redecoration" means the repainting of walls or ceilings, or the covering or recovering of walls, ceilings, or floors with suitable interior finishing materials.

**Subp. 13b. Remodel.** "Remodel" means reconstruction of existing facility space, including floors, walls, and ceilings. Remodel includes reconstruction work necessary to change the function of the facility space or to facilitate a change in operating capability or physical composition of existing equipment, fixtures, or appurtenances.

**Subp. 13c. Replace-in-kind.** "Replace-in-kind" means the removal of mechanical or electrical equipment or construction materials from facility space and subsequent installation of new or used equipment or construction materials with similar operating capability, function, and physical composition.

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

**Subp. 14a. Room.** "Room" means a space within the facility that has access to the corridor and is totally enclosed with permanently constructed full height walls.

**Subp. 14b. Shelf.** "Shelf" means a horizontal surface manufactured of noncorrosive, cleanable materials.

[For text of subs 15 and 16, see M.R.]

### **4658.0191 PENALTIES FOR VIOLATIONS OF RESIDENTS' BILL OF RIGHTS.**

Penalty assessments for violations of *Minnesota Statutes*, section 144.651, are as follows:

A. *Minnesota Statutes*, section 144.651, subdivision 4, \$100;

B. *Minnesota Statutes*, section 144.651, subdivision 5, \$250;

C. *Minnesota Statutes*, section 144.651, subdivision 6, \$250;

D. *Minnesota Statutes*, section 144.651, subdivision 7, \$100;

E. *Minnesota Statutes*, section 144.651, subdivision 8, \$100;

F. *Minnesota Statutes*, section 144.651, subdivision 9, \$250;

G. *Minnesota Statutes*, section 144.651, subdivision 10, \$250;

H. *Minnesota Statutes*, section 144.651, subdivision 11, \$100;

I. *Minnesota Statutes*, section 144.651, subdivision 12, \$250;

J. *Minnesota Statutes*, section 144.651, subdivision 13, \$500;

K. *Minnesota Statutes*, section 144.651, subdivision 14, \$500;

L. *Minnesota Statutes*, section 144.651, subdivision 15, \$250;

M. Except as noted in item N, a \$100 penalty assessment must be issued for a violation of *Minnesota Statutes*, section 144.651, subdivision 16;

N. A \$250 penalty assessment must be issued for a violation of that portion of *Minnesota Statutes*, section 144.651, subdivision 16, which states: "Patients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility.";

O. *Minnesota Statutes*, section 144.651, subdivision 17, \$100;

P. *Minnesota Statutes*, section 144.651, subdivision 18, \$250;

Q. *Minnesota Statutes*, section 144.651, subdivision 19, \$250;

R. *Minnesota Statutes*, section 144.651, subdivision 20, \$250;

S. A \$250 penalty assessment must be issued for a violation of the portions of *Minnesota Statutes*, section 144.651, subdivision 21, which state: "Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose." and "Personal mail shall be sent without



interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record.”;

T. A \$250 penalty assessment must be issued for a violation of the portions of *Minnesota Statutes*, section 144.651, subdivision 21, which state: “Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage.” and “There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients’ or residents’ calls.”;

U. *Minnesota Statutes*, section 144.651, subdivision 22, \$250;

V. *Minnesota Statutes*, section 144.651, subdivision 23, \$250;

W. *Minnesota Statutes*, section 144.651, subdivision 24, \$100;

X. *Minnesota Statutes*, section 144.651, subdivision 25, \$250;

Y. *Minnesota Statutes*, section 144.651, subdivision 26, \$250;

Z. *Minnesota Statutes*, section 144.651, subdivision 27, \$250;

AA. *Minnesota Statutes*, section 144.651, subdivision 28, \$250;

BB. *Minnesota Statutes*, section 144.651, subdivision 29, \$250;

CC. *Minnesota Statutes*, section 144.651, subdivision 30, \$250; and

DD. *Minnesota Statutes*, section 144.652, subdivision 1, \$100.

#### **4658.0192 NURSING HOME STATUTES; FINES.**

Penalty assessments for violations of *Minnesota Statutes*, chapter 144A, are as follows:

A. *Minnesota Statutes*, section 144A.04, subdivision 4, \$100;

B. *Minnesota Statutes*, section 144A.04, subdivision 6, \$100;

C. a \$100 penalty assessment must be issued for a violation of those portions of *Minnesota Statutes*, section 144A.10, subdivision 3, which state: “A copy of each correction order and notice of noncompliance, and copies of any documentation supplied to the commissioner of health or the commissioner of human services under section 144A.03 or 144A.05 shall be kept on file at the nursing home and shall be made available for viewing by any person upon request. Except as otherwise provided by this subdivision, a copy of each correction order and notice of noncompliance received by the nursing home after its most recent inspection or reinspection shall be posted in a conspicuous and readily accessible place in the nursing home.” and “All correction orders and notices of noncompliance issued to a nursing home owned and operated by the state or political subdivision of the state shall be circulated and posted at the first public meeting of the governing body after the order or notice is issued. Confidential information protected by section 13.05 or 13.46 shall not be made available or posted as provided in this subdivision unless it may be made available or posted in a manner authorized by chapter 13.”;

D. *Minnesota Statutes*, section 144A.13, subdivision 1, \$100;

E. except as noted in item E, a \$100 penalty assessment must be issued for a violation of *Minnesota Statutes*, section 144A.13, subdivision 2;

F. a \$250 penalty assessment must be issued for a violation of that portion of *Minnesota Statutes*, section 144A.13, subdivision 2, which states: “No controlling person or employee of a nursing home shall retaliate in any way against a complaining nursing home resident and no nursing home resident may be denied any right available to the resident under chapter 566.”; and

G. *Minnesota Statutes*, section 144A.16, \$100.

#### **4658.0193 REPORTING MALTREATMENT OF VULNERABLE ADULTS; FINES.**

Penalty assessments for violations of *Minnesota Statutes*, section 626.557, are as follows:

A. *Minnesota Statutes*, section 626.557, subdivision 3, \$250;

B. *Minnesota Statutes*, section 626.557, subdivision 3a, \$100;

C. *Minnesota Statutes*, section 626.557, subdivision 4, \$100;

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

## Proposed Rules

- D. Minnesota Statutes, section 626.557, subdivision 9, \$250;
- E. Minnesota Statutes, section 626.557, subdivision 14, \$100; and
- F. Minnesota Statutes, section 626.557, subdivision 17, \$250.

### RESIDENT RIGHTS

#### 4658.0200 POLICIES CONCERNING RESIDENTS.

Subpart 1. Visitors. A nursing home must provide access to a resident by relatives and guardians, and to any entity or individual that provides health, social, legal, advocacy, or religious services to the resident, subject to the resident's right to deny or withdraw consent at any time. A nursing home must also provide access to others who are visiting the resident with the resident's consent. A nursing home may restrict visits when the visits pose a health or safety risk to a resident or otherwise violate a resident's rights.

Subp. 2. Telephones. A nursing home must provide at least one non-coin-operated telephone which is accessible to residents at all times in case of emergency. A resident must have access to a telephone at a convenient location within the building for personal use. A nursing home may charge the resident for actual long distance charges that the resident incurs.

Subp. 3. Mail. A resident must receive mail unopened unless the resident or the resident's legal guardian has requested in writing that the mail be reviewed. The outgoing mail must not be censored.

Subp. 4. Funds and possessions. A nursing home may not handle the personal major business affairs of a resident without written legal authorization by the resident or the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident.

Subp. 5. Smoking. A resident must not be permitted to smoke in bed unless the resident's condition requires that the resident remain in bed, and the smoking is directly supervised by a staff member. Smoking is permitted in the nursing home only as provided by Minnesota Statutes, sections 16B.24, subdivision 9, and 144.411 to 144.417.

Subp. 6. Pet animals. Pet animals may be kept on the premises of a nursing home only according to part 4638.0200.

#### 4658.0205 PROCEDURE AT DEATH.

When a resident dies in a nursing home, the administrator or nurse must contact a relative, guardian, legal representative, other person designated in writing by the resident, or the placement agency regarding the death and the desired funeral arrangements. The body must be accorded privacy until removed from the nursing home. Where reasonably possible, no body may remain in a nursing home for more than 12 hours.

#### 4658.0210 ROOM ASSIGNMENTS.

Subpart 1. Room assignments and furnishings. A nursing home must attempt to accommodate a resident's preferences on room assignments, roommates, and furnishings whenever possible.

Subp. 2. Room assignment complaints. A nursing home must develop and implement written policies and procedures for addressing resident complaints regarding room assignments and roommates. At a minimum, the policies and procedures must include the following:

- A. a mechanism for informal dispute resolution of room assignment and roommate complaints; and
- B. a procedure for documenting the complaint and its resolution.

#### 4658.0215 ADMINISTRATION OF MEDICATIONS.

The right of residents to self-administer medications must be provided as allowed under part 4658.1325, subpart 4. Medications may be added to food only as provided under part 4658.1325, subpart 6.

#### 4658.0220 FREEDOM FROM CORPORAL PUNISHMENT AND INVOLUNTARY SECLUSION.

A resident must be free from corporal punishment and involuntary seclusion.

### RESIDENT PERSONAL FUNDS ACCOUNT

#### 4658.0250 ADMISSION POLICIES.

The admission policies of a nursing home must specify the manner of protecting personal funds of the residents, according to parts 4658.0250 to 4658.0280.

#### 4658.0255 AUTHORIZATION.

Subpart 1. Written authorization. The personal funds of a resident must not be accepted for safekeeping without written authorization from the resident or from the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident. For purposes of this chapter, "representative payee" means an individual designated by the Social Security Administration to receive Social Security benefits on behalf of the resident.

Subp. 2. Copy retained. A copy of the written authorization must be retained in the resident's records.

#### **4658.0260 PERSONAL FUND ACCOUNTING AND RECORDS.**

Subpart 1. No commingling of resident and nursing home funds. The personal funds of a resident must not be commingled with the funds of a nursing home or with the funds of any person other than residents of the nursing home, unless otherwise authorized by law.

Subp. 2. Resident funds not used by nursing home. The personal funds of a resident must not be used for the purpose of the nursing home or any other resident and must be maintained free from any liability that the nursing home incurs.

Subp. 3. Accounting system. A nursing home must establish and maintain a system that ensures a full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the nursing home on the resident's behalf.

Subp. 4. Financial record. The resident's financial record must be available through quarterly statements and on request to the resident or the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident.

#### **4658.0265 DEPOSIT OF PERSONAL FUNDS.**

A nursing home must deposit a resident's personal funds in excess of \$100 in an interest bearing account (or accounts) that is separate from any of the nursing home's operating accounts, and that credits all interest earned on the resident's account to the resident's account. Pooled accounts must separately account for each resident's share.

#### **4658.0270 WITHDRAWAL OF FUNDS FROM THE ACCOUNT.**

Upon the request of the resident or the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident, a nursing home must return all or any part of a resident's funds given to the nursing home for safekeeping, including interest, if any, accrued from deposits. A nursing home must develop a policy specifying the period of time during which funds can be withdrawn. The policy must ensure that the ability to withdraw funds is provided in accordance with the needs of the resident and must specify whether or not the nursing home allows residents to obtain funds to meet unanticipated needs on days when withdrawal periods are not scheduled. A nursing home must notify residents of the policy governing the withdrawal of funds. Funds kept outside of the nursing home must be returned within five business days.

#### **4658.0275 RETURN OF FUNDS AFTER DISCHARGE OR DEATH.**

Subpart 1. Discharge of a resident. Upon discharge of a resident, the resident's funds must be returned to the resident or resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident, with a written accounting in exchange for a signed receipt. If a resident's bed is being held for anticipated readmission, the resident's funds need not be returned. Funds which are maintained outside of the nursing home must be returned within five business days.

Subp. 2. Death of a resident. Upon the death of a resident, a nursing home must convey the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate.

#### **4658.0290 PENALTIES FOR RESIDENT RIGHTS RULE VIOLATIONS.**

Penalty assessments will be assessed on a daily basis for violations of parts 4658.0200 to 4658.0280 and are as follows:

- A. part 4658.0200, subpart 1, \$250;
- B. part 4658.0200, subpart 2, \$100;
- C. part 4658.0200, subparts 3 and 4, \$250;
- D. part 4658.0200, subpart 5, \$500;
- E. part 4658.0200, subpart 6:
  - (1) part 4638.0200, subpart 2, \$50; and
  - (2) part 4638.0200, subpart 3, \$150;
- F. part 4658.0205, \$100;
- G. part 4658.0210, subpart 1, \$250;
- H. part 4658.0210, subpart 2, \$50;

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

## Proposed Rules

I. part 4658.0215, \$250;

J. part 4658.0220, \$500;

K. part 4658.0250, \$50;

L. part 4658.0255, subpart 1, \$250;

M. part 4658.0255, subpart 2, \$50; and

N. parts 4658.0260 to 4658.0275, \$100.

### 4658.0300 USE OF RESTRAINTS.

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

Subp. 4. **Decision to apply restraint.** The decision to apply a restraint must be based on the comprehensive resident assessment. The least restrictive restraint must be used and incorporated into the comprehensive plan of care. The comprehensive plan of care must allow for progressive removal or the progressive use of less restrictive means. A nursing home must obtain an informed consent for a resident placed in a physical or chemical restraint. A physician's order must be obtained for a physical or chemical restraint which specifies the duration and circumstances under which the restraint is to be used. Nothing in this part requires a resident to be awakened during the resident's normal sleeping hours strictly for the purpose of releasing restraints. ~~For a resident placed in a physical or chemical restraint, a nursing home must obtain an informed consent and obtain a written order from the attending physician.~~

Subp. 5. **Physical restraints.** At a minimum, for a resident placed in a physical restraint, a nursing home must also:

A. ~~check the resident at least every 30 minutes~~ develop a system to ensure that the restrained resident is monitored at the interval specified in the written order from the physician;

B. assist the resident as often as necessary for the resident's safety, comfort, exercise, and elimination needs;

C. provide an opportunity for motion, exercise, and elimination for not less than ten minutes during each two-hour period in which a restraint is employed; and

D. release the resident from the restraint as quickly as possible; and

E. keep a record of restraint usage and checks.

### 4658.0445 CLINICAL RECORD.

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

Subp. 4. **Admission information.**

~~A. Identification information.~~ Identification information must be collected and maintained for each resident upon admission and must include, at a minimum:

(1) ~~A.~~ the resident's legal name and preferred name;

(2) ~~B.~~ previous address;

(3) ~~C.~~ social security number;

(4) ~~D.~~ gender;

(5) ~~E.~~ marital status;

(6) ~~F.~~ date and place of birth;

(7) ~~G.~~ date and hour of admission;

(8) ~~H.~~ advanced directives, ~~including~~ Do Not Resuscitate (DNR) and Do Not Intubate (DNI) status, Health Care Power of Attorney, or living will, if any;

(9) ~~I.~~ name, address, and telephone number of designated relative or significant other, if any;

(10) ~~J.~~ name, address, and telephone number of person to be notified in an emergency;

(11) ~~K.~~ legal representative ~~or~~, designated representative, or representative payee, if any;

(12) ~~L.~~ religious affiliation, place of worship, and clergy member;

(13) ~~M.~~ hospital preference; and

(14) ~~N.~~ name of attending physician.

B. **Physician and professional services.** The clinical record must contain the recording requirements of parts 4658.0710 to 4658.0725.

C. Nursing services. The clinical record must contain the recording requirements of parts 4658.0515 to 4658.0530.

D. Dietary and food services. The clinical record must contain the recording requirements of parts 4658.0600 and 4658.0625.

E. Restraints. The clinical record must contain the recording requirements of part 4658.0300.

#### **4658.0450 CLINICAL RECORD CONTENTS.**

Subpart 1. In general. Each resident's clinical record, including nursing notes, must include:

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

Subp. 2. Physician and professional services. The clinical record must contain the recording requirements of parts 4658.0710 to 4658.0725.

Subp. 3. Nursing services. The clinical record must contain the recording requirements of parts 4658.0515 to 4658.0530.

Subp. 4. Dietary and food services. The clinical record must contain the recording requirements of parts 4658.0600 and 4658.0625.

Subp. 5. Resident personal funds account. The clinical record must contain the recording requirements of part 4658.0255.

Subp. 6. Activities. The clinical record must contain the recording requirements of part 4658.0900.

Subp. 7. Social services. The clinical record must contain the recording requirements of parts 4658.1015 and 4658.1020.

#### **4658.0615 FOOD TEMPERATURES.**

Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported. "Potentially hazardous food" means any food subject to continuous time and temperature controls in order to prevent the rapid and progressive growth of infectious or toxigenic microorganisms.

#### **4658.0620 FREQUENCY OF MEALS.**

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

Subp. 3. Time between meals. Up to 16 hours may elapse between a substantial evening meal and breakfast the following day if a resident group, such as the resident council, agrees to this meal span and a nourishing evening snack is provided.

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

#### **4658.0900 ACTIVITY AND RECREATION PROGRAM.**

Subpart 1. General requirements. A nursing home must provide an organized activity and recreation program. The program must be based on each individual resident's interests, strengths, and needs, and must be designed to meet the physical, mental, and psychological well-being of each resident, as determined by the comprehensive resident assessment and comprehensive plan of care required in parts 4658.0400 and 4658.0405. Residents must be provided opportunities to participate in the planning and development of the activity and recreation program.

Subp. 2. Frequency of program activities. The activity and recreation program must be regularly scheduled every day, except that a nursing home may establish a policy designating holidays or other days that are exempt from scheduled activities. A schedule of the activities and recreation programming must be posted in a location readily accessible to residents at least one week in advance.

Subp. 3. Activity and recreation program director. The activity and recreation program director must be a person who is trained or experienced to direct the activity and recreation staff and program at that nursing home.

Subp. 4. Staff assistance with activities. Sufficient staff must be assigned to assist with the implementation of the activity and recreation program, as determined by the needs of the residents and the nursing home.

Subp. 5. Space, equipment, and materials. The activity and recreation program must be provided with space both within the nursing home and out-of-doors. Appropriate and adequate equipment and materials must be provided to meet the needs of the activity and recreation program.

Subp. 6. Prohibition on charges. A nursing home may not charge a resident for any portion of the activity and recreation program required in subpart 1. A nursing home may charge a resident for social events and entertainment offered outside the scope

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

## **Proposed Rules**

---

---

of the regularly scheduled activity and recreation program, if the event is requested by the resident and the nursing home informs the resident that there will be a charge.

### **4658.0950 PENALTIES FOR ACTIVITY AND RECREATION PROGRAM RULE VIOLATIONS.**

Penalty assessments will be assessed on a daily basis for violations of part 4658.0900 and are as follows:

A. subparts 1, 3, and 6, \$300; and

B. subparts 2, 4, and 5, \$100.

### **4658.0960 SPIRITUAL NEEDS.**

A nursing home must provide opportunities for the residents' spiritual needs to be met.

### **4658.0990 PENALTIES FOR SPIRITUAL NEEDS RULE VIOLATIONS.**

A \$250 penalty assessment will be assessed on a daily basis for a violation of part 4658.0960.

## **SOCIAL SERVICES**

### **4658.1000 DEFINITIONS.**

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

Subp. 2. Medically related social services. "Medically related social services" means services provided by the nursing home's staff to assist residents in maintaining or improving their ability to manage their everyday physical, mental, and psychosocial needs.

Subp. 3. Qualified social worker. Until June 30, 1996, "qualified social worker" means an individual with at least a bachelor's degree in a social work or a human services field, with at least one year of supervised social work experience in a health care setting working directly with individuals. Effective July 1, 1996, "qualified social worker" means an individual licensed as a social worker by the Minnesota Board of Social Work according to *Minnesota Statutes*, chapter 148B.

### **4658.1005 SOCIAL SERVICES.**

Subpart 1. General requirements. A nursing home must have an organized social services department or program to provide medically related social services to each resident. A nursing home must make referrals to or collaborate with outside resources for a resident who is in need of additional mental health, substance abuse, or financial services.

Subp. 2. Social worker. A nursing home must employ a qualified social worker, or a social services designee who receives consultation from a qualified social worker. A nursing home with more than 120 beds must employ a qualified social worker on a full-time basis, no less than 35 hours per week, who is assigned full time to the social services of the nursing home.

Subp. 3. Admission history and assessment. A psychosocial history and assessment must be completed for each new resident within 14 days after admission. The psychosocial history and assessment must contain sufficient information related to the resident's condition to develop care planning goals based on that resident's needs and strengths and may be used as a part of the comprehensive resident assessment required by part 4658.0400. The psychosocial history and assessment must be included in the resident's clinical record.

Subp. 4. Updating the assessment. The psychosocial assessment must be reviewed at least annually and updated as necessary.

Subp. 5. Providing social services. Social services must be provided on the basis of identified social service needs of each resident, according to the comprehensive resident assessment and comprehensive plan of care described in parts 4658.0400 and 4658.0405.

### **4658.1090 PENALTIES FOR SOCIAL SERVICES RULE VIOLATIONS.**

Penalty assessments will be assessed on a daily basis for violations of parts 4658.1000 to 4658.1005 and are as follows:

A. part 4658.1005, subparts 1, 3, and 4, \$300; and

B. part 4658.1005, subparts 2 and 5, \$350.

### **4658.1100 BARBER AND BEAUTY SHOP SERVICES.**

A nursing home must provide or arrange for the provision of barber and beauty shop services.

### **4658.1190 PENALTIES FOR BARBER AND BEAUTY SHOP SERVICES RULE VIOLATIONS.**

A \$100 penalty assessment will be assessed on a daily basis for violations of part 4658.1100.

### **4658.1200 SPECIALIZED REHABILITATIVE SERVICES.**

Subpart 1. Definitions. For purposes of this part, the following terms have the meanings given them.

A. "Qualified personnel" means professional staff who are licensed, certified, or registered in accordance with applicable state laws and rules, and are educated to perform the particular service safely and competently.

B. "Specialized rehabilitative services" means restorative therapy and specialized maintenance therapy including, but not limited to, physical therapy, occupational therapy, and speech therapy.

Subp. 2. Provision of services. If specialized rehabilitative services are required in the resident's comprehensive plan of care, the nursing home must:

A. provide the required services; or

B. obtain the required services from an outside source according to part 4658.0075.

Subp. 3. Qualified personnel. Specialized rehabilitative services must be provided under the written order of a physician by qualified personnel.

#### **4658.1290 PENALTIES FOR SPECIALIZED REHABILITATIVE SERVICES RULE VIOLATIONS.**

Penalty assessments will be assessed on a daily basis for violations of part 4658.1200 and are as follows:

A. part 4658.1200, subpart 2, \$350; and

B. part 4658.1200, subpart 3, \$300.

#### **ENVIRONMENTAL SERVICES**

#### **4658.1400 PHYSICAL ENVIRONMENT.**

A nursing home must provide a safe, clean, functional, comfortable, and homelike physical environment, allowing the resident to use personal belongings to the extent possible.

#### **4658.1405 RESIDENT UNITS.**

The following items must be provided for each resident:

A. A bed of proper size and height for the convenience of the resident, a clean, comfortable mattress, and clean bedding, appropriate to the weather and climate, that are in good condition. Each bed must have a clean bedspread. A moisture-proof mattress or mattress cover must be provided for all residents confined to bed and for other beds as necessary. Rollaway type beds, cots, or folding beds must not be used.

B. At least one comfortable chair.

C. A bedside table with a drawer to accommodate personal possessions, and a separate compartment for storage.

D. Clean bath linens provided daily or more often as needed.

E. A bed light conveniently located and of an intensity to meet the needs of the resident while in bed or in an adjacent chair.

#### **4658.1410 LINEN.**

Nursing home staff must handle, store, process, and transport linens so as to prevent the spread of infection according to the infection control program and policies as required by part 4658.0800. These policies must comply with the manufacturer's instructions and include a wash formula addressing the time, temperature, water hardness, bleach, and final pH.

#### **4658.1415 PLANT HOUSEKEEPING, OPERATION, AND MAINTENANCE.**

Subpart 1. Direction of housekeeping and plant management. One or more persons, qualified through education and experience, must be assigned the responsibility of direction of housekeeping and plant management.

Subp. 2. Physical plant. The physical plant, including walls, floors, ceilings, all furnishings, systems, and equipment must be kept in a continuous state of good repair and operation with regard to the health, comfort, safety, and well-being of the residents according to a written routine maintenance and repair program.

Subp. 3. Grounds. The grounds must be maintained with regard to the health, comfort, safety, and well-being of the residents. Driveways, walks, outside steps, and ramps must be maintained in good condition for access and safe use at all times.

Subp. 4. Housekeeping. A nursing home must provide housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior, including walls, floors, ceilings, registers, fixtures, equipment, lighting, and furnishings.

Subp. 5. Written program. A nursing home must develop and implement a written program for routine daily housekeeping duties and any special cleaning necessary.

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

## **Proposed Rules**

**Subp. 6. Heating, air conditioning, and ventilation.** A nursing home must operate and maintain the mechanical systems to provide comfortable and safe temperatures, air changes, and humidity levels. Temperatures must be maintained according to items A to C:

A. For new construction, a nursing home must maintain a temperature range of 71 degrees Fahrenheit to 81 degrees Fahrenheit at all times.

B. For existing facilities, a nursing home must maintain a minimum temperature of 71 degrees Fahrenheit in all resident areas during the heating season.

C. Variations of the temperatures required by items A and B are allowed if the variations are based on documented resident preferences.

**Subp. 7. Hot water temperature.** Hot water supplied to lavatories and bathing fixtures must be maintained within a temperature range of 105 degrees Fahrenheit to 115 degrees Fahrenheit at the fixtures.

**Subp. 8. Janitor's closet.** The janitor's closet and all other areas used by the environmental services personnel must be kept clean.

**Subp. 9. Storage of supplies.** Supplies must be stored a minimum of six inches above the floor to facilitate cleaning of the storage area. Supplies must be identified. Toxic substances must be clearly identified and stored in a locked enclosure. Sterile supplies must be stored to maintain sterility and integrity in packaging. All substances, such as cleaning agents, bleaches, detergents, disinfectants, pesticides, paints, and flammable liquids, must be stored separately from all food and drugs.

**Subp. 10. Boiler water additives.** Precautions must be taken to ensure that the type and concentration of boiler water additives is not harmful if steam is used for humidification or comes into direct contact with food.

**Subp. 11. Insect and rodent control.** Any condition on the site or in the nursing home conducive to the harborage or breeding of insects, rodents, or other vermin must be eliminated immediately. A continuous pest control program must be maintained by qualified personnel.

### **4658.1420 SOLID WASTE DISPOSAL.**

Solid wastes, including garbage, rubbish, recyclables, and other refuse must be collected, stored, and disposed of in a manner that will not create a nuisance or fire hazard, nor provide a breeding place for insects or rodents. Accumulation of combustible material or waste in unassigned areas is prohibited.

### **4658.1425 OZONE GENERATORS.**

Ozone generators are prohibited.

### **4658.1490 PENALTIES FOR ENVIRONMENTAL SERVICES RULE VIOLATIONS.**

Penalty assessments will be assessed on a daily basis for violations of parts 4658.1400 to 4658.1425 and are as follows:

A. part 4658.1400, \$200;

B. part 4658.1405, \$150;

C. part 4658.1410, \$200;

D. part 4658.1415, subpart 1, \$300;

E. part 4658.1415, subparts 2 to 7, \$200;

E. part 4658.1415, subpart 8, \$150;

G. part 4658.1415, subparts 9 to 11, \$200;

H. part 4658.1420, \$200; and

I. part 4658.1425, \$150.

### **RELOCATION OF RESIDENTS FROM NURSING HOMES**

#### **4658.1600 DEFINITIONS.**

**Subpart 1. Scope.** The terms used in parts 4658.1600 to 4658.1610 have the meanings given.

**Subp. 2. Relocation.** "Relocation" means a situation when residents are to be discharged from a nursing home as the result of the closing of the nursing home or the curtailment, reduction, or change of operations or services offered there.

**Subp. 3. Service offered in the facility.** "Service offered in the facility" means participation in the Medicare or Medicaid programs, or both, pursuant to *United States Code*, title 42, sections 1395 et seq. and 1396 et seq., as amended through June 30, 1995.

**Subp. 4. Social service agency.** "Social service agency" means the county or multicounty agency authorized under *Minnesota Statutes*, sections 393.01, subdivision 7, and 393.07, subdivision 2, for the county in which the nursing home is located.



**4658.1605 NOTICE TO DEPARTMENT OF HEALTH.**

Subpart 1. Notice required. The licensee of the nursing home must notify the Department of Health, in writing, at least 90 days prior to the cessation or the curtailment, reduction, or change of operations or services which would result in the relocation of residents.

Subp. 2. Notice information. The written notice must include the following:

- A. the date of the closing, curtailment, reduction, or change of operations or services;
- B. the number of residents to be relocated; and
- C. the names and telephone numbers of the persons in the nursing home responsible for coordinating the relocation of residents.

**4658.1610 NURSING HOME RESPONSIBILITIES.**

Subpart 1. Cooperation. The licensee of the nursing home and nursing home staff must cooperate with representatives from the Department of Health and from the social service agency in planning for the relocation of residents.

Subp. 2. Interdisciplinary team. The administrator of a nursing home must establish an interdisciplinary team which is responsible for coordinating and planning the steps necessary to relocate the residents. The interdisciplinary team must consist of members involved in providing direct care services to residents.

Subp. 3. Advance notice. The nursing home must send the written notices in items A to C at least 60 days in advance of the date by which the relocation of residents is to be completed.

A. Notice must be sent to the resident who will be relocated and to the individual responsible for the resident's care. This notice must include the name, address, and telephone number of:

- (1) the individual in the nursing home to be contacted for assistance and further information;
- (2) the social service agency; and

(3) the area long-term care ombudsman, required by the Older Americans Act, United States Code, title 42, section 3027(a)(12), as amended through June 30, 1995.

B. Notice must be sent to the attention of the commissioner of human services and to the social service agency. This notice must include the name of each resident to be relocated and the name, address, and telephone number of the individual responsible for the resident's care and the individual in the nursing home to be contacted for further information.

C. Notice must be sent to the attending physician of the resident to be relocated. The resident's attending physician must be requested to furnish any medical information needed to update the resident's medical records and to prepare transfer forms and discharge summaries. This written notice must include the name and telephone number of the individual in the nursing home to be contacted for further information.

Subp. 4. Bed list. A list of available beds to which the resident can be relocated must be prepared. This list must contain the name, address, and telephone number of the nursing home, the certification level of the available beds, the type of services available, and the number of beds that are available. This list must be made available to the resident, the individual responsible for the resident's care, the area long-term care ombudsman, and the social service agency.

Subp. 5. Informational meetings. The nursing home must conduct small group meetings for the residents and the individuals responsible for the care of the residents, to notify them of the steps being taken in arranging for the transfer. Individual residents must be assisted as necessary.

Subp. 6. Resident inventory. The inventory of the resident's personal possessions must be updated and a copy of the final inventory provided to the resident, the individual responsible for the resident's care, or both. A final accounting of personal funds held in the nursing home must be completed according to part 4658.0275. Arrangements must be made for the transfer of the resident's possessions and personal funds.

Subp. 7. Site visits. Unless it is medically inadvisable, as documented by the attending physician in the resident's care record, the resident must be assisted in making site visits to facilities to which they may be transferred.

Subp. 8. Administrative duties. All administrative duties must be completed prior to the actual relocation of the

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

## **Proposed Rules**

resident. Personnel in the facility to which the resident will be moved must be provided with the information necessary to provide care and services to the resident, according to part 4658.0465.

Subp. 9. Final notice. Unless otherwise agreed to by the resident or the individual responsible for the resident's care, at least a 14-day notice must be provided to a resident prior to the actual relocation.

Subp. 10. Transportation. The resident must be assisted in making arrangements for transportation to the new facility.

Subp. 11. Ease in transition. A nursing home must not disrupt the provision of meals, medications, or treatments of the resident during the relocation process.

Subp. 12. Notice to physician. If not previously notified, the resident's attending physician must be informed of the new location of the resident within 24 hours after the actual relocation.

Subp. 13. Status reports. Beginning the week following the relocation notice to the Department of Health required in part 4658.1605, subpart 1, the nursing home must provide weekly written status reports to the Department of Health as to the progress being made in arranging for the relocation. The initial status report must include the relocation plan developed by the nursing home, the identity of the interdisciplinary team members, and a schedule for the completion of the various elements of the plan. Subsequent status reports must note the progress being made, any modifications to the relocation plan, and any change of interdisciplinary team members, and must include the names of residents who have been relocated during the time period covered by the report. Once relocation has been completed, a final list of the residents who have been relocated and the identity of the facilities or other locations to which the residents were moved must be provided to the Department of Health.

### **4658.1690 PENALTIES FOR RELOCATION RULE VIOLATIONS.**

A \$250 penalty shall be assessed on a daily basis for violations of parts 4658.1600 to 4658.1610.

### **SPECIALIZED UNITS**

#### **4658.2000 SECURED UNITS.**

Subpart 1. Secured unit, definition. For purposes of parts 4658.2000 to 4658.2090, "secured unit" means a nursing home unit in which a resident's horizontal and vertical access in or out of the unit is restricted. A secured unit is a form of physical restraint. Part 4658.0300, subpart 5, does not apply to a secured unit.

Subp. 2. Locked unit, definition. For purposes of parts 4658.2000 to 4658.2090, "locked unit" means a nursing home unit in which a resident's access is restricted because the doors to the unit are locked from the outside. A locked unit is a form of secured unit.

Subp. 3. Criteria for assignment to secured unit. A resident may be assigned to placement in a secured unit only if the results of a comprehensive resident assessment as required by part 4658.0400 indicate that resident requires a more secure environment and there is a physician's written order for placement in a secured unit. A resident may choose to reside in a secured unit if the comprehensive resident assessment and plan of care as required by parts 4658.0400 and 4658.0405 determine that placement in a secured unit is appropriate for that resident.

Subp. 4. Approval by state fire marshal. Fire safety systems and locking arrangements must be reviewed and approved by the state fire marshal before operation as a secured unit.

Subp. 5. Approval by department. A secured unit must be approved by the department before operation as a secured unit. Any significant change to the statement of operations for the secured unit, as required by part 4658.2020, must be reviewed and approved by the department before making the change.

#### **4658.2010 PHYSICAL PLANT REQUIREMENTS.**

A secured unit approved by the department after the effective date of this chapter must be in compliance with the new construction physical plant requirements in this chapter. The physical plant of the secured unit must include, at a minimum, resident bedrooms, a central bathing area, dayroom, dining room, nurses' station, clean utility room, and soiled utility room. The dining room and dayroom spaces in the secured unit must comply with part 4658.4200.

#### **4658.2020 STATEMENT OF OPERATIONS.**

A nursing home must develop and implement a statement of operations for a secured unit, which must include, at a minimum:

- A. a statement of the philosophy and objectives of the unit;
- B. a description of the population to be served;
- C. a list of the admission and discharge criteria; and
- D. a list of any environmental changes or adaptations, and any necessary waivers for them granted by the department.

**4658.2030 SPECIALIZED CARE UNIT.**

Subp. 1. Specialized care unit, defined. For purposes of this part, "specialized care unit" means any nursing unit within a nursing home designed and advertised for a specific population.

Subp. 2. Statement of operations. A nursing home must develop and implement a statement of operations for the specialized care unit, which must include, at a minimum:

- A. the philosophy and objectives of the unit;
- B. the intended population of the unit; and
- C. admission and discharge criteria for the unit.

Subp. 3. Availability of statement of operations. A nursing home must make the statement of operations for the specialized care unit available to the department and to the public.

**4658.2090 PENALTIES FOR SPECIALIZED UNITS RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.2000 to 4658.2030 shall be assessed on a daily basis and are as follows:

- A. part 4658.2000, subpart 2, \$300;
- B. part 4658.2000, subpart 3, \$200;
- C. part 4658.2000, subpart 4, \$200;
- D. part 4658.2010, \$200;
- E. part 4658.2020, \$100;
- F. part 4658.2030, subpart 2, \$100; and
- G. part 4658.2030, subpart 3, \$50.

**PHYSICAL PLANT LICENSURE, EXISTING AND NEW****4658.3000 LICENSURE.**

The commissioner of health must be notified directly in writing about proposed planning for all new construction, remodeling, changes in existing service, function or bed capacity, addition of new services, sale, and change of ownership.

**4658.3005 COMPLIANCE WITH RULES.**

Subpart 1. New construction. New construction must be according to the requirements for new construction in parts 4658.3500 to 4658.4690.

Subp. 2. Existing facilities. All existing facilities must be found to be in compliance with the physical plant requirements for new construction, except as noted in this chapter. When additional beds are added to existing facilities, the required dayroom and dining room areas must be based on the bed capacity of the entire facility. Compliance with the standards for new construction for existing facilities must be for the areas involved and to the extent that the existing structure will permit. Selected improvements or correction of minor deficiencies in existing facilities must not be a requirement for compliance with new construction criteria.

Subp. 3. Reclassification. As a condition for reclassification of a boarding care home to a nursing home, the physical plant must be in compliance with all new construction requirements for nursing homes in this chapter.

Subp. 4. State fire marshal. Fire protection for the nursing home must be provided in accordance with the Minnesota Uniform Fire Code. The state fire marshal's approval of the fire safety features of the completed facility is required for initial licensure. A nursing home must remain in compliance with regulations enforced by the state fire marshal in order to qualify for continued licensure.

Subp. 5. Redecoration. The department must be notified in writing of all redecoration projects. A nursing home must provide specification sheets for all wall, floor, or ceiling covering materials, except paint. All redecorating must be done in accordance with the requirements for new construction as outlined in this chapter.

Subp. 6. Remodeling. New construction standards apply only to those materials, space, and equipment being remodeled. The new construction plan requirements of parts 4658.3500 to 4658.4090 apply to all remodeling projects.

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

## Proposed Rules

Subp. 7. Replace-in-kind. The department must be notified in writing prior to all replace-in-kind projects, except in the case of an emergency. Changes in space required for the replacement equipment must be only to the extent required by the newer equipment.

### 4658.3090 PENALTIES FOR PHYSICAL PLANT LICENSURE RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.3000 to 4658.3005 shall be assessed on a daily basis and are as follows:

- A. part 4658.3000, \$100;
- B. part 4658.3005, subparts 2 and 4, \$200; and
- C. part 4658.3005, subparts 5 to 7, \$100.

### NEW CONSTRUCTION; PLANS

### 4658.3500 INCORPORATION BY REFERENCE; NEW CONSTRUCTION.

Subpart 1. Scope. For purposes of this chapter, the documents in subparts 2 to 6 are incorporated by reference. They can be found at the Minnesota Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155. They are also available through the Minitex interlibrary loan system. They are subject to frequent change. If any of the documents in subparts 2 to 6 are amended, then the amendments to the documents are also incorporated by reference. All construction, installations, and equipment must conform to the codes and standards in this part, provided that the requirements of such codes or standards are not inconsistent with the requirements of these regulations.

Subp. 2. Minnesota Rules. The following documents are also available from the Print Communications Division, 117 University Avenue, Saint Paul, Minnesota 55155:

- A. chapters 1300 to 1365, the Minnesota State Building Code;
- B. chapter 4715, the Minnesota Plumbing Code; and
- C. parts 1550.5000 to 1550.5130, Vending Machines.

Subp. 3. NSF international standards and criteria. The following documents are also available from the NSF International, ATTN: Publications, P.O. Box 130140, Ann Arbor, Michigan 48113-0140:

- A. Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;
- B. Standard No. 2, Food Equipment, May 1992;
- C. Standard No. 3, Commercial Spray-Type Dishwashing Machines, June 1982;
- D. Standard No. 4, Commercial Cooking, Rethermalization and Powered Hot Food Holding Equipment, May 1992;
- E. Standard No. 5, Water Heaters, Hot Water Supply Boilers, and Heat Recovery Equipment, November 1992;
- F. Standard No. 6, Dispensing Freezers, February 1989;
- G. Standard No. 7, Food Service Refrigerators & Storage Freezers, May 1990;
- H. Standard No. 8, Commercial Powered Food Preparation Equipment, November 1992;
- I. Standard No. 12, Automatic Ice-Making Equipment, November 1992;
- J. Standard No. 13, Refuse Compactors and Compactor Systems, November 1992;
- K. Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1990;
- L. Standard No. 25, Vending Machines for Food & Beverages, November 1990;
- M. Standard No. 26, Pot, Pan, and Utensil Washers, December 1980;
- N. Standard No. 29, Detergent & Chemical Feeders for Commercial Spray-Type Dishwashing Machines, November 1992;
- O. Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, November 1991;
- P. Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;
- Q. Criteria C-2, Special Equipment and/or Devices (Food Service Equipment), November 1983.

Subp. 4. NFPA documents. The following documents are also available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269:

- A. Life Safety Code, National Fire Protection Association, NFPA No. 101, 1985 edition; and
- B. Health Care Facilities, National Fire Protection Association, NFPA, No. 99.

Subp. 5. ANSI/ASME document. The following document, published by the American National Standards Institute and the

American Society of Mechanical Engineers, is also available from the American National Standards Institute, 11 West 42nd Street, New York, New York 10036; ANSI/ASME A17.1-1993 and supplements.

Subp. 6. ASHRAE standard. The following standard is also available from the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle Northeast, Atlanta, Georgia 30329-2305; Standard No. 52.1-1992.

#### **4658.3590 PENALTIES FOR INCORPORATIONS BY REFERENCE; NEW CONSTRUCTION RULE VIOLATIONS.**

A \$200 penalty shall be assessed on a daily basis for violations of part 4658.3500.

#### **4658.4000 PREPARATION OF PLANS; NEW CONSTRUCTION.**

Architectural and engineering plans and specifications for new construction must be prepared and signed by architects and engineers who are registered in Minnesota and in accordance with the requirements by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design.

#### **4658.4005 APPROVAL OF PLANS; NEW CONSTRUCTION.**

Preliminary plans and final working drawings and specifications for proposed construction must be submitted to the commissioner of health for review and approval. Preliminary plans must be approved before the preparation of final working drawings is undertaken. Final working drawings and specifications must be approved before construction is begun.

#### **4658.4010 PRELIMINARY PLANS; NEW CONSTRUCTION.**

Preliminary plans must be drawn to scale, show basic dimensions, and indicate the general layout and space arrangement of the proposed building or area and must include a site plan when applicable. Plans must indicate assignments of rooms and areas, and must show bed capacities and fixed equipment.

The plans should include consideration for future expansion of a nursing home by consideration of the site, orientation of the structure on the site, parking, and resident, dietary, and laundry areas. If a laundry is not contemplated initially, provision must be made for its possible future location.

#### **4658.4015 FINAL PLANS; NEW CONSTRUCTION.**

Final architectural plans and specifications must include elevations and sections through the building showing types of construction, and must indicate dimensions and assignments of rooms and areas, room finishes, door types and hardware, elevations and details of nurses' stations, utility rooms, toilets and bathing areas, and large-scale layouts of dietary and laundry areas. Plans must show location of fixed equipment and sections and details of elevators, chutes, and other conveying systems. Fire walls and smoke partitions must be indicated. The roof plan must show all mechanical installations. The site plan, if applicable, must indicate the proposed and existing buildings, topography, roadways, walks, and utility service lines.

#### **4658.4020 FINAL MECHANICAL AND ELECTRICAL PLANS; NEW CONSTRUCTION.**

Final mechanical and electrical plans and specifications must address the complete layout and type of all installations, systems, and equipment to be provided according to this chapter. Heating plans must include heating elements, piping, thermostatic controls, pumps, tanks, heat exchangers, boilers, breeching, and accessories. Ventilation plans must include room air quantities, ducts, fire and smoke dampers, exhaust fans, humidifiers, and air handling units. Plumbing plans must include a fixtures and equipment fixture schedule; water supply and circulating piping, pumps, tanks, riser diagrams, and building drains; the size, location, and elevation of water and sewer services; and the building fire protection systems. Electrical plans must include fixtures and equipment, receptacles, switches, power outlets, circuits, power and light panels, transformers, and service feeders. Plans must show location of nurse call signals, telephones, fire alarm stations and detectors, and emergency lighting.

#### **4658.4025 START OF CONSTRUCTION; NEW CONSTRUCTION.**

The department must be notified in writing within seven days after beginning construction. Unless construction is begun within one year after approval of final working drawings and specifications, the drawings must be resubmitted for renewal of review and approval.

All construction must be executed according to the approved final plans and specifications. Subsequent construction changes addressed by this chapter must be approved by the department before the changes are made.

#### **4658.4030 FINAL INSPECTION; NEW CONSTRUCTION.**

The department must be notified at least 30 days before the completion of construction so that arrangements can be made for a

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

## **Proposed Rules**

final inspection by the department and by the state fire marshal. Completion means the entire construction, equipment, staffing patterns, and services. Mechanical and electrical systems must be completed and tested for performance and safety in accordance with specifications and state requirements before new construction can be licensed and residents admitted.

### **4658.4035 PLAN SAFEKEEPING; NEW CONSTRUCTION.**

At least one set of complete plans of the entire facility, including changes resulting from remodeling or alterations, must be kept on file in the nursing home.

### **4658.4040 SITE; NEW CONSTRUCTION.**

A nursing home must be so located as to protect at all times the health, comfort, and safety of residents. The factors in selecting the site for a new nursing home must include the following:

A. Public utilities must be available.

B. The water supply must be obtained from an approved public water supply system. If none is available, water must be obtained from a water supply system whose location, construction, and operation complies with parts 4720.0010 to 4720.4600 and, where applicable, parts 4725.0050 to 4725.7450. Plans and specifications for a private water supply system must be approved before construction of the system or the nursing home is started.

C. Sewage and other liquid wastes must be discharged into an approved public sewer system where available. If none is available, sewage must be collected, treated, and disposed of in a sewage disposal system which is designed, located, constructed, and operated according to parts 7080.0010 to 7080.0210. Plans and specifications for a private sewage disposal system must be approved before construction of the system or the nursing home is started.

D. The site must be no closer than 300 feet to the right-of-way of a railroad main line or to the property line of industrial developments which are nuisance-producing or hazardous to health under state or local law.

E. The site must not be located within 85 feet of underground or 300 feet of aboveground storage tanks or warehouses containing flammable liquids.

F. The site must be publicly accessible to fire department services, medical services, and community activities.

G. The topography must provide good natural drainage and not be subject to flooding.

H. Adequate all-weather roads and walks must be provided within the lot lines to the primary entrance and the service entrance, including employees' and visitors' parking at the site.

I. The primary entrance must be accessible for the elderly and individuals with disabilities.

L. The site must include space for outdoor activities.

### **4658.4090 PENALTIES FOR PLANS; NEW CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.4000 to 4658.4040 shall be assessed on a daily basis and are as follows:

A. parts 4658.4000 to 4658.4035, \$100; and

B. part 4658.4040, \$200.

### **RESIDENT AREAS; NEW CONSTRUCTION**

### **4658.4100 RESIDENTS' BEDROOM REQUIREMENTS, CAPACITIES; NEW CONSTRUCTION.**

At least five percent of the rooms must be designed for single person occupancy (one bed), and must have private toilet rooms. No room may have more than two beds. No toilet room may be shared by more than two bedrooms.

### **4658.4105 BEDROOM DESIGN; NEW CONSTRUCTION.**

Subpart 1. Design. Each bedroom must be designed and equipped for adequate nursing care, comfort, and privacy of residents, including full visual privacy of residents.

Subp. 2. Usable floor area. The usable floor area and the arrangement and shape of the bedroom must provide space for furnishings, for the free movement of residents with physical handicaps, and for nursing procedures. "Usable floor area" does not include spaces occupied by toilet rooms, vestibules, permanently installed wardrobes, lockers, closets, or heating units. The usable floor area per bed must be at least 100 square feet per resident in double bedrooms, and at least 120 square feet in single bedrooms.

Subp. 3. Access to exit. Each bedroom must have direct access to an exit corridor.

Subp. 4. Bedroom shape. The shape of the bedroom must allow for the capability of a bed arrangement that provides at least three feet of floor space at both sides and the foot end of each bed.

## Proposed Rules

Subp. 5. Window. Each bedroom must have at least one window to the outdoors.

Subp. 6. Window area. The window area must not be less than one-eighth of the required usable floor area, and the window sill must not be higher than two feet six inches above the floor. The entire window area must face an open outdoors space not less than 30 feet deep, and must provide an unobstructed angle of vision within this space of not less than 65 degrees. The 30-foot-deep open outside space must be measured perpendicular to the plane of the window. The 65 degree unobstructed angle of vision must include the perpendicular bisector of the window. Figure #1 illustrates these requirements:

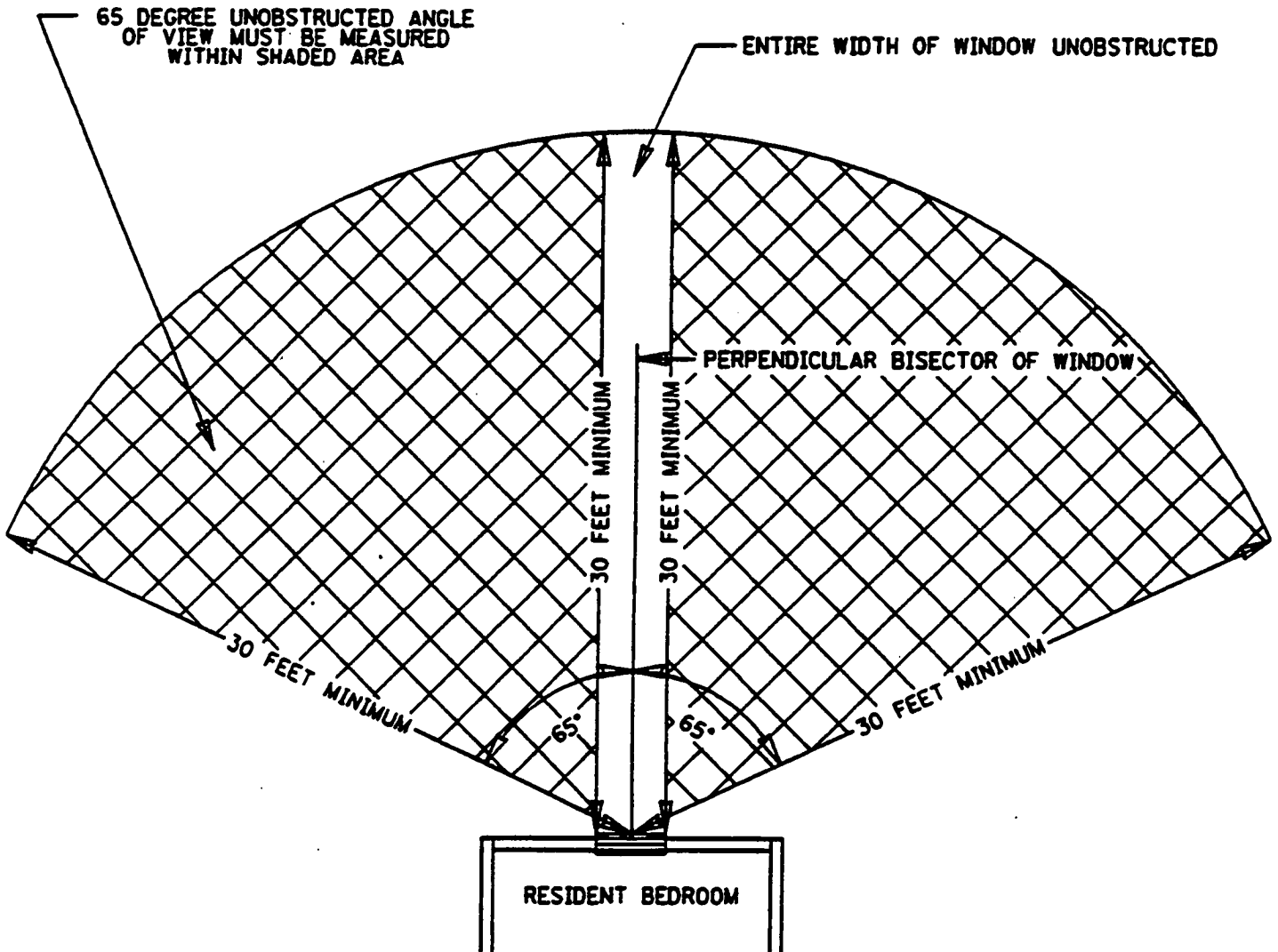
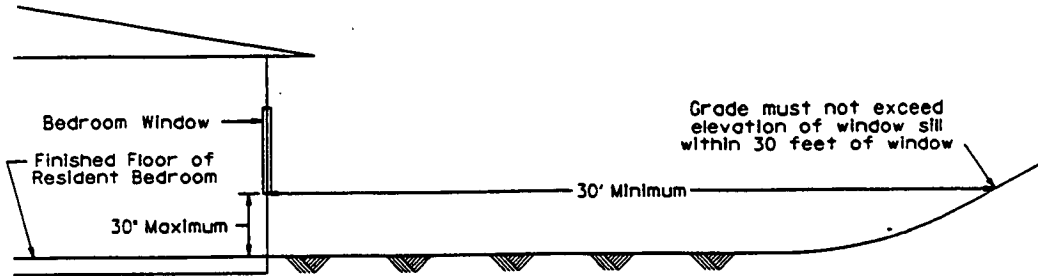


FIGURE #1

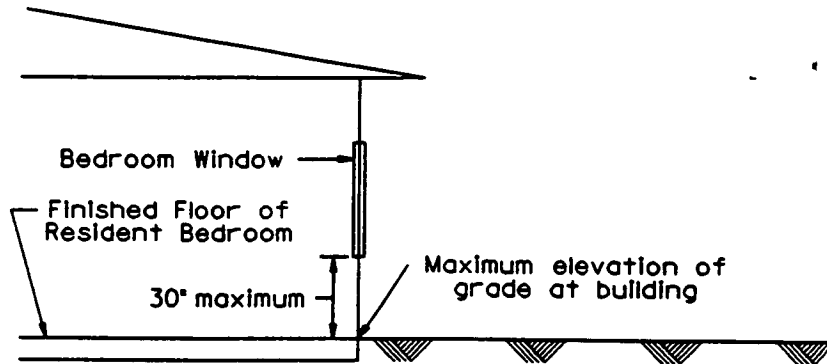
**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed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

# Proposed Rules

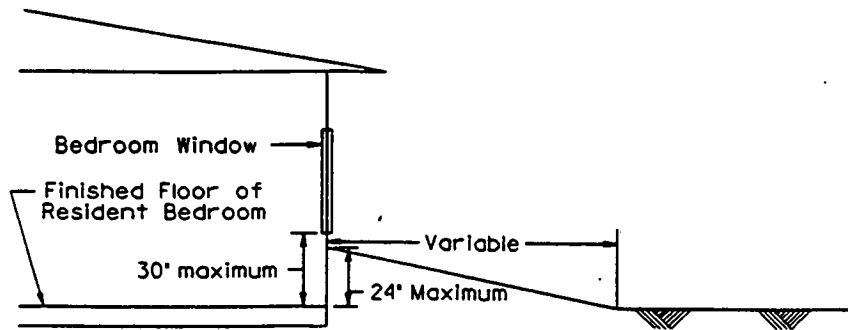
Subp. 7. Floor at grade level. Each bedroom must have a floor at or above grade level. An energy conservation berm as detailed in the diagram below is permitted. The following three diagrams illustrate acceptable methods of compliance with this subpart.



RESIDENT BEDROOM - GRADE RISING FROM BUILDING



RESIDENT BEDROOM - ROOM AT GRADE



RESIDENT BEDROOM - ENERGY CONSERVATION BERM



Subp. 8. Distance from nurses' station. Bedrooms must be located not more than 140 feet from the nurses' station.

**4658.4110 BEDROOM DOORS; NEW CONSTRUCTION.**

Subpart 1. Written policy. A nursing home must develop a written policy regarding the use of locks on bedroom doors. The policy must address whether or not doors can be locked while the resident is in the room.

Subp. 2. Door locks. All bedroom door locks must permit exit from the room by a simple operation without the use of a key. All locks must be openable with a master key which is located at each nurses' station.

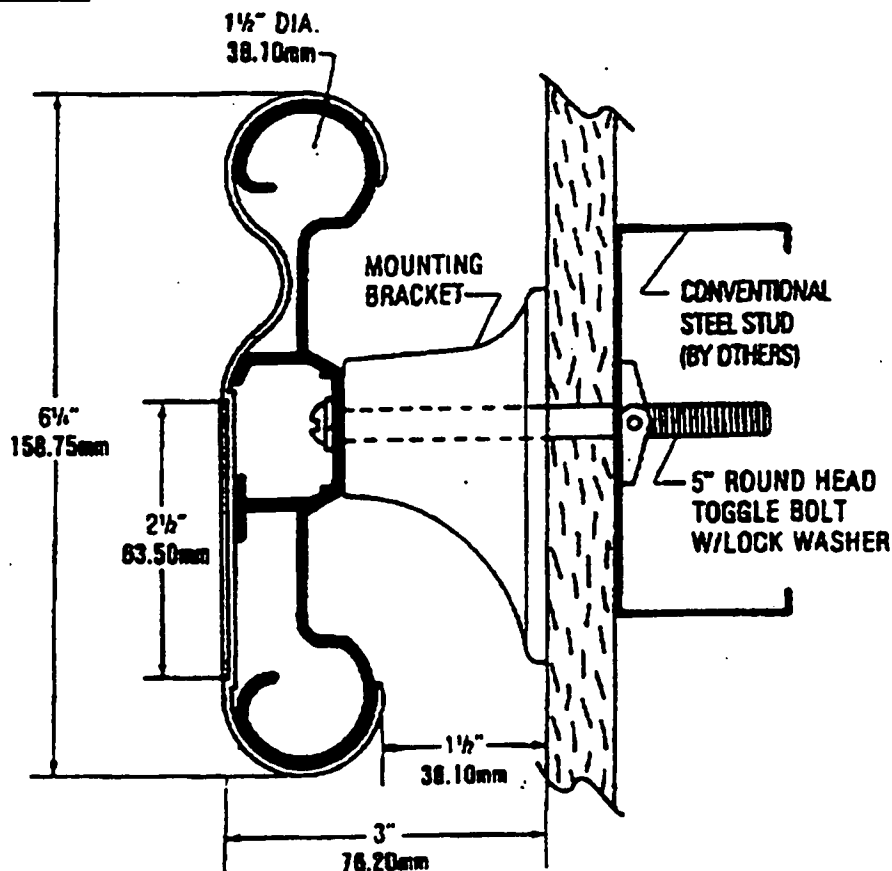
Subp. 3. Door. The door to the corridor must be of fire-resistive construction in accordance with the Minnesota State Building Code, open into the bedroom, and have a nominal width of 44 inches. Bedroom doors must not open directly to an area where services are provided.

**4658.4115 CLOTHES WARDROBE OR CLOSET; NEW CONSTRUCTION.**

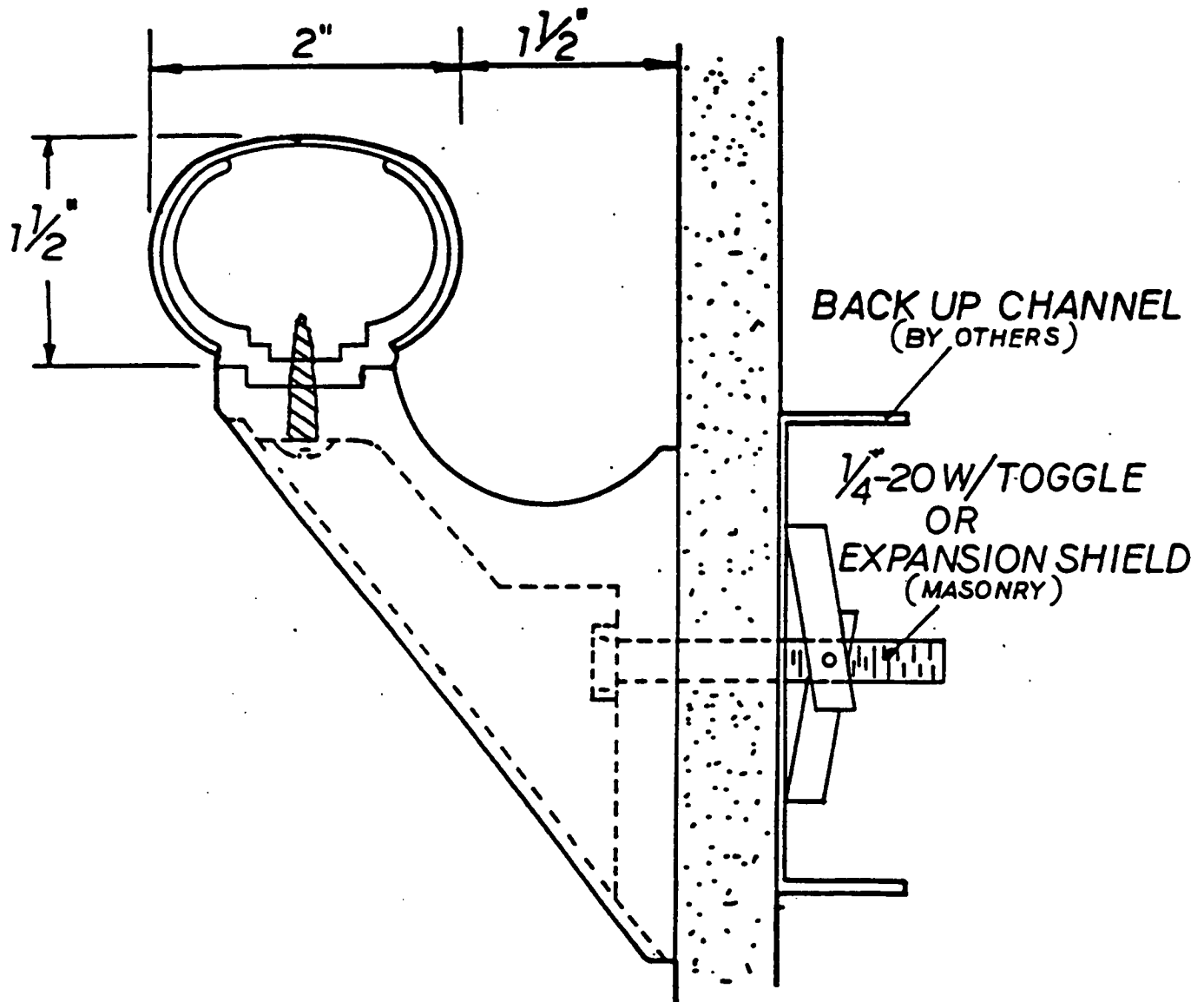
A nursing home must provide each resident with individual wardrobe or closet space in the resident's bedroom with clothes racks and shelves accessible to the resident. Locks may be provided, with keys for the residents when a pass key is available at the nurses' station.

**4658.4120 HANDRAILS AND CORRIDORS; NEW CONSTRUCTION.**

Subpart 1. Handrails. Securely anchored, durable handrails must be provided on both sides of corridors used by residents. If a length of corridor space between doorways is 60 inches or less, a handrail is not necessary for that portion of the corridor. The handrails must be mounted at a height of 32 to 34 inches to the top of the handrail. The handrail must be a round or oval section, 1-1/2 to two inches in diameter, and the clear distance between the handrail and wall must be 1-1/2 inches. The handrail must be designed to provide the means for a full hand grip around the handrail. Wall bracket supports must be provided at least six feet on center, and the mounted brackets must be capable of supporting a load of not less than 250 pounds. The following two diagrams illustrate two acceptable handrails.



**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.



Subp. 2. Corridor width. The unobstructed width of all corridors in resident areas must be at least eight feet. All exits must comply with the Minnesota State Building Code.

**4658.4125 NURSING AREA; NEW CONSTRUCTION.**

Subpart 1. Nurses' station. At least one nurses' station must be provided per resident floor. A nurses' station may serve more than one nursing area on the same floor if the maximum distance from resident bedrooms does not exceed that required in part 4658.4105, subpart 8. The nurses' station must be equipped to receive resident calls through a communication system from resident rooms and toilet and bathing facilities.

Subp. 2. Location. Each nursing station must be located to provide for observation of corridors, residents, and resident calls. Private space must be provided for charting, storage of charts and supplies, and medicine preparation. The medication preparation area may be within the nurses' station or the clean utility room. Each nurses' station must contain facilities for cleanup and hand-washing.

Subp. 3. Staff toilet. A separate staff toilet room must be provided near the nurses' station.

Subp. 4. Clean utility room. A clean utility room must be provided within each nursing area. The clean utility room must contain a sink with institutional fittings. Cabinets and shelving must be provided for the storage of materials and supplies.

Subp. 5. Soiled utility room. A separate soiled utility room must be provided within each nursing area. It must contain hand-washing facilities and a clinical service sink for disposal of waste materials and the cleanup of soiled linen and utensils. Cabinets and shelving must be provided for the storage of materials and supplies.

#### **4658.4130 NOURISHMENT AREA; NEW CONSTRUCTION.**

Subpart 1. Equipment. A nourishment area must be provided for serving between-meal refreshments. It may serve more than one nursing area, and may be located contiguous to a dayroom. The nourishment area must be provided with a work counter and sink, storage cabinets, and a refrigerator. The equipment may be residential-type equipment as long as the nourishment area is not used as part of the dietary department.

Subp. 2. Range disconnect switch. If the nourishment area includes an electric range that is accessible to the residents, a key-operated disconnect switch, with indicator light, must be provided for that range. The disconnect switch and indicator light must be readily accessible for staff.

#### **4658.4135 TOILET ROOMS AND SANITARY FIXTURES; NEW CONSTRUCTION.**

Subpart 1. Design and equipment. Toilet rooms for residents, personnel, and the public must be designed and equipped according to part 4658.4145, except as noted in this part. A nursing home must have at least one water closet and one lavatory for four beds, and at least one shower or tub for 20 beds, excluding toilets for personnel or the public, and toilets in central bathing and other service areas. At least one toilet room must be designed and equipped according to part 4658.4150 and available for public use. Each toilet room must include a lavatory. All lavatories must be provided with hot and cold water.

Subp. 2. Showers and tubs. There must be at least one shower and one tub in each nursing home.

#### **4658.4140 PROVISION OF RESIDENT TOILET ROOMS; NEW CONSTRUCTION.**

Each resident toilet room must be directly accessible from the bedroom. A toilet room may serve two bedrooms, but no more than four beds, if residents are of the same sex. Hinged doors must swing out, or must be double acting and provided with an emergency-type release stop. Privacy door locks must be of a type which can be opened by staff in an emergency. Sliding doors must be surface mounted. Folding doors are prohibited. Pocket doors must be of a type which can be easily released and remounted.

#### **4658.4145 TOILET ROOM LAYOUT; NEW CONSTRUCTION.**

##### Layout:

A. The door opening must have a clear opening of at least 32 inches. Hinged doors must swing out, or must be double acting and provided with an emergency-type release stop.

B. The center of the water closet must be located 18 inches from the side wall and there must be at least three feet of unobstructed space in front of the bowl. No basic interior room dimension may be less than 42 inches.

C. The water closet must be mounted at a height of not less than 17 inches nor more than 19 inches above the floor, measured to the top of the seat. The bowl must be elongated with an open-front seat.

D. Flush valves must be a quiet operating type.

E. The paper holder must be securely anchored on the side wall near the water closet, six inches above the seat, and six to 12 inches in front of the seat with both dimensions measured to the center of the holder.

F. A vertical grab bar, at least 18 inches long, must be provided on the side wall near the water closet. The low end must be mounted at a height of ten inches above the toilet seat and at a distance of 12 inches in front of the seat. A grab bar on each side of the water closet is recommended.

G. Grab bars must have an outside diameter of 1-1/4 to 1-1/2 inches, and must provide a clearance of 1-1/2 inches between the grab bar and the wall. Grab bars must be securely anchored to sustain a load of 250 pounds for five minutes.

H. The lavatory, with or without a counter top, must be mounted at a height of 32 to 34 inches above the floor, measured to the top edge.

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

## Proposed Rules

I. A towel bar must be provided at a height of 42 to 44 inches above the floor. It must be a horizontal grab bar.

J. A shelf large enough to accommodate a resident's personal toilet accessories must be provided, unless space is provided by a suitable lavatory or a counter.

### **4658.4150 HANDICAPPED ACCESSIBLE TOILET ROOMS; NEW CONSTRUCTION.**

#### Layout:

A. Toilet rooms for wheelchair users must be arranged to allow movement for the frontal, oblique, and lateral angle approach.

B. The door opening must have a clear opening of at least 32 inches, and must be located within an area in front of the water closet. Hinged doors must swing out, or must be double acting and be provided with an emergency-type release stop. Privacy door locks must be of a type which can be opened by staff in an emergency.

C. The center of the water closet must be located 18 inches from the side wall and there must be at least four feet of unobstructed space in front of the bowl. All basic interior room dimensions must be at least 66 inches.

D. The water closet must be mounted at a height of 17 to 19 inches above the floor, measured to the top of the seat. The bowl must be elongated with an open front seat.

E. Flush valves must be a quiet operating type.

F. The paper holder must be securely anchored on the side wall near the water closet, 19 to 25 inches above the floor, and six to 12 inches in front of the seat with both dimensions measured to the center of the holder.

G. An L-shaped grab bar, each leg at least 18 inches long, must be provided, securely anchored on the side wall near the water closet. The low end of the vertical leg must be mounted at a height of ten inches above the toilet seat and at a distance of 12 inches in front of the seat, and the horizontal grab bar must extend toward the back wall.

H. A horizontal grab bar must be mounted on the wall at the rear of the toilet at a height of 33 to 36 inches above the floor. The grab bar must be at least 36 inches long.

I. Grab bars must have an outside diameter of 1-1/4 to 1-1/2 inches, and must provide a clearance of 1-1/2 inches between the grab bar and the wall. Grab bars must be securely anchored to sustain a load of 250 pounds for five minutes.

J. The lavatory, with or without a counter top, must be accessible and must not interfere with general wheelchair movements. It must be mounted at a height of 34 inches above the floor, measured to the top edge, and must provide a vertical clearance of at least 27 inches for knee space. A standard-type lavatory which meets these conditions is acceptable.

K. A towel bar must be provided at a height of 42 to 44 inches. It must be a horizontal grab bar.

L. If a mirror is provided, and is mounted flush to the wall, the bottom of the mirror must be placed at a height of 36 inches and the top at a height of at least 66 inches. Tilting mirrors are allowed provided they are mounted to meet the needs of the residents.

M. A shelf large enough to accommodate a resident's personal toilet accessories must be provided at a height of 32 to 36 inches, unless space is provided by a suitable lavatory or a counter.

### **4658.4155 CENTRAL BATHING AREA; NEW CONSTRUCTION.**

Subpart 1. Fixtures. Bathing fixtures must be provided in accordance with part 4658.4135.

#### Subp. 2. General requirements.

A. In bathing areas with more than one fixture, each bathtub or shower area must be provided with privacy curtains or wall dividers.

B. If a water closet is located within an open area with multiple bathing fixtures, the toilet area must be provided with privacy curtains or stall partitions.

C. All bathtub and shower areas must be designed for assisted bathing.

D. The bathing area must have direct access to a toilet room or space without going through the general corridor, and the toilet room or space must allow space for assistance of residents according to part 4658.4150.

E. Bathtubs and showers must be provided with a nonslip bottom or floor surface and at least one grab bar, securely anchored, must be provided at each fixture.

F. If towel bars are provided, they must be horizontal grab bars, securely anchored.

G. A bar soap holder, if provided, must be without handles and recessed.

H. The door or doors to the bathing area must have privacy door locks. Hinged doors must swing out, or they must be double acting and be provided with an emergency-type release stop.

**Subp. 3. Shower areas.**

A. Central showers must not be less than 48 inches by 48 inches, or 54 inches by 42 inches with the long side open, without a curb, and with a 32-inch high splash protection.

B. The shower area must have controls located near the splash protection for easy reach by both resident and attendant. A flexible hose hand shower must be provided.

C. A vertical, nonslip grab bar, 24 inches long, must be provided at the shower and at the shower entrance location. The low end of the grab bar must be 36 inches above the floor. Horizontal grab bars inside the wet areas must be mounted at a height of 54 inches above the floor.

**Subp. 4. Bathtub areas.**

A. The location of the tub and the design of the central bathing area must allow a minimum of four feet of clearance around the working areas of the tub.

B. A pedestal used to elevate a standard-type bathtub must be provided with a finished cleanable surface, and include a toe space.

C. A flexible hose hand shower must be provided.

D. Horizontal or vertical grab bars must be located in proximity to the tub in order to accommodate safe use of the tub and the requirements of the bathing program, including drying of residents. These grab bars must be either wall-mounted or part of the tub design and construction.

**4658.4160 DRINKING FOUNTAINS; NEW CONSTRUCTION.**

Refrigerated drinking fountains must be provided in resident areas, the recreational or activities area, and in or near the dining area.

**4658.4165 HANDWASHING FACILITIES; NEW CONSTRUCTION.**

Handwashing facilities must be available for persons providing services to residents. Single-service towels must be available at all times. Use of a common towel is prohibited.

**4658.4170 STORAGE; NEW CONSTRUCTION.**

**Subpart 1. Equipment and supplies.**

A. A storage room or rooms must be provided in each nursing area.

B. Total storage area within the nursing home for the storage of equipment and supplies must be provided in the amount of 15 square feet per bed including space for the storage of:

- (1) clean items and supplies in a clean utility room;
- (2) supplies and equipment for the activities program;
- (3) supplies and equipment in the barber and beauty shop room;
- (4) wheelchairs, walkers, and other adaptive equipment; and
- (5) bulk paper products.

C. Space for storage of food and linens must be provided in addition to the required storage area in item B.

**Subp. 2. Housekeeping supplies.** An area for the storage of housekeeping supplies and equipment must be provided in each janitor's closet.

**Subp. 3. Yard maintenance equipment and supplies.** Separate enclosed storage space for the storage of yard maintenance equipment and supplies must be provided outside the nursing home.

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

## **Proposed Rules**

---

---

### **4658.4175 JANITOR'S CLOSET; NEW CONSTRUCTION.**

A janitor's closet must be provided for each resident floor or nursing area.

### **4658.4180 ROOM LABELING; NEW CONSTRUCTION.**

All bedrooms must be labeled using a system of numbers. All service rooms must be labeled.

### **4658.4190 PENALTIES FOR RESIDENT AREAS; NEW CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.4100 to 4658.4180 shall be assessed on a daily basis and are as follows:

- A. part 4658.4100, \$150;
- B. part 4658.4105, subpart 1, \$200;
- C. part 4658.4105, subpart 2, \$150;
- D. part 4658.4105, subparts 3 to 5, \$200;
- E. part 4658.4105, subpart 6, \$150;
- F. part 4658.4105, subpart 7, \$200;
- G. part 4658.4105, subpart 8, \$150;
- H. part 4658.4110, subpart 1, item A, \$100;
- I. part 4658.4110, subpart 1, item B, \$500;
- J. part 4658.4110, subpart 2, \$200;
- K. part 4658.4115, \$150;
- L. part 4658.4120, \$200;
- M. part 4658.4125, subpart 1, \$150;
- N. part 4658.4125, subparts 2 and 3, \$200;
- O. part 4658.4130, subpart 1, \$150;
- P. part 4658.4130, subpart 2, \$200;
- Q. part 4658.4135, \$150;
- R. part 4658.4140, \$150;
- S. part 4658.4145, items A to E, \$150;
- T. part 4658.4145, items F and G, \$200;
- U. part 4658.4145, items H to J, \$150;
- V. part 4658.4150, items A to F, \$150;
- W. part 4658.4150, items G to I, \$200;
- X. part 4658.4150, items J to M, \$150;
- Y. part 4658.4155, subpart 2, items A to D, \$150;
- Z. part 4658.4155, subpart 2, items E and F, \$200;
- AA. part 4658.4155, subpart 2, items G and H, \$150;
- BB. part 4658.4155, subpart 3, items A and B, \$150;
- CC. part 4658.4155, subpart 3, item C, \$200;
- DD. part 4658.4155, subpart 4, items A to C, \$150;
- EE. part 4658.4155, subpart 4, item D, \$200;
- FF. part 4658.4160, \$150;
- GG. part 4658.4165, \$150;
- HH. part 4658.4170, \$150;
- II. part 4658.4175, \$150; and
- JJ. part 4658.4180, \$50.

**SUPPORTIVE SERVICES; NEW CONSTRUCTION****4658.4200 DINING, DAYROOM, AND ACTIVITY AREAS, REQUIRED FLOOR AREA; NEW CONSTRUCTION.**

Subpart 1. Total area. The total area set aside for dining, dayroom, and activities must be at least 40 square feet per bed, with a minimum of five square feet per bed for each type of area.

Subp. 2. Space for adult day care. Additional space must be provided, according to part 9555.9730, for dining, dayroom, and activities areas if the nursing home is offering a day care program.

**4658.4205 DAYROOM; NEW CONSTRUCTION.**

Dayroom space must not include areas used for corridor traffic or chapels with fixed pews. Dayrooms must be located convenient to the bedroom areas and there must be at least one on each bedroom floor in multistory construction. Dayrooms must be provided with natural lighting.

**4658.4210 DINING AREA; NEW CONSTRUCTION.**

The dining area must be separate from the kitchen. The dining area or areas must have windows facing the outdoors.

**4658.4215 ACTIVITIES AREA; NEW CONSTRUCTION.**

Display space for individual resident's projects must be provided. A counter, handicapped accessible handwashing facility, and a single-service towel dispenser must be provided within an activities area. If provided, a ceramic kiln must be installed in accordance with the Uniform Mechanical Code.

**4658.4290 PENALTIES FOR SUPPORTIVE SERVICES; NEW CONSTRUCTION RULE VIOLATIONS.**

A \$150 penalty shall be assessed on a daily basis for violations of parts 4658.4200 to 4658.4215.

**DIETARY, LAUNDRY, AND OTHER FACILITIES; NEW CONSTRUCTION****4658.4300 KITCHEN AREA; NEW CONSTRUCTION.**

Subpart 1. In general. The kitchen must be located conveniently to the service entrance, food storage areas, and dining area. Door openings to food preparation areas must be located away from entrances to soiled linen or utility rooms, trash rooms, or a laundry. The kitchen area must be arranged for efficient operation and must contain sufficient space and equipment for the type of food service selected. If a commercial food service is used, or if meals are provided by another facility, the kitchen areas and equipment must be designed to provide for the safe and sanitary storage, processing, and handling of such food. The kitchen area must be subjected only to that traffic which is directly related to the functions of the food service. Food storage areas must be located to avoid delivery traffic through the kitchen area.

A kitchen and food storage area designed for limited food preparation should be arranged for possible future expansion in case a nursing home reverts to a standard-type food service at a later date. Doors with locks must be provided to secure the kitchen and food storage areas during off-hours.

Subp. 2. Storage for nonperishable food. A well-ventilated storeroom must be provided for day storage and for the reserve food supply. The maximum temperature of the storeroom must not exceed 85 degrees Fahrenheit. The storeroom must have storage capacity for at least one week's supplies. Shelving must be finished with a washable surface, and the bottom shelf must be at least six inches above the floor. Floor drains must not be provided.

Subp. 3. Storage facilities. Mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled-temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature-indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature-indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures. Floor drains, directly connected to the building sewer system, must not be provided inside the room.

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

## **Proposed Rules**

Subp. 4. Storage for dishes and utensils. Enclosed storage must be provided for all china, glasses, flatware, and other food service utensils, including cooking utensils, pots, and pans. Dishes and utensils must not be stored in the dishwashing area.

Subp. 5. Janitor's closet. The dietary department must be provided with its own janitor's closet with a floor receptor or service sink, and storage for housekeeping supplies and equipment.

Subp. 6. Lavatories. At least one lavatory with a single-service towel dispenser must be provided in the food preparation area and in the clean end of the dishwashing area. Mirrors must not be installed in food preparation areas. The use of a common towel is prohibited.

Subp. 7. Toilet room. A toilet room must be accessible for the dietary staff. It must not open directly into any food service area. It must contain a water closet, lavatory, mirror, and a single-service towel dispenser. The use of a common towel is prohibited.

### **4658.4305 FOOD SERVICE EQUIPMENT; NEW CONSTRUCTION.**

Subpart 1. In general. All food service equipment, including ice makers, drinking fountains, and dishwashers, must comply with part 4658.3500, subpart 3. Food storage equipment must be designed and constructed according to NSF International Standard No. 2. Materials used on the interior and exterior exposed surfaces of the food storage equipment must be NSF International approved. Counter tops for all food service cabinets must be NSF International approved. The complete food storage equipment does not require NSF International approval. Sufficient separation must be provided between each piece of equipment and between equipment and walls to permit easy and effective cleaning, or the equipment must be placed with a tight fit and the joints sealed. Equipment which is not sealed at the floor must have casters or be installed on sanitary legs that provide at least six inches clearance between the equipment and the floor. Aisles between equipment must have a minimum width of four feet to allow room for traffic in work areas and to permit movement of mobile equipment.

Subp. 2. Food carts. Floor space designated for the storage of all food carts must be provided within the kitchen area.

Subp. 3. Cutting boards. Cutting boards or similar use table tops must be constructed of nonporous, smooth, and cleanable material, and be free of cracks, crevices, and open seams.

Subp. 4. Scullery sink. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with at least three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils and each compartment of the sink must be supplied with hot and cold potable running water. Drain boards must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities. If a mechanical dishwasher or a mechanical utensil washer is used for the sanitizing of pots and pans, a sanitizing compartment is not required and a two-compartment scullery sink is acceptable as used according to parts 4658.0675 and 4658.0680.

### **4658.4310 DISHWASHING AREA; NEW CONSTRUCTION.**

The dishwashing area must be separate from the food preparation area, and must be arranged and equipped as follows:

A. Soiled dishes must arrive at the soiled dish counter without passing through the clean dish side of the dishwashing area or through the food preparation area of the kitchen. The soiled dish counter must include provisions for prerinse of dishes and disposal of garbage.

B. Facilities with more than 30 beds must provide a commercial hood-type or conveyor dishwasher. The area containing the dishwasher and the soiled dish spray rinse must be separated from the food preparation area and the clean dish storage area by a wall protection.

C. Facilities with 30 or fewer beds must be equipped with a minimum of an under-counter-type dishwasher that complies with NSF International Standard No. 3.

D. Clean dishes must be returned directly from the clean dish counter to a clean area for storage. The clean dish counter must be at least four feet long in facilities with pass-through type dishwashers. If necessary, provision must be made for the return of empty dish racks to the dishwasher area.

### **4658.4315 WASHING OF FOOD CARTS; NEW CONSTRUCTION.**

A separate area, equipped with a floor drain, must be provided for the cleaning of food carts.

### **4658.4320 WASHING OF GARBAGE CANS; NEW CONSTRUCTION.**

An area, separated from the dietary area, equipped with a floor drain, must be provided for the washing of garbage cans.

### **4658.4325 LAUNDRY, SIZE AND LOCATION; NEW CONSTRUCTION.**

Subpart 1. Laundry. The laundry, if provided in the facility, must be sized and equipped to handle the laundering of all linen and personal clothing to be processed in the facility.



Subp. 2. Entrance. The entrance to a soiled linen collection room or to a laundry processing room must be located away from resident living areas and the entrance to the kitchen. Door widths to laundry areas must allow for movement of equipment and linen carts.

**4658.4330 SOILED LINEN COLLECTION ROOM; NEW CONSTRUCTION.**

Subpart 1. Soiled linen collection room. A separate, enclosed soiled linen collection room must be provided for the collection, storage, and sorting of soiled linen to be processed in the laundry processing room or by an outside laundry service.

Subp. 2. Location. The soiled linen collection room must be located at the soiled side of the laundry processing room. A soiled linen collection room for facilities with outside laundry service must be located near the service entrance.

**4658.4335 LAUNDRY PROCESSING ROOM; NEW CONSTRUCTION.**

The laundry processing room must be arranged and equipped to allow for the orderly, progressive flow of work from the soiled area to the clean area. The layout of the processing area must minimize linen and avoid cross-traffic between clean and soiled operations. Laundry operations must be physically separated by a floor area. The processing room must provide space for the storage of supplies and equipment. Space for storage of laundry carts must be provided within the laundry area. Handwashing facilities must be available for the area. A two-compartment laundry tub must be provided and must be of a material with a nonabsorbent, smooth, permanent finish. A laundry tub may be provided with fittings for the required handwashing facilities.

**4658.4340 LAUNDRY EQUIPMENT; NEW CONSTRUCTION.**

The laundry equipment must be of commercial type and must be of sufficient size and quantity for the size of the facility. The washer installation must be constructed of materials capable of meeting the operating requirements in part 4658.1410. The washer must be capable of measuring and displaying internal water temperatures.

**4658.4345 CLEAN LINEN STORAGE; NEW CONSTRUCTION.**

Rooms, closets, or enclosed carts must be provided for the storage of clean linen.

**4658.4350 LAUNDRY FOR PERSONAL CLOTHING; NEW CONSTRUCTION.**

Provision must be made for the washing of personal clothing either within or outside the facility. Residential-grade equipment may be used for the washing of personal clothing.

**4658.4355 REFUSE; NEW CONSTRUCTION.**

Subpart 1. Refuse area. An outside, fenced area or a separate room must be provided for holding trash and garbage prior to disposal. It must be located convenient to the service entrance and be sized to accommodate the refuse volume and the chosen type of disposal system.

Subp. 2. Incinerator. An incinerator, if provided, must be in a separate room, or in a designated area within the boiler or heater room, or outdoors. An incinerator, if provided, must comply with parts 7011.1201 to 7011.1285.

**4658.4360 COVERED ENTRANCE AREA; NEW CONSTRUCTION.**

At least one covered entrance area must be provided to protect residents from weather. The covered entrance must extend from the curb line to the building.

**4658.4365 FACILITIES FOR PERSONNEL; NEW CONSTRUCTION.**

Locker and toilet facilities must be provided for personnel.

**4658.4370 REHABILITATIVE SERVICES AREAS; NEW CONSTRUCTION.**

Subpart 1. Specialized rehabilitative services area. Each specialized rehabilitative therapy service provided must be provided space and equipment for exercise and treatment which meets the needs of a medically directed therapy program and of the residents receiving services. Each treatment area must be designed and equipped to protect residents' visual privacy. A lavatory or sink must be conveniently located to all rehabilitative services areas. Space for administrative activities and storage of supplies and equipment must be provided for any rehabilitative service provided.

Subp. 2. Physical therapy area. The physical therapy area must be provided with a lavatory or sink with institutional fittings and a single-service towel dispenser.

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

## **Proposed Rules**

---

---

Subp. 3. Physical therapy area toilet room. A toilet room must be located within or adjacent to the physical therapy area. Access to this toilet room must be provided from within the physical therapy area. This toilet room may also serve the general corridor. The toilet room must comply with the requirements for handicapped accessible toilet rooms in part 4658.4150.

### **4658.4375 BARBER AND BEAUTY SHOP SERVICES; NEW CONSTRUCTION.**

A room must be provided and equipped for barber and beauty shop services.

### **4658.4390 PENALTIES FOR DIETARY, LAUNDRY, AND OTHER SERVICES; NEW CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.4300 to 4658.4375 shall be assessed on a daily basis and are as follows:

- A. parts 4658.4300 to 4658.4345, \$200;
- B. part 4658.4350, \$100;
- C. part 4658.4355, \$150;
- D. part 4658.4360, \$200; and
- E. parts 4658.4365 to 4658.4375, \$150.

### **CONSTRUCTION, CHUTES, AND ELEVATORS;**

#### **NEW CONSTRUCTION**

### **4658.4400 AREA HEAT PROTECTION; NEW CONSTRUCTION.**

Floors and walls for resident living areas which are overheated due to adjoining heat sources must be insulated or otherwise protected to prevent the surface from exceeding a temperature of 85 degrees Fahrenheit.

### **4658.4405 DOOR HANDLES; NEW CONSTRUCTION.**

Lever-type door handles must be provided on all hinged doors to resident areas.

### **4658.4410 DUMBWAITERS AND CONVEYORS; NEW CONSTRUCTION.**

Enclosed dumbwaiter pits and conveyor spaces must be provided with access for cleaning. Operation of dumbwaiters must comply with parts 5205.0400 to 5205.0490.

### **4658.4415 ELEVATORS; NEW CONSTRUCTION.**

Subpart 1. Elevators. Shaft enclosures and elevator installations must be provided in accordance with part 4658.3500, subpart 5. Elevators must be provided in all facilities where residents occupy or use more than the entrance or first floor level.

Subp. 2. Elevator cab size. At least one elevator must have an inside cab dimension of at least five feet wide and seven feet deep. The car doors must have a clear opening of at least three feet, eight inches.

### **4658.4420 EXTERIOR MECHANICAL SHAFTS; NEW CONSTRUCTION.**

Exterior shafts serving equipment for resident areas must be constructed to prevent accumulation of dirt, leaves, or snow.

### **4658.4425 FLOOR JOINTS; NEW CONSTRUCTION.**

Thresholds and expansion joint covers must be flush with the floor, except at exterior doors. Adjacent dissimilar floor materials must be flush with each other to provide an unbroken surface.

### **4658.4430 NONSKID SURFACES; NEW CONSTRUCTION.**

Stairways, ramps, bathtubs, and showers must be provided with nonslip surfaces.

### **4658.4435 GLASS PROTECTION; NEW CONSTRUCTION.**

Any full height window or glass partition of clear glass which has the sill placed at or up to 18 inches above floor level must be constructed of safety glass and must be provided with a railing or some other structural safety barrier at a height of at least 30 inches above the floor. Glass doors must be constructed of safety glass and must be provided with a push bar or with decals or markings.

### **4658.4440 LINEN AND TRASH CHUTES; NEW CONSTRUCTION.**

The minimum diameter of a gravity-type chute must be two feet. The ceiling space between shaft walls and the discharge end of the chute must be sealed to prevent odors from leaking into the enclosing shaft space.

### **4658.4445 OVERHEAD PIPING; NEW CONSTRUCTION.**

Overhead piping must not be exposed in dietary areas, clean storage, and clean linen areas. Waste lines over food preparation areas, food storage areas, clean storage areas, and electrical panels are prohibited. Plumbing waste lines and vents must not be located within ventilation plenums.

**4658.4450 PROTECTION RAILINGS; NEW CONSTRUCTION.**

Protection railings, 42 inches high, must be provided for top landings of stairs, window wells, and open air shafts in areas accessible to residents.

**4658.4455 CEILING HEIGHTS; NEW CONSTRUCTION.**

Minimum ceiling heights must be provided as follows:

A. Boiler room ceilings must be at least five feet higher than the top of the boiler unit and at least two feet, six inches above the main boiler head and connecting piping with a minimum total height of nine feet.

B. Ceilings in corridors, storage rooms, resident toilet rooms, and other minor rooms must not be less than seven feet, six inches.

C. Ceilings in all other rooms must not be less than eight feet.

**4658.4460 CEILINGS, WALLS, AND FLOORS; NEW CONSTRUCTION.**

Ceilings, walls, and floors must be of a type or finish to permit good maintenance including frequent washing, cleaning, or painting. Walls in areas subject to local wetting must be provided with a hard, nonabsorbent surface. Floors in areas subject to local wetting must be finished with a smooth, hard, nonslip, nonabsorbent surface. In dietary areas, floor surfaces must be grease resistant. Carpeting in resident areas must be of high density, low-pile construction which is cleanable and facilitates wheeled traffic.

**4658.4490 PENALTIES FOR CONSTRUCTION DETAILS, CHUTES, AND ELEVATORS; NEW CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.4400 to 4658.4460 shall be assessed on a daily basis and are as follows:

A. part 4658.4400, \$200;

B. part 4658.4405, \$150;

C. part 4658.4410, \$200;

D. part 4658.4415, \$200;

E. part 4658.4420, \$150;

F. parts 4658.4425 to 4658.4450, \$200;

G. part 4658.4455, \$150; and

H. part 4658.4460, \$200.

**MECHANICAL SYSTEMS; NEW CONSTRUCTION****4658.4500 PLUMBING SYSTEMS; NEW CONSTRUCTION.**

Subpart 1. Installation. All plumbing systems must be installed and tested according to this chapter and chapter 4715, the Minnesota Plumbing Code.

Subp. 2. Area drainage. Roofs, basements, tunnels, pits, shafts, areaways, courts, yards, and drives must be properly drained to eliminate intrusion of rain water or groundwater into the building. Floor drains in exterior areaways and similar installations must be provided with a running trap located inside the building to prevent freeze-up in the winter.

Subp. 3. Pipe insulation. Sufficient insulation must be provided for all water and steam piping to assure proper functioning of the systems, provide safety against burns, and to prevent undesirable condensation or heat transfer in areas for residents.

Subp. 4. Hot water supply. Circulating hot water must be provided in all hot water mains and in risers more than three stories high to assure hot water at the fixtures. The domestic hot water heating equipment must be installed, operated, and maintained according to chapter 4715, the Minnesota Plumbing Code. The domestic hot water heating equipment must have sufficient capacity and recovery to supply water at minimum temperatures at the point of use as follows:

A. resident bedrooms and service areas, 105 to 115 degrees Fahrenheit;

B. mechanical dishwashing, 180 degrees Fahrenheit;

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

## Proposed Rules

C. washers in the laundry, 160 degrees Fahrenheit; and

D. mechanical sanitizing of nursing utensils, 180 degrees Fahrenheit.

If a thermostatically controlled mixing valve is used, it must be of the "fail-safe" type which prevents flow of hot water in case the cold water supply fails. Heaters must be insulated and provided with a thermometer.

Subp. 5. Dishwashing machine. The dishwashing machine must be of a commercial type equal to the standards established by NSF International Standard No. 3, and must be of a size that can accommodate food trays. The water supply line at the machine must be provided with a pressure-reducing valve, pressure gauge, and vacuum breaker. The rinse water flow pressure must be maintained between 15 and 25 pounds per square inch at the machine by the use of a pressure reducing valve. A pressure gauge must be installed immediately after the reducing valve. A recirculation system and pump must be provided if the final rinse water heater is located more than five feet from the dishwasher. The drain must be an indirect waste connection to a trapped floor drain, or it must be a trapped connection to a branch with a floor drain without a backwater valve in the horizontal branch.

Subp. 6. Floor drains. Floor drains must not be installed in areas for food storage. Floor drains must not be directly connected to ventilation equipment or air supply plenums.

### 4658.4505 PLUMBING; NEW CONSTRUCTION.

Subpart 1. Institutional fittings. Institutional fittings must include a mixing faucet, gooseneck spout or other approved spout, wrist-action controls, and an open grid strainer on the waste in the lavatories.

The spout must provide a minimum vertical distance of five inches from its discharge point to the rim of the fixture, and a minimum horizontal bowl clearance of seven inches between the discharge point and the inside face of the rim.

The blades on wrist-action controls must not exceed 4-1/2 inches in length, except that handles on clinical sinks must not be less than six inches long.

Subp. 2. Flushing rim service sinks or clinical sinks. Flushing rim service sinks or clinical sinks must have an integral trap in which the upper portion of a visible trap seal provides a water surface. A bedpan cleaning device must be included at the clinical sink in soiled utility rooms. If a spray nozzle is included, there must be a way to control the water flow and pressure from the nozzle to minimize aerosolization.

Subp. 3. Sterilizer vent systems. All sterilizers requiring vapor vents must be connected with a vapor venting system extending up through the roof independent of the plumbing fixture vent system. The vertical riser pipe must be provided with a drip line which discharges into the drainage system through an air gap or open waste fixture. The connection between the fixture and the vertical vent riser pipe must be made by means of a horizontal offset. Vent material must be erosion and corrosion resistant.

### 4658.4510 HEATING AND COOLING; NEW CONSTRUCTION.

Subpart 1. Design and installation. Heating and cooling systems must be capable of maintaining a temperature of 71 degrees Fahrenheit to 81 degrees Fahrenheit in all resident areas. Areas must be zoned according to use and exposure, and must be provided with thermostatic temperature controls. The humidification system must be capable of maintaining a space humidity between 25 percent relative humidity and 50 percent relative humidity.

Subp. 2. Isolation of major components. A means of isolating major sections or components in the heating and cooling systems must be provided. Supply and return mains, and risers of space heating and cooling systems must be valved to isolate the various sections of each system. Each piece of equipment must be valved at the supply and return ends. Any pump on which the heating and cooling systems are dependent should be installed in duplicate for standby service in a nursing home.

Subp. 3. Controls and gauges. All valves and controls must be placed for convenient access and use, and thermometers and gauges must be mounted for easy observation.

Subp. 4. Heating and cooling elements. Heating and cooling elements must be located so as not to interfere with beds in residents' rooms. Tubing and casing of gravity-type heating and cooling convectors must be mounted at least four inches above the floor and be provided with removable sturdy covers in order to facilitate cleaning.

Subp. 5. Forced flow room units. Cabinets for forced flow heating or cooling units must be sturdy and must be mounted either continuously along the floor with a tight fit or at least four inches above the floor. Outside air must be filtered. The interior air grill for recirculation must be located not less than four inches above the floor, on floor mounted units. Fans or blowers must be of a quiet operating type, and the fan or blower housing must not be directly connected to the metal of the unit cabinet. Recirculated air must be passed through the filter. The filter must be replaceable from within the room.

### 4658.4515 VENTILATION REQUIREMENTS; NEW CONSTRUCTION.

Mechanical supply and exhaust ventilation must be provided for all areas according to part 4658.4520. The systems must be designed and balanced to provide the pressure relationships described in part 4658.4520. Areas not covered in part 4658.4520 must

## Proposed Rules

be ventilated according to the Minnesota State Building Code. Areas requiring an equal or positive pressure relationship to adjacent areas according to part 4658.4520 must be provided with tempered makeup air. All air-supply and air-exhaust systems must be mechanically operated. Required exhaust ventilation must not be activated by a light switch. All fans serving exhaust systems must be located at the discharge end of the system. The ventilation rates shown in part 4658.4520 are minimum acceptable rates, and do not preclude the use of higher ventilation rates if the rates do not result in undesirable velocities in resident areas.

### 4658.4520 VENTILATION PRESSURE RELATIONSHIPS AND VENTILATION FOR CERTAIN AREAS IN NURSING HOMES; EXISTING AND NEW CONSTRUCTION.

Area Designation	Pressure <sup>1</sup> Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air Per Hour	Minimum Total Air Changes Per Hour	All Exhaust Directly To Outdoors	Recirculated Within Room
Resident Bedroom	0	-	2	2	-	-
Dayroom, Activity Area	0	-	2	2	-	-
Resident Corridor	0	-	2	4	-	-
Dining Room, Therapy	-	-	2	6	-	-
Medication Room	+	-	2	4	-	-
Clean Utility Room	+	-	2	4	-	-
Soiled Utility Room	-	-	-	10	YES	NO
Toilet Room	-	-	-	10	YES	NO
Bathing Area	-	-	-	10	YES	NO
Barber and Beauty Room	-	-	-	10	YES	NO
Janitor's Closet	-	-	-	10	YES	NO
Sterilizer Equip. Room	-	-	-	10	YES	NO
Garbage Room, Can Washing	-	-	-	10	YES	NO
Trash Collection Room	-	-	-	10	YES	NO
Food Preparation, Nourishment	0	-	2	10	YES	NO
Dishwashing, Food Cart Cleaning Area	-	-	-	10	YES	NO
Dietary Storage	0	-	-	2	-	NO
Laundry Processing Room	0	-	2	10	YES	NO
Soiled Linen Collection Room	-	-	-	10	YES	NO
Clean Linen Storage Room	+	-	2	2	-	-
Isolation Room	-	-	2	6	YES	NO
Smoking Room	-	-	2	10	YES	NO

#### Symbols:

#### Air Pressure Relationships:

+ = Positive;

- = Negative;

0 = Neutral

#### Air Changes, Supply, Exhaust:

- = Optional

<sup>1</sup>Areas with equal or positive pressure relationships to adjacent areas must be provided with tempered make-up air.

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

## Proposed Rules

### 4658.4525 FRESH AIR INTAKES; NEW CONSTRUCTION.

Fresh air intakes for ventilation systems must be located at least 25 feet away from a ventilation exhaust, combustion exhaust, or driveway or parking area. The bottom of fresh air intakes serving central air systems must be located as high as possible, but at least four feet above grade, or, if installed through the roof, at least two feet above roof level. Air intakes for individual room units must be at least one foot, six inches above outside grade. Any exhaust system or waste chute vent must terminate at least 25 feet away from windows that can be opened.

### 4658.4530 HEIGHT OF REGISTERS; NEW CONSTRUCTION.

Wall openings for air supply or return must be located at least four inches above the floor.

### 4658.4535 DIETARY AREA; NEW CONSTRUCTION.

Subpart 1. Food preparation areas. The minimum ventilation requirements of part 4658.4520 for food preparation areas must be provided by either a combination of general ventilation and the range hood, or by general room ventilation. If hood ventilation is needed to meet the minimum air changes per hour, the hood must be operating at all times that the food preparation area is in use.

Subp. 2. Dishwashing area. The minimum exhaust requirements of part 4658.4520 for the dishwashing area must be provided by either a combination of general ventilation and the exhaust from the mechanical dishwasher or by general ventilation. If dishwasher hood ventilation is needed to meet the minimum air changes per hour, the hood must be operating at all times that the dishwashing area is in use.

Subp. 3. Exhaust ducts. All exhaust ducts must be provided with access panels for cleaning.

### 4658.4540 LAUNDRY AREA; NEW CONSTRUCTION.

Air in the laundry must be vented away from the finishing and ironing area and toward the extracting and washing area. The general air movement must be from the clean area to the soiled area, and must be of sufficient volume to remove steam, odors, and excessive heat. Dryers must be provided with a lint collector. Horizontal exhaust ducts must exhaust to the outside. The ducts must be provided with access panels for cleaning.

### 4658.4545 MECHANICAL ROOMS; NEW CONSTRUCTION.

Mechanical rooms with equipment using liquefied petroleum gas (LPG) or flammable liquid fuels producing vapors heavier than air must be provided with continuous mechanical outdoor air ventilation that provide a pressure which is equal to or greater than atmospheric, to remove accumulations of gas or vapor at the floor level. A relief or exhaust vent must be located within 12 inches below the ceiling, and a relief or exhaust vent must be located within 12 inches above the floor.

### 4658.4550 FILTERS; NEW CONSTRUCTION.

Subpart 1. Air supply. All air supplied to the nursing home must be free from harmful particulate matter, any type of combustion products or contaminants, obnoxious odors, or exhausted air from the building or adjoining property.

Subp. 2. Filters. All outside air introduced into living and service areas of a nursing home must be filtered. Return air to central ventilation systems must be filtered. All central ventilation or air conditioning systems must be equipped with filters having efficiencies that comply with subpart 3. The filter bed must be located upstream of the air conditioning equipment, unless a prefilter is employed. If a prefilter is employed, the prefilter must be upstream of the equipment and the main filter may be located further downstream. Filter frames must be durable and carefully dimensioned and must provide an airtight fit with the enclosing ductwork.

Subp. 3. Filter efficiencies.

#### FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR CONDITIONING EQUIPMENT SYSTEMS

<u>Area Designation</u>	<u>Minimum Number of Filter Beds</u>	<u>Minimum Filter Efficiency (percent) Main Bed</u>
<u>Resident care, treatment, diagnostic, and related areas</u>	1	80
<u>Food preparation areas and laundries</u>	1	80
<u>Administrative, bulk storage, soiled utility areas</u>	1	30

All filter efficiencies must be average atmospheric dust spot efficiencies tested according to the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. (ASHRAE) Standard No. 52-76.

Subp. 4. Autoclave room. If there is a large autoclave in the nursing home, it must be located in a separate room provided with supply and exhaust ventilation. If an autoclave is built into a separate equipment room, the equipment room must be provided with exhaust ventilation.

#### **4658.4590 PENALTIES FOR MECHANICAL SYSTEMS; NEW CONSTRUCTION RULE VIOLATIONS.**

A \$200 penalty shall be assessed on a daily basis for violations of parts 4658.4500 to 4658.4550.

#### **ELECTRICAL SYSTEMS; NEW CONSTRUCTION**

#### **4658.4600 DISTRIBUTION PANEL BOARDS; NEW CONSTRUCTION.**

Subpart 1. Circuit index. All circuits in light and power panels must be identified with a typewritten index. Doors on electrical panel boards accessible to residents must be equipped with a lock.

Subp. 2. Panel boards. Lighting and appliance panel boards must be provided for the circuits on each floor, except for emergency system circuits.

#### **4658.4605 CORRIDOR RECEPTACLES; NEW CONSTRUCTION.**

Single receptacles on a separate circuit for equipment such as floor cleaning machines must be installed approximately 50 feet apart in all corridors and within 25 feet of ends of corridors.

#### **4658.4610 SWITCHES AND RECEPTACLES; NEW CONSTRUCTION.**

Switches must be placed between 42 inches and 48 inches above the floor. Convenience outlets for electrical appliances must be located to avoid danger in wet areas.

#### **4658.4615 INTERIOR LIGHTING; NEW CONSTRUCTION.**

A source of lighting must be provided in every room in the nursing home. Lighting levels in all areas of the nursing home must be adequate and comfortable. "Adequate lighting" means levels of illumination suitable to tasks the resident chooses to perform or the nursing home staff must perform. The installation of rheostats to provide varying levels of illumination in resident areas deemed appropriate by the nursing home is acceptable. "Comfortable lighting" means lighting that minimizes glare and provides maximum resident control, where feasible, of the intensity, location, and direction of illuminations so that visually impaired residents can maintain or enhance independent functioning.

The design of the lighting system must:

- A. minimize direct, reflected, and contrast glare;
- B. provide consistent and even illumination of wall surfaces and floors;
- C. be residential in appearance;
- D. incorporate lamp colors that do not distort the true color of people, objects, or architectural elements; and
- E. be energy efficient.

Where feasible, indirect lighting by fluorescent lamps concealed by architectural molding or wall sconces is preferred. Electronic ballasts must be used for all fluorescent light fixtures. Full spectrum fluorescent and halogen lamps must not be used for task lighting. The lighting system must use natural light to the fullest extent possible in conjunction with artificial lighting. Illumination levels at transitions between outside daylight and interior light levels at entry ways must be equalized.

#### **4658.4620 FIRE ALARM SYSTEMS; NEW CONSTRUCTION.**

Fire alarm systems and sprinkler systems must be provided in accordance with chapter 1305.

#### **4658.4625 BEDROOM RECEPTACLES; NEW CONSTRUCTION.**

Each resident bedroom must have a minimum of two duplex receptacles mounted on the wall at the head of the bed, and one receptacle mounted on each side of the bed, for a total of four electrical outlets per bed. In addition to the receptacles at the head and side of each bed, each resident bedroom must be provided with two additional duplex receptacles, conveniently located on adja-

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

## **Proposed Rules**

cent walls for resident use. At least one receptacle must be located between 16 inches and 20 inches above the floor, and be accessible for resident use.

### **4658.4630 NIGHT LIGHTS; NEW CONSTRUCTION.**

Each resident bedroom must be provided with a night light.

### **4658.4635 NURSE CALL SYSTEM; NEW CONSTRUCTION.**

The nurses' station must be equipped with a communication system designed to receive calls from the resident and nursing service areas required by this part. The communication system, if electrically powered, must be connected to the emergency power supply. Nurse calls and emergency calls must be capable of being inactivated only at the points of origin. A central annunciator must be provided where the door is not visible from the nurses' station.

A. A nurse call must be provided for each resident's bed. Call cords, buttons, or other communication devices must be placed where they are within reach of each resident. A call from a resident must register at the nurses' station, activate a light outside the resident bedroom, and activate a duty signal in the medication room, nourishment area, clean utility room, soiled utility room, and sterilizing room. In multicorridor nursing units, visible signal lights must be provided at corridor intersections.

B. An emergency call must be provided in each resident toilet room, in all areas used for resident bathing, dayrooms, therapy areas, and activity areas. If a pull cord is provided it must extend to within six inches above the floor. A push-button type emergency call must be installed at a height of 24 inches. An emergency call must register a call from a resident at the nurses' station, activate a duty signal in the medication room, nourishment area, clean utility room, soiled utility room, and sterilizing room, and activate a signal light by the bedroom door. The emergency duty signal must provide a visual signal light and an audible alarm.

C. If a nurse call system provides two-way voice communication, it must be equipped with an indicator light at each call station which lights and remains lighted as long as the voice circuit is operating. Nurse calls of this type may be capable of being inactivated at the nurses' station.

### **4658.4640 EMERGENCY ELECTRIC SERVICE; NEW CONSTRUCTION.**

To provide electricity during an interruption of the normal electrical power supply that affects medical care, or safety of the occupants, an emergency source of electrical power must be provided and connected to certain circuits for lighting and the nurse call system. The emergency system must provide lighting for the nurses' station, telephone switchboard, resident corridors, exits, the boiler or heating system room, and, if provided, the emergency generator room. The emergency electrical service must assure functioning of the fire detection, alarm, and suppression systems, and the life support systems. Emergency electrical service must be provided by one of the following methods:

- A. a battery-operated system with automatic controls and recharging if effective for four or more hours; or
- B. an on-site emergency generator.

The emergency generator, if provided, must be operated and tested in accordance with the manufacturer's instructions. It is recommended that the emergency generator system include all items necessary for the functioning of the heating system. An automatic transfer switch is recommended.

### **4658.4690 PENALTIES FOR ELECTRICAL SYSTEMS; NEW CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.4600 to 4658.4640 shall be assessed on a daily basis and are as follows:

- A. part 4658.4600, subpart 1, \$50;
- B. part 4658.4600, subpart 2, \$200;
- C. parts 4658.4605 to 4658.4630, \$200; and
- D. parts 4658.4635 and 4658.4640, \$350.

### **EXISTING CONSTRUCTION RESIDENT AREAS; EXISTING CONSTRUCTION**

#### **4658.5000 BEDROOM DESIGN, EXISTING CONSTRUCTION.**

Subpart 1. Design. Each resident bedroom must be designed and equipped for adequate nursing care, comfort, and privacy of residents, including full visual privacy of residents.

Subp. 2. Usable floor area. The usable floor area per bed must be at least 70 square feet for three- or four-bed rooms, at least 80 square feet for two-bed rooms, and at least 100 square feet for single bedrooms. The usable floor area and the arrangement and shape of the bedroom must provide space for furnishings, for the free movement of residents with physical handicaps, and for nursing procedures. "Usable floor area" does not include spaces occupied by toilet rooms, vestibules, permanently installed wardrobes, lockers, closets, or heating units.



Subp. 3. Access to exit. Each bedroom must have direct access to an exit corridor.

Subp. 4. Bedroom shape. The shape of the bedroom must allow for the capability of a bed arrangement which provides at least three feet of floor space at both sides and the foot end of each bed.

Subp. 5. Distance from nurses' station. Resident bedrooms must be located within 140 feet from the nurses' station.

**4658.5005 BEDROOM DOOR LOCKS; EXISTING CONSTRUCTION.**

Subpart 1. Written policy. A nursing home must develop a written policy regarding the use of locks on resident bedroom doors. The policy must address whether or not doors can be locked while the resident is in the room.

Subp. 2. Door locks. Door locks must permit exit from the room by a simple operation without the use of a key. Door locks must be openable with a master key which is located at each nurses' station.

**4658.5010 CLOTHES WARDROBE OR CLOSET; EXISTING CONSTRUCTION.**

A nursing home must provide each resident with individual wardrobe or closet space in the resident's bedroom with clothes racks and shelves accessible to the resident. Locks may be provided, with keys for the residents, when a pass key is provided at the nurses' station.

**4658.5015 CORRIDOR HANDRAILS; EXISTING CONSTRUCTION.**

Securely anchored, durable handrails must be provided on both sides of corridors used by residents. If a length of corridor space between doorways is 60 inches or less, a handrail is not necessary for that portion of the corridor.

**4658.5020 NURSING AREA; EXISTING CONSTRUCTION.**

Subpart 1. Nurses' station. At least one nurses' station must be provided per resident floor. A nurses' station may serve more than one nursing area on the same floor if the maximum distance from resident bedrooms does not exceed that required in part 4658.5000, subpart 5. The nurses' station must be equipped to receive resident calls through a communication system from resident rooms and toilet and bathing facilities.

Subp. 2. Clean utility room. A clean utility room must be provided within each nursing area.

Subp. 3. Soiled utility room. A separate soiled utility room must be provided within each nursing area. It must contain hand-washing facilities and a clinical service sink for disposal of waste materials and the cleanup of soiled linen and utensils. Cabinets and shelving must be provided for the storage of materials and supplies.

**4658.5025 TOILET ROOMS AND SANITARY FIXTURES; EXISTING CONSTRUCTION.**

A nursing home must have at least one water closet and one lavatory for eight beds, and at least one shower or tub for 20 beds. When the licensed bed capacity is increased, the requirements under part 4658.4135 apply to the new addition. In resident toilet rooms where grab bars or towel bars are not provided, bars must be installed according to part 4658.4145 to the extent that the room arrangements will permit. A toilet room must have a lavatory and all lavatories must be provided with hot and cold water.

**4658.5030 CENTRAL BATHING AREA; EXISTING CONSTRUCTION.**

Subpart 1. Fixtures. Bathing fixtures must be provided in accordance with part 4658.5025.

Subp. 2. Bathing areas.

A. In bathing areas with more than one fixture, each bathtub or shower area must have privacy curtains or wall dividers.

B. Bathtubs and showers must have a nonslip bottom or floor surface, and at least one grab bar, securely anchored, must be provided at each fixture.

C. If a water closet is located within an open area with multiple bathing fixtures, the toilet area must have privacy curtains or stall partitions.

**4658.5035 HANDWASHING FACILITIES; EXISTING CONSTRUCTION.**

Handwashing facilities must be available for persons providing services to residents. Single-service towels must be available. Use of a common towel is prohibited.

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

## **Proposed Rules**

### **4658.5040 ROOM LABELING; EXISTING CONSTRUCTION.**

All bedrooms must be labeled using a system of numbers. All service rooms must be labeled.

### **4658.5090 PENALTIES FOR RESIDENT AREAS; EXISTING CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.5000 to 4658.5040 shall be assessed on a daily basis and are as follows:

- A. part 4658.5000, subpart 1, \$200;
- B. part 4658.5000, subpart 2, \$150;
- C. part 4658.5000, subpart 3, \$200;
- D. part 4658.5000, subpart 4, \$200;
- E. part 4658.5000, subpart 5, \$150;
- F. part 4658.5005, subpart 1, \$100;
- G. part 4658.5005, subpart 2, \$500;
- H. part 4658.5010, \$150;
- I. part 4658.5015, \$200;
- J. part 4658.5020, subpart 1, \$150;
- K. part 4658.5020, subparts 2 and 3, \$200;
- L. part 4658.5025, \$150;
- M. part 4658.5030, subpart 2, item A, \$150;
- N. part 4658.5030, subpart 2, item B, \$200;
- O. part 4658.5030, subpart 2, item C, \$150;
- P. part 4658.5035, \$200; and
- Q. part 4658.5040, \$50.

### **SUPPORTIVE SERVICES; EXISTING CONSTRUCTION**

#### **4658.5100 DINING, DAYROOM, AND ACTIVITY AREAS; EXISTING CONSTRUCTION.**

Subpart 1. Area. A nursing home must provide areas for dining, dayroom, and activities.

Subp. 2. Space for adult day care. Additional space must be provided, in accordance with part 9555.9730, for dining, dayroom, and activity areas if the nursing home is offering an adult day care program.

#### **4658.5190 PENALTIES FOR SUPPORTIVE SERVICES; EXISTING CONSTRUCTION RULE VIOLATIONS.**

A \$150 penalty shall be assessed on a daily basis for violations of part 4658.5100.

### **DIETARY, LAUNDRY, AND OTHER FACILITIES; EXISTING CONSTRUCTION**

#### **4658.5200 FOOD SERVICE EQUIPMENT; EXISTING CONSTRUCTION.**

Subpart 1. Food service equipment. All food service equipment being replaced must be of a type that complies with the requirements of part 4658.3500, subpart 3.

Subp. 2. Cutting boards. Cutting boards or similar use table tops must be constructed of nonporous, smooth, and cleanable material, and be free of cracks, crevices, and open seams.

Subp. 3. Scullery sink. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with at least three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Drain boards must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities. If the mechanical dishwasher or a mechanical utensil washer is used for the sanitizing of pots and pans, a sanitizing compartment is not required and a two-compartment scullery sink is acceptable if used according to parts 4658.0675 and 4658.0680.

#### **4658.5205 LAUNDRY; EXISTING CONSTRUCTION.**

A laundry, if provided in the nursing home, must be sized and equipped to handle the laundering of all linen and personal clothing to be processed in the nursing home.

**4658.5210 SOILED LINEN COLLECTION ROOM; EXISTING CONSTRUCTION.**

A separate, enclosed soiled linen room must be provided for the collection, storage, and sorting of soiled linen to be processed in the laundry processing room or by an outside laundry service.

**4658.5215 LAUNDRY EQUIPMENT; EXISTING CONSTRUCTION.**

Laundry equipment must be of commercial type and must be of sufficient size and quantity for the size of the facility. The washer installation must be constructed of materials capable of meeting the operating requirements in part 4658.1410. Any new or replacement washer must be capable of measuring and displaying internal water temperatures.

**4658.5220 CLEAN LINEN STORAGE; EXISTING CONSTRUCTION.**

Rooms, closets, or enclosed carts must be provided for the storage of clean linen.

**4658.5225 LAUNDRY FOR PERSONAL CLOTHING; EXISTING CONSTRUCTION.**

Provision must be made for the washing of personal clothing either within or outside the facility. Residential-grade equipment may be used for the washing of personal clothing.

**4658.5230 REFUSE; EXISTING CONSTRUCTION.**

Subpart 1. Refuse area. An outside, fenced area or a separate room must be provided for holding trash and garbage prior to disposal. It must be located conveniently to the service entrance and be sized to accommodate the refuse volume and the chosen type of disposal system.

Subp. 2. Incinerator. An incinerator, if provided, must be in a separate room, or in a designated area within the boiler or heater room, or outdoors. An incinerator, if provided, must comply with parts 7011.1201 to 7011.1285.

**4658.5235 FACILITIES FOR PERSONNEL; EXISTING CONSTRUCTION.**

Locker and toilet facilities must be provided for personnel.

**4658.5240 REHABILITATIVE SERVICES AREAS; EXISTING CONSTRUCTION.**

Subpart 1. Specialized rehabilitative therapy area. A specialized rehabilitative therapy service, if provided, must be provided space and equipment for exercise and treatment which meets the needs of a medically directed therapy program and of the residents receiving services. Each treatment area must be designed and equipped to protect residents' visual privacy. A lavatory or sink must be conveniently located to all rehabilitative service areas. Space for administrative activities and storage of supplies and equipment must be provided for any rehabilitative service provided.

Subp. 2. Physical therapy area. A physical therapy area, if provided, must have a lavatory or sink with institutional fittings and a single-service towel dispenser. A toilet room must be located convenient to the physical therapy area.

**4658.5245 BARBER AND BEAUTY SHOP SERVICES ROOM; EXISTING CONSTRUCTION.**

In buildings constructed after 1972, a room must be provided and equipped for barber and beauty shop services.

**4658.5290 PENALTIES FOR DIETARY, LAUNDRY, AND OTHER SERVICES; EXISTING CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.5200 to 4658.5245 shall be assessed on a daily basis and are as follows:

- A. parts 4658.5200 to 4658.5220, \$200;
- B. part 4658.5225, \$100; and
- C. parts 4658.5230 to 4658.5245, \$150.

**CONSTRUCTION DETAILS; EXISTING CONSTRUCTION****4658.5300 AREA HEAT PROTECTION; EXISTING CONSTRUCTION.**

Floors and walls for resident living areas which are overheated due to adjoining heat sources must be insulated or otherwise protected to prevent the surface from exceeding a temperature of 85 degrees Fahrenheit.

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

## **Proposed Rules**

---

---

### **4658.5305 NONSKID SURFACES; EXISTING CONSTRUCTION.**

Stairways, ramps, bathtubs, and showers must have nonslip surfaces.

### **4658.5310 GLASS PROTECTION; EXISTING CONSTRUCTION.**

All full height windows, glass partitions, or glass doors must have decals or markings.

### **4658.5315 CEILINGS, WALLS, AND FLOORS; EXISTING CONSTRUCTION.**

Ceilings, walls, and floors must be of a type or finish to permit good maintenance including frequent washing, cleaning, or painting. Walls in areas subject to local wetting must have a hard, nonabsorbent surface. Floors in areas subject to local wetting must be finished with a smooth, hard, nonslip, nonabsorbent surface. In dietary areas, floor surfaces must be grease resistant. Carpeting in resident areas must be of high density, low-pile construction which is cleanable and facilitates wheeled traffic.

### **4658.5390 PENALTIES FOR CONSTRUCTION DETAILS; EXISTING CONSTRUCTION RULE VIOLATIONS.**

A \$200 penalty shall be assessed on a daily basis for violations of part 4658.5300.

## **HEATING AND VENTILATION SYSTEMS; EXISTING CONSTRUCTION**

### **4658.5400 HEATING SYSTEM; EXISTING CONSTRUCTION.**

The heating system must be capable of maintaining a minimum temperature of 71 degrees Fahrenheit in all resident areas during the heating season.

### **4658.5405 VENTILATION REQUIREMENTS; EXISTING CONSTRUCTION.**

Existing facilities must have mechanical exhaust ventilation in the kitchen, laundry, soiled linen collection room, soiled utility rooms, and toilet areas, except if the toilet area is private or semiprivate, and is provided with window ventilation. Ventilation must be provided according to part 4658.4520.

### **4658.5410 MECHANICAL ROOMS; EXISTING CONSTRUCTION.**

Mechanical rooms below grade, located in buildings constructed after 1972, with equipment using liquefied petroleum gas, must have continuous mechanical ventilation providing a pressure which is equal to or greater than atmospheric.

### **4658.5415 FILTERS; EXISTING CONSTRUCTION.**

All air supplied to the nursing home must be free from harmful particulate matter, any type of combustion products or contaminants, obnoxious odors, or exhausted air from the building or adjoining property.

### **4658.5490 PENALTIES FOR HEATING AND VENTILATION SYSTEMS; EXISTING CONSTRUCTION RULE VIOLATIONS.**

A \$200 penalty shall be assessed on a daily basis for violations of parts 4658.5400 to 4658.5415.

## **ELECTRICAL SYSTEMS; EXISTING CONSTRUCTION**

### **4658.5500 DISTRIBUTION PANEL BOARDS; EXISTING CONSTRUCTION.**

All circuits in light and power panels must be identified with a typewritten index. Doors on electrical panel boards accessible to residents must be equipped with a lock.

### **4658.5505 INTERIOR LIGHTING; EXISTING CONSTRUCTION.**

A source of interior lighting must be provided in every room in the nursing home. Each resident bedroom must be provided with a reading light for each occupant. Lighting levels in all areas of the nursing home must be suitable to tasks the resident chooses to perform or the nursing home staff must perform. A nursing home may install rheostats to provide varying levels of illumination in resident areas.

### **4658.5510 FIRE ALARM SYSTEMS; EXISTING CONSTRUCTION.**

Fire alarm systems and sprinkler systems must be provided according to chapter 1305.

### **4658.5515 NURSE CALL SYSTEM; EXISTING CONSTRUCTION.**

A communication system must be provided in a nursing home. It must register a call from the resident at the nursing station and activate a signal light by the bedroom door.

### **4658.5520 EMERGENCY ELECTRIC SERVICE; EXISTING CONSTRUCTION.**

To provide electricity during an interruption of the normal electrical power supply that affects medical care, or safety of the occupants, an emergency source of electrical power must be provided and connected to certain circuits for lighting and the nurse call system. The emergency system must provide lighting for the nursing areas, telephone switchboard, resident corridors, exits, the

boiler or heating system room, and, if provided, the emergency generator room. The emergency electrical service must assure functioning of the fire detection, alarm, and suppression systems, and the life support systems. Emergency electrical service must be provided by one of the following methods:

- A. a battery-operated system with automatic controls and recharging if effective for four or more hours; or
- B. an on-site emergency generator.

The emergency generator, if provided, must be operated and tested according to the manufacturer's instructions. It is recommended that the emergency generator system include all items necessary for the functioning of the heating system. An automatic transfer switch is recommended.

#### **4658.5590 PENALTIES FOR ELECTRICAL SYSTEMS; EXISTING CONSTRUCTION RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.5500 to 4658.5520 shall be assessed on a daily basis and are as follows:

- A. part 4658.5500, \$50;
- B. parts 4658.5505 and 4658.5510, \$200; and
- C. parts 4658.5515 and 4658.5520, \$350.

### **CHAPTER 4660**

#### **DEPARTMENT OF HEALTH**

#### **NURSING; BOARDING CARE HOMES; PHYSICAL PLANT**

##### **4660.0090 SCOPE.**

The rules in This chapter 4660 apply applies to both nursing homes and boarding care homes unless otherwise indicated.

##### **4660.3900 SANITARY FIXTURES.**

Subpart 1. **Existing facilities.** The number of sanitary fixtures shall not be less than: one water closet and one lavatory for eight beds, and one shower or tub for 20 beds.

When the licensed capacity is increased, the requirement under subpart 2 shall apply to the new addition. In resident toilets where grab bars or towel bars are not provided, such bars shall be installed in accordance with part ~~4660.2600~~ 4658.4145 to the extent that the room arrangements will permit.

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

##### **4660.7800 PLANT OPERATION AND MAINTENANCE FOR EXISTING AND NEW CONSTRUCTION.**

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

Subp. 3. **Illumination.** Lighting shall be provided and maintained throughout the facility in accordance with parts ~~4660.8410~~ 4660.8420 to 4660.8560 4660.8460.

[For text of subs 4 to 15, see M.R.]

##### **4660.8000 PLUMBING, NEW CONSTRUCTION.**

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

Subp. 3. **Sanitary fixtures.** The numbers and special types of sanitary fixtures required in the various areas are covered under parts ~~4660.1300~~ 4660.3400 to 4660.5810 ~~4660.5600~~. The material used for sanitary fixtures shall be smooth and nonabsorbent with a nonslip bottom surface in bathtubs and showers. Flush valves in living areas shall be of a quiet operating type.

[For text of subs 4 to 11, see M.R.]

##### **4660.8310 VENTILATION REQUIREMENTS.**

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

Subp. 2. **New construction.** Mechanical supply and exhaust ventilation shall be provided for all areas as indicated in part ~~4660.9930~~ 4660.9940. Areas not covered in this table shall be ventilated in accordance with the requirements in chapters 1300 to 1365, the State Building Code, 1971 edition. Areas indicated with equal or positive pressure relationship to adjacent areas shall be provided with tempered makeup air.

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

## Proposed Rules

### 4665.0900 RESIDENTS.

Supervised living facilities may accept as residents such persons as are described in part 4665.0100, subpart 10, but may not accept as residents, nor provide lodging to any of the following persons:

A. persons who have or are suspected of having a communicable disease or a disease endangering the health of other residents;

B. persons who require nursing care as defined in ~~commissioner of health rules, part 4655.0100, subpart 8~~ Minnesota Statutes, section 144A.01, subdivision 6, except for brief episodic periods.

Examples of nursing care: bedside care, including administration of medications, irrigations and catheterizations, applications of dressings or bandages; rehabilitative nursing techniques; and other treatments prescribed by a physician which require technical knowledge, skill, and judgment as possessed by a registered nurse.

### 9050.0040 DEFINITIONS.

[For text of subs 1 to 82, see M.R.]

Subp. 83. **Nursing care.** "Nursing care" has the meaning given it in ~~part 4655.0100, subpart 8, item B,~~ and *Minnesota Statutes*, section 144A.01, subdivision 6.

[For text of subs 84 to 120, see M.R.]

### 9050.1070 RESIDENT RIGHTS AND RESPONSIBILITIES.

[For text of subs 1 to 22, see M.R.]

Subp. 23. **Laundry service.** Boarding care residents must have access to laundry facilities in the domiciliary units for the laundering of personal clothing. The administration of each facility may determine and post hours for use of the laundry facilities.

Each resident must be provided clean linens weekly, or as needed, according to parts ~~4655.8000 and 4655.8300,~~ 4658.1405, and 4658.1410. Boarding care residents may choose to launder their own linens.

Laundry services consisting of laundering of linens and personal clothing must be provided to nursing care residents.

[For text of subs 24 to 39, see M.R.]

**REPEALER.** *Minnesota Rules*, parts ~~4655.0100, subparts 4, 8, and 10; 4655.7500; 4655.8000; 4655.9070; 4655.9300; 4655.9320; 4655.9321; 4655.9322; 4655.9323; 4655.9324; 4655.9325; 4655.9326; 4655.9327; 4655.9328; 4655.9329; 4655.9330; 4655.9331; 4655.9332; 4655.9333; 4655.9334; 4655.9335; 4655.9336; 4655.9337; 4655.9338; 4655.9339; 4655.9341; 4660.1300; 4660.1400; 4660.1410; 4660.1420; 4660.1430; 4660.1440; 4660.1450; 4660.1460; 4660.1470; 4660.1480; 4660.1500; 4660.1600; 4660.1700; 4660.1800; 4660.1900; 4660.2000; 4660.2100; 4660.2200; 4660.2300; 4660.2400; 4660.2500; 4660.2600; 4660.2610; 4660.2620; 4660.2630; 4660.2640; 4660.2700; 4660.2800; 4660.2900; 4660.3000; 4660.3100; 4660.3200; 4660.3300; 4660.5700; 4660.5800; 4660.5810; 4660.7600; 4660.8010; 4660.8300; 4660.8380; 4660.8410; 4660.8500; 4660.8510; 4660.8520; 4660.8530; 4660.8540; 4660.8550; 4660.8560; 4660.8700; 4660.9910; 4660.9920; and 4660.9930,~~ are repealed.

**EFFECTIVE DATE.** These rules are effective 90 days after the notice of adoption is published in the *State Register*.

## 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 Commerce

### Adopted Permanent Rules Governing Credit Involuntary Unemployment Insurance

The rules proposed and published at *State Register*, Volume 19, Number 52, pages 2472-2478, June 26, 1995 (19 SR 2472); and Volume 20, Number 2, page 42, July 10, 1995 (20 SR 42), are adopted with the following modifications:

#### Rules as Adopted

##### 2761.0200 DEFINITIONS.

Subp. 3. **Claims.** "Claims" means benefits payable under an involuntary employment unemployment policy, excluding adjustment expense or expenses or additions of any kind.

Subp. 4. **Claims incurred.** "Claims incurred" means claims paid appropriately adjusted for changes in claim reserves, including reserves for reported claims in process of settlement and ~~claims losses~~ incurred but not yet reported.

Subp. 9. **Premiums earned.** "Premiums earned" means total gross premiums received by the company reduced by premiums refunded or credited for termination before ~~expiry~~ expiration of the policy term, and appropriately adjusted for changes in policy reserves.

Subp. 11. **Waiting period.** "Waiting period" means the period of time between the effective date of a loan or, in the case of an open-end credit ~~vehicle~~ situation, an advance or increase in the amount of the loan, and the effective date of the insurance coverage.

##### 2761.0300 POLICY FORMS AND RELATED MATERIALS.

Subp. 3. **Eligibility statement.** Each individual policy or certificate of group insurance must, in addition to other requirements of *Minnesota Statutes*, section 62B.06, include a statement prominently displayed setting forth the following or its equivalent: "Your eligibility for coverage may be dependent upon your being eligible to receive state unemployment benefits. A change in your employment may affect your eligibility for benefits. If you have any questions, contact your insurance company." To be considered prominently displayed, this statement must be in a typeface that is distinctive or more bold than the surrounding typeface, or be contained in a separately blocked portion surrounded by a distinctive border.

##### 2761.0400 STANDARD BENEFIT PLANS.

Subpart 1. **General standard.** Benefits provided under credit involuntary unemployment insurance policies must be reasonable in relation to premiums charged. Premiums will be considered reasonable if they conform to the prima facie rates shown in part 2761.0700, or if a loss ratio of at least 50 percent is contemplated to be achieved. ~~Loss ratio is the ratio of~~ means incurred claims divided by earned premium.

Subp. 2. **Basic prima facie rates for closed-end credit are as reflected in part 2761.0700.** The premiums shown in part 2761.0700, Schedule A, may be used when credit involuntary unemployment insurance is issued in conjunction with any loan which has a specified maturity date whether the premiums are financed or otherwise collected on a monthly basis. To calculate the single premium rate when premiums are financed in a closed-end loan, insurers must multiply the rates shown in part 2761.0700, schedule A, by the term of the ~~loan~~ coverage in months. The basic plan of insurance to which this prima facie rate applies is as follows:

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

# Adopted Rules

C. Coverage for unemployment for any reason, except that coverage may be excluded for:

(12) a controlling stockholder of the employer or any of the dependents of the controlling stockholder. A person is a "controlling stockholder" if the person owns ten percent or more of the outstanding voting stock of the employer, ~~unless otherwise determined.~~

Subp. 3. **Basic prima facie rates for open-end credit.** The basic prima facie rate for credit involuntary unemployment insurance payable on a monthly outstanding balance basis in connection with open-end credit transactions is reflected in part 2761.0700, Schedule B. The basic plan of insurance to which this prima facie rate applies is as follows:

C. Coverage for unemployment for any reason, except that coverage may be excluded for:

(10) nuclear occurrence; ~~and~~

(11) natural disaster; ~~and~~

(12) a controlling stockholder of the employer or any of the dependents of the controlling stockholder. A person is a controlling stockholder if the person owns ten percent or more of the outstanding voting stock of the employer.

Subp. 5. **Joint coverage rates.** Joint coverage rates for credit involuntary unemployment insurance shall be ~~475~~ 185 percent of the specified single rate of coverage.

## 2761.0500 REFUNDS OF PREMIUM.

D. A refund of premium upon termination for any reason must be made for any portion of premium covering a period beyond any one of the following:

~~E. Termination must include termination for any reason.~~

## 2761.0700 PREMIUM RATES.

No policies of credit involuntary unemployment insurance issued after the effective date of this chapter shall be at a rate in excess of that set forth in this part except that benefit plans different from these basic benefit plans are subject to prior approval pursuant to part 2761.1100.

### Schedule A - Single Premium Advance System Monthly Rates per \$10 of Monthly Benefit Provided

Benefits Period in months	Nonretroactive Benefits for a 30-Day Elimination Period		Retroactive Benefits for a 30-Day Elimination Period	
	30-Day Waiting Period	60-Day Waiting Period	30-Day Waiting Period	60-Day Waiting Period
3	\$0.19	\$0.18	\$0.29	\$0.26
4	0.22	0.21	0.33	0.30
6	0.25	0.23	0.36	0.34
9	0.27	0.25	0.38	0.37
12	0.28	0.27	0.40	0.38

Single premium rates are determined by multiplying the above rates by the term of the loan in months.

### Schedule B - Outstanding Balance System Monthly Rates per \$10 of Monthly Benefit Provided

Benefits Period in months	Nonretroactive Benefits for a 30-Day Elimination Period		Retroactive Benefits for a 30-Day Elimination Period	
	30-Day Waiting Period	60-Day Waiting Period	30-Day Waiting Period	60-Day Waiting Period
3	\$0.23	\$0.21	\$0.33	\$0.31
4	0.26	0.24	0.38	0.35
6	0.29	0.27	0.42	0.40
9	0.31	0.30	0.45	0.43
12	0.33	0.31	0.47	0.45



---

---

## Adopted Rules

Rates stated as \$0.xx per \$100 outstanding balance per month should be consistent with the above rates. For example, if a credit card required a minimum payment of five percent of the balance, a rate of 40 cents per \$10 of monthly benefit could also be stated as 20 cents per \$100 of outstanding balance because \$10 is five percent of \$200. As another example, if the minimum required payment is three percent of the outstanding balance, the 40 cents per \$10 of monthly benefit rate translates to 12 cents per \$100 of outstanding balance. For purposes of this part, the following formula may be used:

$$r_m \equiv r_t \times 10_p$$

Where:  $r_m$   $\equiv$  monthly rate per \$100 of outstanding balance  
 $r_t$   $\equiv$  rate per \$10 of payment of term "t"  
 $p$   $\equiv$  percent of outstanding balance required as  
monthly payment expressed as a decimal

### 2761.0800 STANDARD PREMIUM RATE CHANGES; UNEMPLOYMENT RATE VARIABLE.

Premium rates in part 2761.0700, Schedules A and B, may be adjusted from time to time based on the application of the factors to be applied from variations in the state unemployment rate. Prima facie rates in part 2761.0700, Schedules A and B are based on a state unemployment rate in the 3.5 percent to 4.4 percent band. To the extent that the state unemployment rate falls in bands outside the 3.5 percent to 4.4 percent band, the following table shall be used to adjust part 2761.0700, Schedules A and B rates accordingly:

State Unemployment Rate	Factor to be Applied to Prima Facie Rates
Less than 3.5 percent	<del>0.80</del> <u>0.85</u>
3.5 to 4.4 percent	1.00
4.5 to 5.4 percent	1.25
5.5 to 6.4 percent	1.50
6.5 to 7.4 percent	1.75
7.5 to 8.4 percent	2.00
More than 8.4%	2.50

The source for the official state unemployment rate is the seasonally adjusted rate as published monthly in the United States Department of Labor, Bureau of Labor Statistics, Employment and Earnings, Table C-2, "Labor Force Status by State Seasonally Adjusted."

Rates must be modified by companies within 90 days after the publication date of Table C-2 containing the third consecutive month of changed unemployment in a different one of the above unemployment bands, although companies can choose not to increase rates even when permissible.

### 2761.1100 USE OF BENEFIT PLANS DIFFERENT FROM STANDARD BENEFIT PLANS.

An insurer may file for approval of and use benefit plans that differ from the basic benefit plans in part 2761.0700. Rates for these plans that differ must be actuarially consistent with the prima facie rates then in force and must be filed with a supporting actuarial memorandum as required by part 2761.0300. Different benefit plans and the rates filed with those plans shall not be used until those forms and rates are approved by the commissioner. A benefit plan that permits part-time employees who work up to 30 hours per week to be considered "unemployed" but still charges premiums at prima facie rates shall not be considered to differ from the basic benefit plans in part 2761.0700.

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

## Adopted Rules

# Department of Public Service

## Adopted Permanent Rules Governing Weights and Measures

The rules proposed and published at *State Register*, Volume 19, Number 36, pages 1841-1854, March 6, 1995 (19 SR 1841), are adopted with the following modifications:

### Rules as Adopted

#### 7601.0100 DEFINITIONS.

Subp. 3. **Commercial; commercial use; commercial purpose.** "Commercial," "commercial use," and "commercial purpose" refer to weights and measures used or located on premises where they could be used to:

A. determine the weight, measure, or count of commodities or things sold, offered, or exposed for sale, on the basis of weight, measure, or count; ~~and or~~

Subp. 21. **Weighing and measuring equipment.** "Weighing and measuring equipment" means all weights and measures of every kind, all instruments and devices for weighing and measuring, and any appliances and accessories associated with those instruments and devices, which are used, or located on premises where they could be used, to:

#### 7601.1000 NIST HANDBOOK 44 INCORPORATED BY REFERENCE.

Subpart 1. **NIST Handbook 44** ~~(1994)~~ (1995). Weighing and measuring equipment manufactured, offered, or exposed for sale or sold or given away for use in trade or commerce in Minnesota must conform to the requirements and specifications of NIST Handbook 44. NIST Handbook 44 ~~(1994)~~ (1995), "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," as adopted by the ~~77th~~ 79th National Conference on Weights and Measures and published by the United States Department of Commerce, National Institute of Standards and Technology, (Washington, D.C., October ~~1993~~ 1994), is incorporated by reference subject to the following exceptions:

A. If NIST Handbook 44 ~~(1994)~~ (1995) contains any provisions contrary to the laws of Minnesota, or contrary to any rule, except part 7601.1000, of the Minnesota Department of Public Service, Minnesota law and department rules govern and supersede contrary provisions of NIST Handbook 44.

B. The final sentence of NIST Handbook 44 ~~(1994)~~ (1995), section 2 (scale code), specification S.1.8.3., is deleted.

C. The director shall not enforce specifications and user requirements in NIST Handbook 44 ~~(1994)~~ (1995) that would require owners of motor fuel dispensers to install equipment capable of allowing the customer to select the unit price. These requirements are contained in section 3.30 (liquid measuring devices), specification S.1.6.4.1., specification S.1.6.5., specification S.1.6.5.4., and user requirement UR.3.3.

D. The user requirement UR.2.2, in section 3.31 of NIST Handbook 44 (1995) shall not apply so as to require a ticket printer on vehicle tank meters.

#### 7601.3015 APPLICATION.

The requirements in parts 7601.3020 and 7601.3030 apply only to railroad track scales that will be used to weigh individual, stationary rail cars, and do not apply to railroad track scales that will be used to weigh rail cars in motion.

#### 7601.3030 APPROACH RAILS AND PIERS.

Subp. 2. **Approach panels.** A reinforced concrete approach panel must be installed at each end of the scale. The panels must:

B. extend 25 feet from the scale foundation end walls; and

C. ~~be formed independently of the end walls, and rest on extensions of the end walls or on the scale foundation footings; and~~

~~D. be designed to maintain a permanent and level approach to the scale.~~

Pursuant to the provisions of Minnesota Statutes §14.101, 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

### Agronomy & Plant Protection Services Division

#### Notice of Re-scheduling of Minnesota Agricultural Chemical Response Compensation Board Meeting

NOTICE IS HEREBY GIVEN of the re-scheduling of the next meeting of the Agricultural Chemical Response Compensation Board (ACRRA Board). The ACRRA Board meeting will be held Wednesday, January 24, 1996; at the St. Paul Downtown Airport, Holman Field, 644 Bayfield, St. Paul, Minnesota, second floor conference room, at 9:00 a.m. The meeting was originally scheduled for January 17, 1996. Please call the ACRRA Program, (612) 297-3490 should you require additional information.

## Department of Economic Security and Department of Children, Families and Learning

### Governor's Workforce Development Council

#### By-Laws of the Governor's Workforce Development Council December 18, 1995

##### ARTICLE I

##### NAME

The name of the organization shall be called the "Governor's Workforce Development Council," hereinafter called the COUNCIL

##### ARTICLE II

##### AUTHORITY

The COUNCIL shall be established in accordance with provisions of *Minnesota Statutes*, Chapter 131, which outline its duties and responsibilities. Its authority is limited to the powers contained therein and special requests from the Governor all of which shall be subject to the Governor's approval.

##### ARTICLE III

##### PURPOSE

The purpose of the COUNCIL shall be to advise the Governor in the planning, coordination, review and evaluation of job training programs, statewide education and employment transitions programs, Minnesota youth services programs, and related issues as requested. The COUNCIL shall make recommendations pursuant to state and federal rules and regulations and respond to requests from the Governor and any other appropriate entities.

##### ARTICLE IV

##### RESPONSIBILITIES

The responsibilities of the COUNCIL are advisory, evaluative, and coordinative in nature and shall include, but not be limited to:

##### A. PLANNING

1. Recommend a Governor's Workforce Development Plan;
2. Recommend service delivery area designations;
3. Recommend resource allocation policies;
4. Recommend statewide and local performance standards and measures relating to applicable human investment programs;
5. Identify human investment needs throughout the state;
6. Recommend an annual statement of goals and objectives for job training and placement programs consistent with applicable rules and regulations for the Minnesota Workforce Center System;

## Official Notices

---

7. Recommend grants to local education and employment transition partnerships, including implementation grants, grants for youth apprenticeship, and youth employer grants;
8. Recommend youthworks grants;
9. Recommend a performance based quality assurance system for consistent statewide evaluation of the performance of the education and employment transitions system at both the state and local level; and
10. Promote education and employment transitions programs and knowledge and skills of entrepreneurship among employers, workers, youth, and educators, and encourage employers to provide meaningful work-based learning opportunities.

### B. COORDINATION

1. Develop and recommend to the Governor and appropriate legislative committees a statement of coordination criteria and strategy promoting coordination among human investment programs and services;
2. Recommend to the Governor and to the federal government waivers or changes in state or federal law, rules, or regulations concerning federal and state human resource investment programs that present barriers to achieving the development of a coordinated human resource investment system; and
3. Develop appropriate linkages with other programs and services.

### C. REVIEW AND EVALUATION

1. Provide review guidance for all job training-related programs in the state;
2. Review Workforce Center System implementation at the state and local level;
3. Review and comment on the State Employment Service agency plan consistent with Section 8C of the Wagner-Peyser Act as amended;
4. Sponsor appropriate studies to identify human investment needs in the State and recommend to the governor goals and objectives for meeting those needs;
5. Develop methods to assess local education and employment transitions partnership effectiveness;
6. Conduct an annual review of each local education and employment transitions partnership to ensure it adequately meets the quality assurance standards established as part of the State quality assurance system;
7. Evaluate and identify exemplary education and employment transitions programs and provide technical assistance to local partnerships to replicate the programs throughout the state; and
8. Review federal, state, and local education, post-secondary, job skills training, and youth employment programs, and make recommendations to the governor and the legislature for establishing an integrated seamless system for providing education, service-learning, and work skills development services to learners and workers of all ages.

### D. REPORTING

1. Submit annual reports on job training and local education transitions partnerships to the Governor and appropriate legislative committees; and
2. Issue other studies, reports, and documents as approved or requested by the Governor.

## ARTICLE V

### AFFIRMATIVE ACTION

The COUNCIL shall require compliance from all service providers and participating entities in programs under the purview of the COUNCIL to the Affirmative Action requirements set forth in the respective implementing laws or appropriate State statutes, whichever are more stringent

## ARTICLE VI

### MEMBERSHIP

#### A. APPOINTMENT AND TERMS

1. The Governor shall appoint all members of the COUNCIL.
2. Each member shall be appointed for a term of three years from the first day of January or June immediately following their appointment. Elected officials shall forfeit their appointment if they cease to serve in elected office.

#### B. MEMBERSHIP CATEGORIES

The COUNCIL shall have 32 members. In selecting the representatives of the Council, the Governor shall ensure that 50 percent of the members come from nominations provided by local workforce councils. Local education representatives shall come from

nominations provided by local education to employment partnerships. The 32 members shall represent the following statutorily required categories:

1. State Agencies:

The following five (5) individuals shall serve on the COUNCIL:

- a. Commissioner of the Minnesota Department of Economic Security;
- b. Commissioner of the Minnesota Department of Children, Families, and Learning;
- c. Commissioner of the Minnesota Department of Human Services;
- d. Commissioner of the Minnesota Department of Trade and Economic Development; and
- e. Chancellor of the Minnesota State Colleges and Universities.

2. Business and Industry

Six (6) individuals shall represent the business and industry sectors of Minnesota.

3. Organized Labor

Six (6) individuals shall represent labor organizations of Minnesota. Such individuals shall be selected from among nominations submitted by recognized state labor federations.

4. Community Based Organizations

Four (4) individuals shall represent community based organizations. Community based organizations are defined as private nonprofit organizations that are representative of communities or significant segments of communities and that provide job training services, agencies serving youth, agencies serving individuals with disabilities, agencies serving displaced homemakers, union-related organizations, and employer-related nonprofit organizations and organizations serving non-reservation Indian and tribal governments.

5. Education

Four (4) individuals shall represent the education sector of Minnesota as follows:

- a. One (1) individual shall represent local public secondary education;
- b. One (1) individual shall represent post-secondary education;
- c. One (1) individual shall represent secondary/post-secondary vocational education institutions; and
- d. One (1) individual shall have expertise in the design and implementation of school-based service learning.

6. Other

Two (2) individuals shall represent other constituencies including:

- a. Unit of local government; and
- b. Applicable state or local programs.

7. Legislature

The speaker and the minority leader of the Minnesota House of Representatives shall each appoint a representative to serve as an ex-officio member of the COUNCIL. The majority and minority leaders of the Minnesota Senate shall each appoint a senator to serve as an ex-officio member of the COUNCIL.

8. Corporation for National Service

After January 1, 1997, the Minnesota director of the Corporation for National Service shall also serve as an ex-officio member of the COUNCIL.

**C. TERMINATION AND RESIGNATION**

1. Any member who has been absent from three (3) meetings in one year shall be sent a letter inquiring about the reasons for absence and to determine future availability. Based upon the response, the Governor may terminate the member's appointment.
2. Any member may resign from the COUNCIL by sending a letter of resignation to the Governor, with a courtesy copy to the COUNCIL chairperson. The resignation shall become effective immediately or on the date specified.

**ARTICLE VII**

**REIMBURSEMENT**

Members of the COUNCIL are to be reimbursed as provided in *Minnesota Statutes* 15.059, subdivision 3.

## Official Notices

---

Eligible COUNCIL members may be reimbursed for expenses incurred as a result of required attendance at authorized meetings provided that:

1. Requests relate to expenses directly attributable to an official activity of the COUNCIL or its committees; and
2. Required forms and receipts are submitted with requests for payment.

Members shall be advised of their eligibility status relative to reimbursement of costs no later than the first COUNCIL meeting attended by such member.

### ARTICLE VIII

#### MEETINGS

##### A. REGULAR MEETINGS

A schedule for meetings shall be determined by the COUNCIL and shall meet at least four (4) times annually. Meetings shall be called by the COUNCIL chairperson or upon petition by ten (10) or more members of the COUNCIL with a stated purpose.

##### B. PUBLIC MEETINGS

All meetings of the COUNCIL and committees shall be open to the public. A public notice of regular meeting shall be published in appropriate media in accordance with the State of Minnesota law.

##### C. QUORUM

A quorum for conducting COUNCIL business shall require a simple majority of the current COUNCIL membership to be present at a duly called meeting.

### ARTICLE IX

#### COUNCIL CHAIRPERSON

The COUNCIL chairperson shall be appointed by the Governor and shall be a non-governmental member. The COUNCIL shall elect a vice-chairperson from non-governmental members.

In the absence of the COUNCIL chairperson and vice-chairperson at any COUNCIL meeting, the COUNCIL members shall nominate and elect, by a simple majority of the members present, a chairperson pro-tempore to preside at that meeting.

### ARTICLE X

#### VOTING PROCEDURES

##### A. GENERAL VOTING PROCEDURES

Each appointed COUNCIL member shall be permitted one vote to be cast by the COUNCIL member. There shall be no proxy voting. Regular voting procedure will be by voice vote. A division or roll call vote may be exercised at the request of any COUNCIL member.

The COUNCIL chairperson shall vote only to break a tie.

##### B. CONFLICT OF INTEREST

A member of the COUNCIL may vote on each matter presented to the COUNCIL for action, unless the member has or could possibly have a conflict of interest in connection with the matter to be voted upon. A "conflict of interest" shall mean that a vote on a matter could substantially affect the financial interests of the member or those of a business or organization with which he/she is associated, unless the effect on him/her is no greater than on other members of their business classification, profession or organization.

If a member of the COUNCIL feels that he/she may, or could be involved in a conflict as to a matter presented to the COUNCIL, he/she shall declare the conflict as soon as possible and abstain from voting thereon.

For the purpose of removing doubt concerning a possible conflict of interest, in case the matter or a similar matter should be presented to the COUNCIL for consideration in the future, such COUNCIL member shall:

1. Prepare a written statement describing the matter, action or decision on which he/she abstained from voting. He/she shall also outline therein the facts which give rise to his/her perceived conflict of interest and the reason or reasons thereof;
2. Submit the statement to the COUNCIL chairperson; and
3. The Chairperson shall submit the statement to the Commissioner of the Minnesota Department of Economic Security for an opinion as to whether a conflict of interest exists.

Should a member of the COUNCIL reasonably suspect that a member or members of the COUNCIL who had voted on the matter had a conflict of interest in connection therewith, he/she shall take the steps outlined in #1 and #2 above. The COUNCIL chairper-

son shall ask staff to investigate the matter and proceed with step #3 above if warranted. After receipt from the Commissioner, the Chairperson shall proceed with the matter as he/she deems appropriate.

#### ARTICLE XI

#### COUNCIL COMMITTEES

##### A. COMMITTEE STRUCTURE AND PROCEDURES

There shall be two types of COUNCIL Committees: Standing Committees, which shall be permanent, and Ad-Hoc Committees, which shall be established for a specified purpose and function.

###### 1. Standing Committees

Standing Committees shall meet at the call of the respective Committee chairperson. A majority of the officially appointed Committee members must be in attendance at a duly called meeting to constitute a quorum. A quorum will be required for an official vote at any Standing Committee meeting.

Standing Committees will be formed around the ongoing business needs of the Council. Committees will be responsible for addressing issues related to school to work transition services, welfare to work services and adult transitional services. Committee responsibilities will include: recommend policies; review and comment on plans and grants; recommend program outcomes; and evaluate the performance of services and systems.

###### 2. Ad-Hoc Committees

Ad-Hoc Committees and Task Forces may be formed by the COUNCIL for specified purposes to carry out COUNCIL responsibilities. Ad-Hoc Committees and Task Forces shall be dissolved by the COUNCIL upon acceptance of a final Committee or Task Force report.

##### B. COMMITTEE MEMBERSHIP

Membership on the COUNCIL Committees shall be comprised of the COUNCIL members proportionate to the COUNCIL's membership categories and any additional community representatives as agreed by the COUNCIL.

Members and Chairs of the Committees and Task Forces shall be appointed by the COUNCIL chair.

#### ARTICLE XII

#### EXECUTIVE COMMITTEE

##### A. MEMBERSHIP

The Executive Committee shall consist of the COUNCIL Chairperson, Vice-Chairperson and the Chairs of each of the Standing Committees of the COUNCIL.

##### B. RESPONSIBILITIES

The Executive Committee shall be the overall administrative and policy body between meetings of the COUNCIL. It shall make decisions which require action before the next regularly scheduled meeting of the COUNCIL. Its decisions shall be reviewed at the next meeting of the COUNCIL.

##### C. MEETINGS, QUORUM, AND VOTING

The Executive Committee shall meet at the call of the COUNCIL Chairperson, who shall also serve as Chairperson of the Committee.

Three-fifths of the members of the Executive Committee in attendance at a called meeting shall constitute a quorum.

Voting privileges shall be extended to all members participating personally or communicating with any audio or visual electronic device.

#### ARTICLE XIII

#### AMENDMENTS TO BY-LAWS

These By-Laws of the COUNCIL may be amended in whole or in part upon the Governor's announcement. The COUNCIL may initiate a request for a change(s) upon COUNCIL resolution defining the designed change(s). Minnesota Department of Economic Security staff shall notify the Minnesota Department of Economic Security Commissioner, who shall notify the Governor of the request. The Governor shall make a final determination and notify the COUNCIL.

#### ARTICLE XIV

#### RULES OF ORDER

The parliamentary authority for meetings of the COUNCIL shall be Robert's Rules of Order.

## Official Notices

---

---

### Housing Finance Agency

#### Notice of Public Hearing on the Low Income Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (MHFA) will hold a public hearing pursuant to Section 42 of the *Internal Revenue Code* of 1986, as amended. The public hearing will be held at the time and place listed below:

Friday, January 12, 1996  
10 a.m. - 12 p.m. - Jelatis North  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Low Income Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the Allocation Plan developed by MHFA, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of the MHFA. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Bloomington, Washington and Dakota Counties.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing.

Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of the Allocation Plan may be picked up at the address listed below and by mail or phone at (612) 297-3294, and by requesting a copy of the Low Income Housing Tax Credit Allocation Plan.

Minnesota Housing Finance Agency  
Multifamily Underwriting  
Low Income Housing Tax Credit Program  
400 Sibley Street, Suite 300  
St. Paul, MN 55101

### Department of Human Services

The following is a list of adds, deletes and changes to the current prior authorization list. The newly added and changed codes will require prior authorization on or after January 1, 1996

#### Prior Authorization List

As authorized by *Minnesota Statutes*, section 256B.0625, subdivision 25, the following list includes all health services that require prior authorization as a condition of MHCP payment. The list is presented in sections Added Codes, Deleted Codes, and Changed Codes. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.



This List of Health Services Requiring Prior Authorization is Presently in Effect. These Newly Added Codes will Require Prior Authorization for Services Provided on or After January 1, 1996.

**ADDED CODES**

<b>Service Code</b>	<b>Service Description</b>
Drug	Graniseton (after 4 weeks need pa)
G0061	Lung reduction surgery
21141	Reconstruction midface, Lefort I; single piece, segment movement in any
21142	Reconstruction midface, Lefort I; two pieces, segment movement in any
21143	Reconstruction midface, Lefort I; 3 or more pieces, segment movement in any
62350	Implantation, revision or repositioning of intrathecal or epidural catheter
62351	Implantation, revision, repositioning of intrathecal or epidural catheter
62355	Removal of previously implanted intrathecal or epidural catheter
62360	Implantation or replacement of device for intrathecal or epidural drug
62361	Implantation or replacement of device for intrathecal epidural drug
92510	Cochlear implant therapy. (50 hour speech limit before prior authorization.)
92526	Treatment of swallowing. (50 hour speech limit before prior authorization.)
92579	Visual reinforcement antiometry (Bill 1 unit per day. If more than 1, prior authorization is required.)
92987	Percutaneous balloon valvuloplasty - mitral valve (on investigative list).
97537	Community work reintegration training - 15 minute code. (50 hour occupational therapy threshold limit.)
97542	Wheelchair management propulsion training - 15 minute code. (30 hour physical therapy threshold limit.)
97703	Checkout for orthotic/prosthetic use - 15 minute code. (30 hour physical therapy threshold limit.)
97750	Functional capacity physical performance tests. (15 minute code.)

**DELETED CODES**

<b>Service Code</b>	<b>Service Description</b>
Drug	Factor IX
X4610	Speech therapeutic services. Deleted July, 1995.
X4612	Speech consultation. Deleted October 1, 1995.
X5510	Occupational therapy consultation. Deleted October 1, 1995.
97700	Training checkout, initial 30 minute each visit.
97701	Supplemental checkout, each additional 15 minutes.

**CHANGED CODES**

<b>Service Code</b>	<b>Service Description</b>
X4614	Changed to <u>92598</u> . Modification of voice prosthetic or augmentative/alternative communication.
X5517	Changed to <u>92597</u> . Evaluation for use and/or fitting of voice prosthetic or augmentative communication device. (1 service/year then prior authorization is required.)
95880	Changed to <u>96105</u> . Assessment of aphasia. (Part of the 50 hour occupational therapy threshold limit.)
97540 & 97541	Changed to <u>97535</u> . Activities of daily living. (Part of the 50 hour occupational therapy threshold limit.)

## Official Notices

---

### Department of Labor and Industry

#### Labor Standards Division

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

Effective January 2, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Beltrami:** Asbestos Removal in Steam Pipe Tunnels & Attached Mechanical Rooms-Bemidji State University-Bemidji.

**Chippewa:** Lac Qui Parle Wildlife Management Area and Park Headquarters-Watson.

**Hennepin:** Sheriff's Crime Laboratory-Minneapolis; Sheriff's Emergency Communication Center-Brooklyn Park; HCMC B Building Material Lift Conversion-Minneapolis; ISD 284 Wayzata East Junior High Fire Safety-Plymouth; Window Replacement and Masonry Restoration To Patrick Henry High School-Minneapolis; Elevator Maintenance/Medical Center-Minneapolis.

**Polk:** Dual Facility for Juveniles-Crookston.

**Ramsey:** Science Safety Law Improvements-St Paul.

**Rice:** East Wing Renovation, Noyes Hall, MN Academy for the Deaf-Faribault.

**St. Louis:** U of M Duluth/Seating Repair-Duluth; U of M Duluth/Window Replacement-Duluth; U of M Duluth/Roof Replacement-Duluth.

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, Commissioner

### Minnesota Comprehensive Health Association

#### Notice of Meeting of the Legislative and Public Policy Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association (MCHA), Legislative and Public Policy Committee will be held at 9:30 a.m., on Tuesday, January 9, 1996. The meeting will be at Bigelows Restaurant, I-94 & Hamline Avenue, St. Paul.

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

### Minnesota Board of Nursing

#### Notice of Meetings

**NOTICE IS HEREBY GIVEN** that the 1996 open meetings of the Minnesota Board of Nursing will be held at 9:00 a.m. at 2700 University Avenue W, Suite 108, St. Paul, Minnesota on the following dates:

February 2, 1996  
April 12, 1996  
June 7, 1996  
August 2, 1996  
October 4, 1996  
December 5, 1996

For additional information please call 612-642-0380.

### Public Employees Retirement Association

#### Board of Trustees, Notice of Meeting

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Monday, January 8, 1996 at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200, Saint Paul, Minnesota.

## Department of Public Service

### Request for Comments on Planned Amendment to Rule Governing Weights and Measures Fees *Minnesota Rules Chapter 7602*

**Subject of Rule.** The Department of Public Service requests comments on its planned amendment to rules governing Weights and Measures fees. The department is considering rule amendments that increase certain scale inspection fees, establish new fees for package inspection, and establish new fees for petroleum product quality tests performed at the request of a licensed petroleum distributor.

**Persons Affected.** The amendment to the rule would likely affect grocery and convenience stores, hardware stores, general retailers, specialty food shops, grain elevators, feed mills, fertilizer dealers, owners of six-section vehicle scales, railroads, government agencies that own and operate wheel-load weighers, liquefied petroleum gas dealers, dairies operating milk meters, placing-in-service registrants, metrology laboratory customers and licensed petroleum distributors who use the quality control services of the Weights and Measures Division petroleum laboratory. The department does not contemplate appointing an advisory committee to comment on the planned rule.

**Statutory Authority.** *Minnesota Statutes*, section 239.101 requires the department to adopt rules to ensure that fees are sufficient to recover all costs connected with weights and measures inspections.

**Public Comment.** Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on March 22, 1996. The department has prepared a draft of the planned rule amendment. Written or oral comments, questions, requests to receive a draft of the proposal, and requests for more information on this planned rule should be addressed to:

Michael Blacik, Director  
Weights and Measures Division  
2277 Highway 36  
Roseville, Minnesota 55113  
Telephone: (612) 639-4010  
Fax: (612) 639-4014

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 21 December 1995

Krista L. Sanda  
Commissioner

## Public Utilities Commission

### NOTICE AND ORDER FOR HEARING: In the Matter of the Application of Minnegasco, a Division of NorAm Energy Corporation, for a Certificate of Need for a Large Liquefied Gas Storage Facility DOCKET NO. G-008/CN-95-514 ISSUE DATE: December 22, 1995

Joel Jacobs	Chair
Tom Burton	Commissioner
Marshall Johnson	Commissioner
Dee Knaak	Commissioner
Don Storm	Commissioner

#### Procedural History

On December 4, 1995, Minnegasco filed an application for a certificate of need to construct, own, and operate a 7,000 Mcf/day propane-air, peak-shaving facility near Alexandria, Minnesota.

As part of the project, Minnegasco planned to build twelve 30,000 gallon propane storage tanks. This portion of Minnegasco's project fits the definition of "large energy facility" under *Minnesota Statutes* § 216B.2421, subd. 2(e). Minnegasco is therefore required under *Minnesota Statutes* § 216B.243 to obtain a certificate of need prior to siting or construction.

A copy of the Company's certificate of need application is on file in the offices of the Department of Public Service, Suite 200, 121 Seventh Place East, St. Paul, MN 55101-2145 and is open for public inspection during regular office hours.

## Official Notices

---

---

On December 14, 1995, this matter came before the Commission for consideration.

### Findings and Conclusions

#### I. Jurisdiction; Referral for Contested Case Proceedings

The Commission has jurisdiction over applications for certificates of need for large energy facilities under *Minnesota Statutes* § 216B.243. The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statutes* § 216B.243, subd. 4.

The Commission finds that it cannot satisfactorily resolve all issues raised by the Company's application on the basis of its filing and the single public hearing required under the statute. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

#### II. Issues to be Addressed

*Minnesota Statutes* § 216B.243 and *Minnesota Rules*, parts 7851.0010 to 7851.0400 set forth criteria which must be met to establish need for proposed large energy facilities, including the proposed propane storage tanks. Parties to this proceeding shall address whether the proposed facility meets these criteria.

#### III. Public Participation

*Minnesota Statutes* § 216B.243 encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application, and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated a staff member, David L. Jacobson, to coordinate public participation in this proceeding. Mr. Jacobson may be reached by telephone at (612) 297-4562 and by FAX at (612) 297-7073. His address is 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing and to submit testimony and exhibits. Persons who cannot attend the public hearing and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice of the public and evidentiary hearings in newspapers throughout the state, to encourage public participation.

#### IV. Procedural Outline

##### A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Judge Steve M. Mihalchick. His address and telephone number are as follows: Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138; (612) 349-2544.

##### B. Hearing Procedure

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62 (1994); the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, *Minnesota Rules*, parts 7829.0100 to 7829.3200. Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155, (612) 297-3000.

Under these rules parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules*, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with Judge Mihalchick within 20 days of the date of this Notice and Order for Hearing. Failure to appear at the hearing may result in facts and issues being resolved against the party who fails to appear.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions. They should take note that any material introduced into evidence may become public data unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2 (1994).

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under *Minnesota Rules*, part 1400.5900 should be directed to Margie Hendriksen, Special Assistant Attorney General, 121 Seventh Place East Suite 350, St. Paul, Minnesota 55101-2147, (612) 296-0410.

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

**C. Intervention**

Persons wishing to become formal parties to this proceeding shall promptly file petitions to intervene with Judge Mihalchick. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

**D. Prehearing Conference**

A prehearing conference will be held in this matter on Tuesday, January 16, 1996, at 9:30 A.M. in the Small Hearing Room at the Commission offices, 121 Seventh Place East Suite 350, St. Paul, Minnesota 55101-2147.

Persons intending to intervene in the matter should attend the conference, prepared to discuss time frames and scheduling. Other matters which may be discussed include the locations and dates of public hearings, discovery procedures, and similar issues.

**E. Time Constraints**

The Commission is required to approve or deny a certificate of need within six months of the submission of an application. *Minnesota Statutes* § 216B.243, subd. 5 (1994). The Commission asks the Office of Administrative Hearings to conduct contested case proceedings in light of these time constraints.

**F. Application of Lobbying Provisions**

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes* §§ 10A.01 et seq. (1994), apply to certificate of need proceedings. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Minnesota Ethical Practices Board, telephone number (612) 296-1720, with any questions.

**G. Ex Parte Communications**

Restrictions on ex parte communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at *Minnesota Rules*, parts 7845.7300-7845.7400, which all parties are urged to consult.

**H. Investigation by the Department of Public Service**

The Commission requests the Department of Public Service (the Department) to initiate an investigation to determine the reasonableness of granting a certificate of need to Minnegasco.

The Company shall facilitate the Department's investigation in every reasonable way.

All parties shall furnish adequate responses to all reasonable information requests from other parties within eight working days of receipt.

**ORDER**

1. A contested case proceeding shall be held on the Company's certificate of need application. The proceeding shall begin with a prehearing conference on Tuesday, January 16, 1996, at 9:30 A.M., in the Small Hearing Room, Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147.
2. The Commission requests the Department to initiate an investigation to determine the reasonableness of granting a certificate of need to Minnegasco. The Company shall facilitate the Department's investigation in every reasonable way.
3. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with the Commission.
4. All parties to this proceeding may serve information requests on any other party. Information requests shall be answered within eight working days of receipt.
5. Minnegasco shall provide notice of the public and evidentiary hearings in newspapers of general circulation at least ten days prior to the start of hearings. Such notice shall be in the form of visible display ads. The Company shall consult with Commission Staff on the timing, text, and distribution of such ads prior to publication. The Company shall file proofs of publication of such ads from the newspapers selected.
6. This Order shall become effective immediately.

By Order of the Commission

Burl W. Haar

Executive Secretary

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (612) 297-1200 (TDD/TTY) or 1 (800) 657-3782.

## Official Notices

---

### ATTACHMENT A

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION  
121 Seventh Place East Suite 350  
St. Paul, Minnesota 55101-2147

In the Matter of the Application of Minnegasco,  
a Division of NorAm Energy Corporation, for a  
Certificate of Need for a Large Liquefied Gas Storage Facility

MPUC Docket No. G-008/CN-95-514

OAH Docket No.

NOTICE OF APPEARANCE

Date of Hearing:

Name and Telephone Number of Administrative Law Judge:

Judge Steve M. Mihalchick  
(612) 349-2544

TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing.

NAME OF PARTY:

ADDRESS:

TELEPHONE NUMBER:

PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

OFFICE ADDRESS:

TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY: \_\_\_\_\_

DATE: \_\_\_\_\_

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by January 23, 1996. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1994 Annual Compilation and Statistical Report is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their

memberships, and statistical information about appointments and vacancies made during the 1994 fiscal year. The 1994 Annual Compilation also indicates members with terms that end in January 1995 as open for application; many of these positions may still be open. To order copies of the 1994 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

**MINNESOTA INDIAN SCHOLARSHIP COMMITTEE** 740 Capitol Square Bldg., St. Paul, MN 55101. 612-296-6458. *Minnesota Statutes* 124.48.

**APPOINTING AUTHORITY:** State Board of Education (10).

**COMPENSATION:** Reimbursed for expenses.

**VACANCY:** One vacancy: Member shall be appointed by the Grand Portage Reservation and endorsed by the Indian Affairs Council and shall be a representative of the American Indians.

The committee advises the State Board of Education on amounts and types of scholarships granted to American Indian post-secondary students, and in the State Board's duties in allocating monies for Indian post-secondary programs and Indian Teacher Training Programs. The committee consists of sixteen members as selected by the State Board of Education in consultation with the Minnesota Indian Affairs Council. The committee has up to six regularly scheduled meetings each year, at various statewide locations. The duration of the committee is determined by the State Board of Education per *Minnesota Statute* 124.48 subd. 3.

**PESTICIDE APPLICATOR EDUCATION AND EXAMINATION REVIEW BOARD** 90 W. Plato Blvd., St. Paul, MN 55107. 612-297-7175. *Minnesota Statutes* 18B.305, subd. 3.

**APPOINTING AUTHORITY:** Commissioner of Agriculture (04).

**COMPENSATION:** None.

**VACANCY:** One vacancy: Representing the Minnesota Farm Bureau Federation.

The Board reviews, revises and updates pesticide applicator training manuals and examinations, and discusses topics of concern that can be incorporated into pesticide applicator training. The board consists of fifteen members, representing industry, private, nonprofit organizations, and other governmental agencies, including the University of Minnesota, the Pollution Control Agency, Department of Health, Department of Natural Resources, and Department of Transportation. Membership on the board must include representatives from environmental protection organizations. The terms of members are indefinite. Quarterly meetings of approximately three hours, specific dates are set by the board. Meetings are held at the MN Department of Agriculture. The board does not expire.

**PIPELINE SAFETY ADVISORY COUNCIL** Dept. of Public Safety, Suite 1000, NCL Tower, 445 Minnesota St., St. Paul, MN 55101. 612-296-6642. *Minnesota Statutes* 299J.06.

**APPOINTING AUTHORITY:** Commissioner of Public Safety (23).

**COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One vacancy: State or local government representative.

The council advises the Commissioner, Director and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety and operation. The council consists of nine members including one member from the hazardous liquid pipeline industry, one member from the gas pipeline industry, one member from personnel who design or construct pipelines, three members who are state or local government employees, and three members who are state residents unaffiliated with state or local government or the pipeline or utility industries. The council expires June 30, 1997 per *Minnesota Statute* 15.059 subd. 5 as amended by *Laws of 1993*.

## Transportation Department

### DEBARMENT ORDER: In the Matter of the Proposed Debarment of Donald A. Crowther and TCM Construction, Inc.

To: Donald A. Crowther and TCM Construction, Inc., 3801 Portland Avenue South, Minneapolis, Minnesota 55407.

Commissioner of Transportation James N. Denn (hereinafter "Commissioner") alleges as follows:

1. The Commissioner has advised Donald A. Crowther and TCM Construction, Inc. (hereinafter "TCM") that as a result of Donald A. Crowther being convicted of a contract crime in *U.S. v. Crowther*, Case No. 4-95-64, the Commissioner has commenced formal debarment proceedings against Crowther and TCM in accordance with the provisions of *Minnesota Statutes* § 161.315 (1994) and *Minnesota Rules* pts. 1230.3000-1230.4300.

## State Grants

---

---

2. Crowther and TCM have been advised of their rights to a hearing and to present argument to the Office of Administrative Hearings in this matter. Crowther waived his right to a hearing by failing to send written notice of intent to appeal to the Commissioner. TCM provided notice of its intent to appeal, but dismissed that appeal on November 27, 1995. Both Crowther and TCM have been advised of their rights to be represented by legal counsel and have been represented by legal counsel in these proceedings.

3. TCM has consented to a one-year debarment to begin on December 18, 1995.

4. The following order constitutes a full and final resolution between the Department of Transportation and Donald A. Crowther and TCM Construction of all matters under the jurisdiction of the Commissioner of Transportation relating to the debarment proceeding.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to *Minnesota Statutes* § 161.315 (1994), and *Minnesota Rules* Pts. 1230.3000-1230.4300 that Donald A. Crowther and TCM Construction, Inc., shall be debarred from entering into or receiving a Minnesota Department of Transportation contract and from serving as a subcontractor or supplier of materials or services under such a contract for a period of one year. The debarment will commence on the date of the mailing of this order by the Minnesota Department of Transportation. Pursuant to *Minnesota Statutes* § 161.315, subd. 3 (1994), this debarment also applies to county, town, home rule and statutory city contracts for goods or services.

Dated: 12 December 1995

James N. Denn  
Commissioner of Transportation  
State of Minnesota

By:

Darryl E. Durgin  
Deputy Commissioner  
408 Transportation Building  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155  
(612) 296-8532

## State Grants

---

---

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

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

---

## Department of Administration

### Governor's Council on Developmental Disabilities

#### Request for Proposal for a Contract Relating to Leadership Development and Cultural Diversity

The Governor's Council on Developmental Disabilities is pleased to announce that it is seeking proposals from nonstate agencies or organizations that have an established and credible community presence, understand the significance and effects of cultural diversity and disability, and are committed to developing community leaders among family members of individuals from diverse racial and ethnic backgrounds. Applicants must have experience in leadership training, community organizing, and direct experience with racial and ethnic minority communities.

A total of \$75,000 in federal funds are available under provisions of the Developmental Disabilities Assistance and Bill of Rights Act of 1994 (P.L. 103-230). Two awards of approximately \$37,500 each will be made to the successful applicants.

Each project is for approximately a one year period beginning as soon as possible after March 15, 1996. Funds must be used to



implement a leadership training program for parents of young children with developmental disabilities who are also members of a racial or ethnic minority population.

For further information or to request a copy of the Request for Proposal, please contact:

Colleen Wieck, Executive Director  
Governor's Council on Developmental Disabilities  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 296-9964 (voice) or (612) 296-9962 (TTY)

## Department of Administration

### Governor's Council on Developmental Disabilities

#### Notice of Cosponsorship Grants for Statewide Conferences

The Governor's Council on Developmental Disabilities is pleased to announce the availability of a total of \$5,000 for cosponsorship of statewide training conferences in Minnesota that relate to individuals with developmental disabilities and family members. A maximum of \$1,000 may be awarded to an agency/organization that shows the need for funds in order to conduct a statewide training conference and meets other eligibility criteria. The Council reserves the right to award less than the maximum of \$1,000 to an applicant agency/organization, refuse to cosponsor a training conference, or withdraw the availability of funds at any time.

*An agency/organization that received a grant for a training conference held during FFY 1995 (October 1, 1994 - September 30, 1995) is NOT eligible to receive a grant during this funding cycle.*

Training conferences must be statewide and held between March 1 and September 30, 1996. Eligible applicants include national organizations that are holding a training conference in Minnesota; Minnesota chapters of national organizations; or Minnesota associations/organizations of providers, advocates, parents, self advocates, or professionals.

Training conferences that are eligible for and will be considered for cosponsorship must demonstrate and exemplify the concepts and values that are expressed in the Developmental Disabilities Assistance and Bill of Rights Act of 1994 (P.L. 103-230) and consistent with Council priorities, including:

- Consumer and family leadership;
- Self determination and interdependency;
- Integration, and inclusion and active participation of individuals with disabilities and family members in their communities;
- Productivity and personal contributions of individuals with disabilities and their families.

Funds may be used for training conference speakers who reflect these values, or scholarships for individuals with disabilities or family members to attend a training conference.

Completed applications must be received no later than 4:30 p.m. on Friday, February 2, 1996. Selection will be based on meeting all eligibility criteria and according to the date on which the application is received.

For additional information or to request an application form, please contact:

Colleen Wieck, Executive Director  
Governor's Council on Developmental Disabilities  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 296-9964 (voice) or (612) 296-9962 (TDD)

## Department of Health

### Division of Disease Prevention and Control AIDS/STD Prevention Services Section

#### Request for Proposals: 1996/1997 Community-Based HIV/STD Prevention Programs

NOTICE IS HEREBY GIVEN that the AIDS/STD Prevention Services Section, Division of Disease Prevention and Control, Minnesota Department of Health is seeking proposals from public and private agencies for HIV/STD prevention programming.

##### Purpose

The Minnesota Department of Health (MDH) has funds available for a 12-month period (June 15, 1996 - June 30, 1997) for Human Immunodeficiency Virus (HIV) and Sexually Transmitted Disease (STD) prevention programming within the following program categories:

1. **Injecting Drug Users**

Programs to prevent HIV/STD transmission among adults who are: injecting drug users, sexual partners of injecting drug users, and men who have sex with men who also use injectable drugs. All proposals submitted should include strategies that address all forms of chemical dependency or use within the target population, and should include strategies that specifically target injecting drug users who are also low income, homeless and/or undocumented.

2. **Youth at Risk**

Programs to prevent HIV/STD transmission among youth (ages 19 and under), who are: men who have sex with men, lesbian, sexual partners of men who have sex with men, injecting drug users, sexual partners of injecting drug users, HIV or STD infected, sexual partners of people who are HIV or STD infected, not in school, homeless, sex workers, chemically dependent and chemical users, and/or parents. All proposals submitted should include strategies that specifically address all forms of chemical dependency and use among the target population, and strategies that involve/provide education to parents of the target population where ever feasible.

3. **Men Who Have Sex With Men**

Programs to prevent HIV/STD transmission among men who are: HIV/STD infected; male sexual partners of HIV/STD infected men; men who have sex with men; men who have sex with men and use injectable drugs; men of color who have sex with men; and male sex workers. Proposals submitted should include strategies that address all forms of chemical dependency or use in the target population, and that address maintenance of long-term behavior change (relapse prevention). At least one program targeting Asian men who have sex with men, and one program targeting African American men who have sex with men will be funded. Programs reaching Native American and Hispanic men who have sex with men are already receiving funding.

4. **Women at Risk**

Programs to prevent HIV/STD transmission among women who are: injecting drug users, sexual partners of injecting drug users, sexual partners of men who have sex with men, HIV/STD infected, sexual partners of people who are HIV/STD infected, chemically dependent, sex workers, battered or in abusive relationships. All proposals should include strategies that specifically address all forms of chemical dependency and use among the target population, strategies that specifically target women who are homeless, of low income, and/or undocumented, and strategies designed to empower women in sexual situations.

5. **Special Programming for General Populations**

Programs to prevent HIV/STD transmission within an entire community, rather than a specific high-risk population within a community. Priority will be given to programs intending to target communities that have not previously received funding for HIV/STD prevention, or who do not have an extensive history of providing HIV/STD prevention programming. Examples of such communities include, but are not limited to, the transgender community, the disabled community, churches, parents, and elders. Programs MUST include specific strategies that address HIV/STD transmission among men who have sex with men, and injecting drug users, within the chosen target population.

##### Amount

\$1,500,000

##### Duration

The grant period is established for 12 months, June 15, 1996 - June 30, 1997. Funded programs may be eligible to apply for addi-

tional future funding through December 31, 1998. Continuation or expansion funding may be available, and will be dependent upon the availability of state and federal HIV/STD prevention funds to the MDH and satisfactory program performance during the first year.

### **Funded Program Goals**

The overall goal of the funding process is to develop, maintain and/or augment HIV/STD prevention programming by striving to target specific populations at risk, with interventions shown to be or likely to be effective through scientific research and theory.

1. To stimulate programming for injecting drug users, youth at risk, men who have sex with men, women at risk, and specific general populations at risk of HIV and STD infection with priority funding for those programs, existing or new, employing strategies most likely to be effective.
2. To develop, maintain and/or augment programming within communities of color with priority funding for those programs operated by and serving primarily persons of color, designed to reach the individuals most at risk of HIV and STD infection, especially men who have sex with men and injecting drug users, within the designated populations, and employing strategies most likely to be effective.
3. To maintain or stimulate community collaboration and networking efforts to the extent that these efforts are shown to directly affect prevention efforts targeted toward persons most at risk in the designated populations, especially men who have sex with men and injecting drug users.
4. To systematically address other sexually transmitted diseases within the context of all HIV prevention programming.

### **Eligibility**

1. Any public or private agency (not-for-profit) that can demonstrate administrative, organizational, programmatic, and fiscal capability to develop, implement, and evaluate the proposed program.
2. Demonstrated support from Community Health Boards (local health departments), community and neighborhood agencies, health care providers, members of the target population, representatives from the communities of color (if applicable), and other appropriate organizations, groups, and/or individuals within the community.
3. Demonstrated current and/or future potential for additional complementary funding and other resources for development, implementation, and evaluation of the program; as well as continuation of the program beyond 1998.

### **Minimum Expectations**

1. Identification of a target population of injecting drug users, youth at risk, men who have sex with men, women at risk, and/or specific general populations who are at risk of HIV and STD infections due to sexual or needle using behaviors.
2. Identification of a means of effectively locating and reaching those individuals within the designated populations identified as being at risk of HIV and STD infections, and identification of a community collaboration/networking strategy which will directly impact prevention programming for that population.
3. Identification of specific intervention strategies most likely to demonstrate success within the designated target population in terms of facilitating and maintaining behavioral changes and choices to reduce the risk of HIV and STD infections.
4. Identification of a system for collecting information and evaluation relative to program effectiveness.

### **Procedure for Grant Application**

#### **Letters of Intent:**

Agencies intending to submit a proposal for HIV/STD prevention programming are required to submit a *Letter of Intent* by 4:00 p.m., Tuesday January 23, 1996. Letters should follow the format presented on the *Letter of Intent Outline* (see Attachment A) and must have a legible postmark from the United States Postal Service, or a legible pick-up or drop-off time from a private carrier with a date and time that precedes 4:00 p.m., Tuesday January 23, 1996. **Applicants are strongly encouraged to obtain the full RFP packet to assist them in preparing a Letter of Intent.** Only those agencies submitting a Letter of Intent are eligible to submit a full proposal. Letters of Intent are used by the MDH to assist staff in providing technical assistance, and not as a screening tool. Therefore, all applicants who submit a Letter of Intent are eligible to submit a full proposal. While MDH staff will make every effort to contact all applicants who submit a Letter of Intent as soon as possible, applicants should not wait for a response from MDH before beginning work on a full proposal.

#### **Grant Proposals:**

All agencies which meet the eligibility criteria outlined above are eligible to submit a full proposal(s). Agencies wishing to submit a full proposal should request the RFP packet as soon as possible. To obtain the RFP packet, please contact Gary Novotny at (612) 623-5698. This packet includes crucial instructions, format, necessary forms, and selected readings. Proposals will be

## State Grants

---

---

accepted if they address one of the program categories outlined above. Applicants may apply for funding under more than one category provided that *a separate narrative is submitted for each program category addressed*. A separate narrative includes a separate description of the target population, outreach strategies, interventions strategies, evaluation plan, and *budget and staffing plan*.

*Proposals will only be accepted if the applicant agency is also the fiscal agent, and only one fiscal agent is allowed per proposal.*

Agencies seeking MDH funding for HIV/STD prevention programming are required to submit an original and 17 copies of the completed proposal that arrives at MDH on or before

4:00 p.m., Friday, March 1, 1996

or that has a legible postmark from the United States Postal Service, or a legible pick-up or drop-off time from a private carrier with a date and time that precedes 4:00 p.m., Friday, March 1, 1996. Agencies are requested, but not required, to submit a copy of the proposal in electronic format on a 3.5" double sided, high density diskette, in WordPerfect 5.1.

Full proposals are to be submitted by the specified date and time to:

Gary Novotny  
Prevention Programs Unit  
AIDS/STD Prevention Services Section  
Minnesota Department of Health  
717 S.E. Delaware Street  
P.O. Box 9441  
Minneapolis, Minnesota 55440-9441  
(612) 623-5698

PLEASE NOTE: All submissions are final. *Full proposals not received by the deadlines outlined above will not be considered.*

### *Informational Meeting for Prospective Applicants*

An informational meeting will be held in Room 110 at Pathfinder Resources, Inc. Midtown Commons, 2324 University Avenue West, St. Paul, MN 55114 to review application materials and provide an opportunity for questions and answers regarding the application process. The meeting will be held on **Wednesday, January 17, 1996**, from 1:00 p.m. to 3:30 p.m.

### **Disclaimer**

The Minnesota Department of Health and the Proposal Review Committee reserve the right to withhold the distribution of funds in cases where proposals submitted do not meet the necessary criteria.

## Department of Trade and Economic Development

### Request for Applications: Community Development Corporations Certification 1996 - 1997

#### **Introduction**

The Minnesota Legislature, during the 1993 and 1995 sessions, amended the statutes governing community development corporations. *Minnesota Statutes* 116J.982 includes specific standards and procedures for a CDC to become "certified" and therefore eligible to receive grants and enter into contracts with the State.

To become certified, a CDC must fulfill all basic eligibility standards and provide documentation indicated on the application form which is available by contacting the Department of Trade and Economic Development (DTED) at the address and telephone number indicated below.

#### **Benefits of Certification**

Only certified CDCs will be able to apply for grant funds provided by the legislation and available through DTED. During FY96 and FY97 a total of \$50,000 in each year is available to CDCs.

Grant funds will be available for several purposes: (1) specific economic development projects within the designated area, (2) dissemination of information about, or taking applications for, programs operated by the Commissioner, or (3) developing the internal organizational capacity to engage in economic development activities. Whichever the purpose for which the funds are sought, the organization would be required to show how the proposed activity meets or could meet the goals of the state's "Economic Blueprint" which was prepared during the fall of 1993 and updated regionally in 1995 by citizens, businesses and organizations (copies available upon request).

Organizations designated as certified CDCs will receive regular updates of information from DTED on departmental programs and initiatives, so that the CDC can be an effective intermediary for providing information in its service area.

At the discretion of the Commissioner of the Minnesota Housing Finance Agency (MHFA), certified CDCs may enter into contracts with MHFA for purposes of housing activities associated with economic development activities.

A certified CDC is also exempt from real estate licensure requirements of *Minnesota Statutes* 82.80 (Call DTED to receive a copy of this section of the statutes).

#### **Deadline for Certification Applications**

To be eligible for FY96 grant funds, applications for certification must be received by the Department of Trade and Economic Development by 2:30 p.m., February 2, 1996. CDCs that the Commissioner determines meet the certification criteria will be notified that they are certified, and will be provided with information about the grant program for FY96.

#### **Summary of Amended Legislation**

*Minnesota Statutes* 116J.982 sets forth a number of requirements and qualifications for certification. These are summarized below.

#### **Incorporation**

A community development corporation must be a non profit corporation under *Minnesota Statutes* 317A, the "Minnesota Non Profit Corporation Act." It stipulates the requirements of incorporation as a non profit organization; evidence from the Secretary of State's Office that the CDC has met those requirements will be required as part of the certification process. The CDC must also be tax exempt under section 501 (c) (3) of the *Internal Revenue Code Service* (I.R.S.), and be able to document that status.

If a corporation is a non profit but has not yet received its notification from the I.R.S. that it is a 501 (c) (3) it may still apply to become a state certified CDC; on the application the corporation will then be asked to explain whether it has applied to the I.R.S. and when it plans to attain that status.

#### **Purpose of the Corporation**

The major purpose of the corporation must be economic development, redevelopment, housing in its designated area. Articles of incorporation or bylaws will be required to document the organizations purpose.

#### **Designated Area**

The CDC must designate a low income area as the geographic community in which it will operate. Within cities of the first class (Minneapolis, St. Paul, and Duluth), a designated community must be an identifiable neighborhood or combinations of neighborhoods, but it may not be the entire city. In other parts of Minnesota, a designated community may be one of the following: a home rule charter or statutory cities, townships, unincorporated areas, or combination areas. A designated community can't include an entire economic development region or cross regional boundaries. Those regions are the twelve regions established under *Minnesota Statutes* 462; contact DTED if you have any questions about geographic areas covered by those regions.

#### **Low Income Requirements**

For purposes of the Community Development Corporation certification and grants program, "low income" means 80% of median gross income below the Housing and Urban Development (HUD) low income level. Low income standards vary on a local basis, to receive 1996 low income criteria applicable for your community please telephone Gerry Wenner at DTED, 612/297-1844 or 800/657-3858.

"Low income area" means an area in which 10% of the population have low incomes, or there are one or more recognized areas such as a census tract, city township, or county in which 15% of the population have low incomes.

The HUD low income guidelines will be helpful in determining whether the non profit corporation's board of directors meets the low income requirements (see "board membership" below.)

#### **Board Membership**

A CDC's board membership can fulfill the requirements of certification in either of two ways:

- 1) The corporation's membership and board of directors must be representative of the designated area. At least 20% of the directors must have low incomes, or reside in low income areas. At least 60% of the directors must be residents of, or be employed in, the designated area. Other directors must be in business, financial, or civic leaders or representatives at-large of the designated area. At least 40 percent of the directors must reside in the designated community.
- 2) A corporation which meets board structure requirements for a (CHDO) under United States 24 CFR part 92.2, can meet the board membership requirements for CDC certification under Minnesota statute. (The CHDO certification was developed to establish organizations eligible to receive funds under the HOME program.) Information on the community development housing corporation program requirements can be obtained by calling Denise Rogers at the Minnesota Housing Finance Agency, 612/296-8206 or 800/657-3769.

## Professional, Technical & Consulting Contracts

---

---

Whichever route the CDC selects, it will be required to provide documentation of how it meets these criteria.

In addition, the corporation is advised that it must not discriminate against any person(s) on the basis of a statute protected under *Minnesota Statutes* 363, the Minnesota Human Rights Act. For more information on the provisions of that act contact the Department of Human Rights, 612/296-5663.

### Technical Qualifications

The corporation must be skilled in the analysis and packaging of economic development, redevelopment, or housing projects, and must be familiar with available public and private funding sources. During the past three years, the corporation must have completed two or more economic development, redevelopment, or housing projects within the designated area. For these projects to qualify, the organization must have had primary responsibility for coordinating the execution and completion of the activity.

If the corporation does not presently have these skills within the organization, it must be able to describe how it will obtain these skills during the certification period, with its precise plan and schedule for acquiring the training or skills.

### Certification Period

Certification is for two years from the date of certification, and can be renewed. DTED will provide re-certification materials to those organizations seeking renewal of their status.

### For More Information

If you have additional questions or would like to receive an application please contact:

Gerry Wenner  
Office of Regional Initiatives  
DTED  
500 Metro Square Building  
121 7th Place East  
St. Paul, Minnesota 55101  
Phone: (612) 297-1844  
(800) 657-3858

## Professional, Technical & Consulting Contracts

---

---

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

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

---

## Department of Health

### Minnesota Rural Health Network Reform Initiative

<b>Eligible Applicants:</b>	Health Care Networks Established As or Planning to Be Established As a Community Integrated Service Network (CISN) or a Health Care Cooperative.
<b>Amount of Available Funds:</b>	\$210,000
<b>Duration of Grants:</b>	To Be Determined
<b>Application Materials Available:</b>	01/02/96
<b>Application Deadline:</b>	02/16/96
<b>Award Decision:</b>	03/11/96
<b>Beginning Contract Date:</b>	To Be Determined
<b>Description of Grant:</b>	

---

---

## Professional, Technical & Consulting Contracts

The Network Development Technical Assistance Program, of the Office of Rural Health and Primary Care (ORHPC), Minnesota Department of Health (MDH), is seeking proposals from provider groups, health care purchasing coalitions and other community leaders interested in developing and implementing rural health care networks. The purpose of this project is to offer financial and technical assistance to rural communities interested in developing viable, community-driven rural health and primary care systems that ensure access, quality care and accountability to the local community.

Grant dollars are to be used for initial network development activities including planning and community facilitation; incorporation as a non-profit or cooperative organization; and implementation of the proposed network plan as reviewed by the Minnesota Department of Health. Funds may be used to enable organizations to purchase the specialized services necessary for network development including legal, actuarial, financial, marketing, and administrative services.

Eligibility requires that the proposed network be based in a rural area; sponsored and controlled locally; focused on primary care; established or planning to be established as a Community Integrated Service Network (CISN) or a Health Care Cooperative; and able to demonstrate the availability of local dollar-for-dollar matching funds. Please note, the matching requirement does not apply to networks applying for planning grants.

Prospective respondents who have questions regarding this Request for Proposals may contact:

Molly McCormick, Senior Health Program Representative  
Network Development Technical Assistance Program  
Office of Rural Health and Primary Care  
Minnesota Department of Health  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Phone: (612) 282-6304 / (800) 366-5424 (MN only)  
Fax: (612) 282-5628

## Department of Human Services

### Health and Continuing Care Strategies

#### Notice of Request for Proposal for Medical Review Agent

The Department of Human Services requests proposals to provide professional and technical services as a medical review agent for the medical assistance (MA), general assistance medical care (GAMC), and MinnesotaCare programs. The medical review agent will be responsible for determining whether certain specified health services should be authorized for persons enrolled in those programs, using criteria listed in *Minnesota Rules*. The medical review agent will also be responsible for establishing a computer system capable of interfacing with the prior authorization subsystem of the Department's MMIS II computer software system.

The Department has estimated that the cost of the contract should not exceed \$350,000 per year.

This estimate is based on current prior authorization requests. Between July 1, 1994 and June 30, 1995, a total 44,429 prior authorization requests (approximately 3,703 requests per month) for all Minnesota public health care programs were processed by the Department. Of these, 14,628 were medical (services such as surgery, physical therapy, occupational therapy, mental health, chiropractic, etc.); 16,297 were for dental services; 13,504 were for medical supplies (equipment, prosthesis and orthotics, nutritional products, etc.). Since July 1, 1995, the number of prior authorization requests per month has dropped to 3,435.

The number of prior authorization requests may be fewer in later years of the contract.

This request for Proposal does not obligate the State to award or complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

To obtain a copy of the RFP, please contact:

Martha Beckwith  
Minnesota Department of Human Services  
Benefit Care Services  
444 Lafayette Road  
St. Paul, MN 55155-3853  
Telephone: 612-296-7584

## Professional, Technical & Consulting Contracts

---

---

**Providing Information to Vendors:** DHS will conduct a vendor conference at the following time and place, at which it will provide additional information and answer vendor questions:

Thursday, January 18, 1996 from 1 to 3 p.m.  
Conference room A & B  
444 Lafayette Road  
Human Services Building  
St. Paul, MN 55155

## Department of Human Services

### Assistance Payments Division

### Proposals Sought for Translation Services

The Minnesota Department of Human Services (DHS) is soliciting proposals from qualified parties to translate its primary application form, the DHS-2852 (Combined Application Form - Parts I & II), into Hmong, Vietnamese, Cambodian, Laotian, and Russian. The outcome of this project is to provide a document that is translated into the native languages of the target populations. The translation must take into account the specific styles within a language, cultural differences, and reading levels that affect the clients that DHS serves.

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

The Department has estimated that the cost of this project will not exceed \$35,000. All proposals must be submitted no later than January 23, 1996.

For a copy of a more detailed explanation of this request for proposals, please contact:

Timothy Horn  
Department of Human Services  
Manuals/Forms Team - Section 3834  
444 Lafayette Road  
St. Paul, MN 55155-3834  
(612) 296-4411

## Minnesota Legislative Electric Energy Task Force

### Proposals Sought for Two Studies Relating to the Electric Power Industry in Minnesota

The Minnesota Legislative Electric Energy Task Force is seeking proposals to undertake two studies relating to the electric power industry in Minnesota. One study will provide an analysis of generation and demand-side technologies with the goal of maximizing economic and environmental benefits.

The other study will provide an analysis of the state's current energy system and the potential effects of new forms of regulation, or other kinds of restructuring, on the state.

The work of the Task Force is administered by the Legislative Coordinating Commission. Inquiries or proposals should be submitted to:

RFP Coordinator  
Electric Energy Task Force  
c/o Legislative Coordinating Commission  
Room 85 State Office Building  
St. Paul, MN 55155  
(612) 296-1121

The total budget for the two RFPs is \$150,000. The study of technologies can not exceed \$90,000 and the study of regulatory and structural issues can not exceed \$60,000.

Proposals must be submitted by 5 p.m. February 1, 1996.

The consultant or consultants will be selected by February 15, 1996. Their work must be completed by May 15, 1996.



## Department of Public Safety

### Office of Drug Policy and Violence Prevention

#### Request for Proposals for a Violence Prevention Multi-Media Campaign Plan

The Minnesota Department of Public Safety is seeking proposals to develop a five-year Violence Prevention Multi-Media Campaign Plan. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Ellie Webster  
Office of Drug Policy and Violence Prevention  
Department of Public Safety  
444 Cedar Street  
100-D Town Square Building  
St. Paul, MN 55101-2156  
(612) 296-2407

The estimated cost of the contract shall not exceed \$50,000.00. The Department of Public Safety will retain an option to extend the contract for up to two years. All proposals must be received by 4:00 p.m. on February 2, 1996.

## Minnesota Department of Transportation

### Metropolitan Division

#### Request for Proposals for Transitional Organization Development Consultant

The Minnesota Department of Transportation, Metro Division, wishes to retain a consultant to provide transitional organization development consulting for the Metro Division staff and management team. Assistance is being sought for guiding a complex set of organizational change initiatives for the Metro Division through development of an overall leadership framework.

##### Scope of Project

The primary project will include: Provide process consultation to Division staff regarding the continuing change process of the Metro Division and recent consolidation of services.

Provide consultation to develop a framework for integrating the Metro strategic planning process, business planning, quality improvement, and other change initiatives affecting the Metro organization.

Provide consultation for the Metro Leadership Initiative to include needed assistance with the implementation of the Metro Leadership Road-Map process to ensure continuity and appropriate implementation.

Assist in the development, delivery, and analysis of employee surveys.

Provide consultation in the implementation and integration of "Systems Thinking" in management practices and decision making processes.

Provide consultation to assist with the supervision of the Metro Organization Development Unit staff.

Provide consultation to MMT on Metro organizational issues on an "as needed" basis to include such things as role-clarification, team building, process for management accountability, etc.

Teach "Effective Group Process: Facilitation Skills for Leaders and Facilitator" on an "as needed" basis to develop internal capacity within the Metro Division to enhance managers, supervisors, and all employees ability to provide for their own facilitation needs.

##### Proposal Contents

The proposal to perform the tasks should include materials that:

- A. Demonstrate the consultant's capabilities to address the organization and management development needs of a client with 20 managers and 1,300 employees through a broad array of change initiatives:
  1. Indicate experience of consultant and all staff members in guiding similar organizations through large scale organizational changes.
  2. Indicate experience of consultant and all staff members in prescribing, designing, and conducting team building and

## Professional, Technical & Consulting Contracts

---

---

other programs to facilitate change.

3. Indicate experience in designing, conducting, and analyzing surveys for employees.

B. Provide the following information:

1. List of personnel to be used, describing their roles, salaries, estimating work by task, hours, educational levels, and previous experience.
2. Provide resumes of all professional staff who will participate.
3. Estimated costs for each task, timing, and duration of tasks in overall work schedule.

C. Explain how each of the consultant tasks will be accomplished.

### Rejection of Consultant Proposals

Mn/DOT reserves the right to reject any and all consultant proposals received as a result of this Request for Proposals, or to negotiate separately with any source whatsoever in any manner necessary to serve the best interest of Mn/DOT.

All proposals must state the prices are valid for ninety (90) days, or until a contract is executed.

### Project Start and Completion Dates

This project will begin no later than February 1, 1996. At the sixth month point of this contract, the Metro Division staff and this consultant will evaluate the consultant work plan and accomplishments to determine the effectiveness and appropriateness of delivered and continued services. If it is decided that work should continue, it will not extend past December 31, 1997.

### Project Costs

It is anticipated that the cost of this project will not exceed \$40,000 for professional services and expenses.

Copies of the Request for Proposals for Consultant Services including the detailed project tasks are available from:

Richard Stehr  
Minnesota Department of Transportation  
1500 West County Road B2  
Roseville, Minnesota 55113  
Telephone Number (612) 582-1360

All proposals must be submitted to the Mn/DOT - Metro Division no later than 4:00 P.M. on Tuesday, January 23, 1996. Proposers are fully responsible for the delivery of proposals. Reliance on mail or public carriers is at the proposer's risk. Late proposals will not be considered and will be returned unopened to the proposer. The outside mailing envelope must clearly identify the title and nature of the proposal contained within. Proposals must be signed, in ink, by the authorized member of the firm submitting the proposal.

# Wild About Birds

## The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

**Carrol L. Henderson**, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," "Wild About Birds: The DNR Bird Feeding Guide" provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make "Wild About Birds" a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

### Also by Henderson...

#### Landscaping for Wildlife

Revised, spiral-bound edition of our best-selling guide to landscaping your property to attract wildlife is now available! This book offers easy-to-follow, affordable landscape plans specifically geared for the Midwest climate. Attract everything from butterflies to hummingbirds, cardinals to wood ducks and deer. Features 185 color photos and numerous diagrams and charts. 138pp. plus index. (MN Dept. of Natural Resources, 1994) **Stock No. 9-15 \$10.95**

#### Woodworking for Wildlife



Revised and expanded in 1992. *Woodworking for Wildlife* is now full-color and spiral bound. Features numerous diagrams for building shelters for birds and mammals. Includes plans for the Peterson bluebird house, bat houses, platforms for the great horned owl, wood duck nest boxes, and more. Offers information on 50 species of birds and mammals. 111pp. (MN Dept. of Natural Resources, 1994) **Stock No. 9-14 \$9.95**

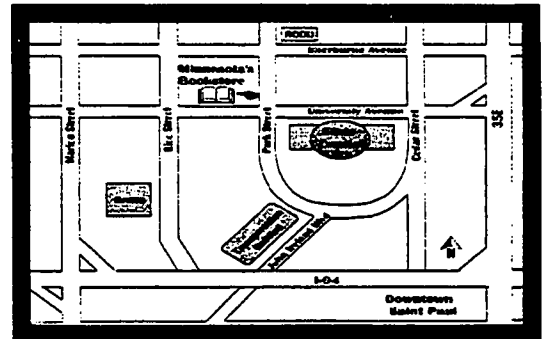
### Minnesota's Bookstore

117 University Ave

St. Paul, MN 55155

(612) 297-3000 (8 - 5 Mon-Fri)

1-800-657-3757



Wholesale/Distributor discounts available. Call for more information.

Stock No.	Publication	Unit price	Quantity	Total
9-24	Wild About Birds	19.95		
9-15	Landscaping for Wildlife	10.95		
9-14	Woodworking for Wildlife	9.95		
9-25	Three-volume SET	36.95		
1 Tax:		2 Shipping Charges:		Subtotal
6 1/2% (7% for St. Paul residents). If tax exempt, please provide ES #		Your order	add	Tax <sup>1</sup>
		Up to \$25.00	\$3.00	Shipping <sup>2</sup>
		\$25.01-\$50.00	\$5.00	Total
		Over \$50.00	\$7.00	

Send my order to:

Company		
Name		
Street Address (Not deliverable to P.O. boxes)		
City	State	Zip
Daytime phone ( )		

Please make checks payable to "State of Minnesota."

Credit card orders please check below;

Visa  American Express  
 MasterCard  Discover

Card number \_\_\_\_\_

Expiration date \_\_\_\_\_

Signature \_\_\_\_\_

# Minnesota's BOOKSTORE

Phone: (8-5 CST Mon-Fri)  
 Fax: (612)296-2265

(612)297-3000/(800)657-3757  
 Store Hours 8-5 Mon-Fri

TDD: (612)282-5048/(800)657-3706  
 117 University Avenue, St. Paul, MN 55155

Check here for a  
**FREE**  
 Publications Catalog!

