

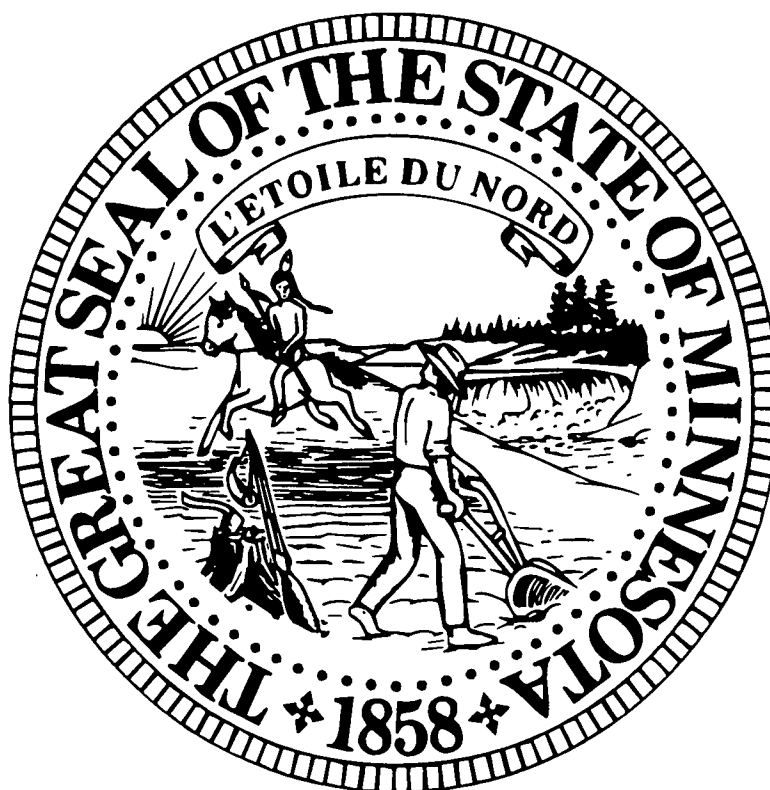
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The Minnesota
**State
Register**

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 30 June 1997
Volume 21, Number 53
Pages 1877-1926
Includes
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State Register

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

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

Printing Schedule and Submission Deadlines

Vol. 21 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
# 53	Monday 30 June	Monday 16 June	Monday 23 June
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Publication Number: 326630. (ISSN 0146-7751)

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Room 175 State Office Building, St. Paul, MN 55155

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Professional, Technical and Consulting contract awards are published monthly in an *Awards Report*.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

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 80 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. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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7408.0100; .0200; .0300; 7503.2100 s.2 (withdrawn proposed repealer)	1635	8130.4900 (repealed)	330
7408.0100; .0200; .0300; 7503.2100 (proposed repealer)	1636	Tax Court	
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Minnesota Rules: Amendments and Additions

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(JOINT) Health Department and the Pollution Control Agency

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 .1360; .1370; .1380; 9555.2100; .2200; .2300; .3100; .3200;
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 .0600; .0700; .0800; .0900; .1400; .1500; .1600; .1700; .1800;
 .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700;
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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

Department of Commerce

Proposed Permanent Rules Relating to Cosmetology Salons and Schools

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Relating to Cosmetology Salons and Schools, *Minnesota Rules* ch. 2642 and 2644.

Introduction. The Department of Commerce ("Department") intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. 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.

Department Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the Department contact person. The Department contact person is: Donna M. Watz, Staff Attorney, State Department of Commerce, 133 East Seventh Street, St. Paul, Minnesota 55101, phone (612) 296-6593, and fax (612) 296-4328. TTY users may call the Department of Commerce at (612) 296-2860.

Subject of Rules and Statutory Authority. The proposed rules concern the licensing of individuals under the cosmetology statutes and the licensing and operation of cosmetology salons and schools. The statutory authority to adopt the rules is found under *Minnesota Statutes*, sections 155A.05, 155A.08, 155A.09, and 45.023. 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. on Thursday, July 31, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the Department contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules 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 rules. Your request for a public hearing must be in writing and must be received by the Department contact person by 4:30 p.m. on July 31, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the Department 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 rules.

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

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 Department must give written notice of this to all persons who requested a hearing, explain the actions the Department took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Department will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Department contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the Department, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the Department contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

Adoption and Review of Rules. If no hearing is required, the Department may adopt the rules after the end of the comment period. The rules 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 rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Department to receive notice of future rule proceedings, submit your request to the Department contact person listed above.

Dated: 13 June 1997

David B. Gruenes
Commissioner of Commerce

CHAPTER 2642
DEPARTMENT OF COMMERCE
COSMETOLOGY; SALONS
UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

2642.0010 DEFINITIONS.

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

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

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

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

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

Subp. 8. [See repealer.]

[For text of subp 9, see M.R.]

Subp. 10. [See repealer.]

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

Subp. 12. [See repealer.]

Subp. 12a. Dispensary. "Dispensary" means a physical location or area in a salon that is primarily where cosmetology supplies, products, or chemicals are prepared, measured, mixed, portioned, or disposed of.

[For text of subps 13 to 17, see M.R.]

Subp. 18. [See repealer.]

[For text of subps 19 and 20, see M.R.]

Subp. 21. [See repealer.]

2642.0100 UNREGULATED SERVICES.

All services not licensed as the practice of cosmetology offered within a salon or school clinic shall be clearly identified as "unregulated services" and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least ~~two~~ one inch high and shall state: "Unregulated services. The following services offered by (salon ~~or school~~ name) are not regulated by the state of Minnesota:

_____ "

2642.0110 ADVERTISING.

The following provisions govern all advertising relating to the education, licensing, or practice of cosmetology:

A. It is a violation of ~~this chapter 2642 or 2644~~ to advertise in any manner that is misleading or inaccurate with respect to any services or policies offered by the licensee.

B. No advertisement shall state or imply favorable consideration by the Department of Commerce other than to state that the salon ~~or school~~ is licensed by the department.

C. Any salon ~~or school~~ advertisement shall list the licensed name of the establishment and the type of license held.

D. No salon ~~or school~~ advertisement stating licensure by the state of Minnesota shall include reference to any unregulated services.

E. A school advertisement of cosmetology services shall clearly and conspicuously state that all services are performed by students; in boldface type of the same size as the most-used type size in the ad.

F. No school may advertise that its students will earn a commission, salary, or pay of any kind, other than gratuities, on cosmetology services performed in the school clinic.

2642.0120 INSPECTIONS.

Subp. 2. **Grading Violations.** Inspectors shall grade items "S" for compliance with ~~Minnesota Statutes, chapter 155A and these rules and "U" for noncompliance.~~

All items graded "U" violations cited by department staff shall be corrected within ten business days, and written notification of the correction shall be sent to the department within that time.

Failure to correct a noncompliance item may be grounds for suspension or revocation of the salon or school license, and of the individual license of the manager and the cosmetologist, manicurist, esthetician, or instructor involved.

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

Subp. 4. ~~Cost and frequency of inspections~~ **Inspection requirements.** Each cosmetology salon and school shall be inspected ~~annually subject to inspection at any time, at the request of department staff.~~ Additional inspections may be made as necessary to confirm correction of previous noncompliance. The cost of the annual inspection shall be included in the licensing fee. The cost of additional inspections to confirm correction of previous noncompliance shall be assessed to the school or salon.

Subp. 5. **Results.** Inspectors shall may discuss the results of the inspection at its conclusion, in private, with the salon or school owner, manager, or a responsible person so designated in writing by the manager. A written report shall also be given or sent to the manager ~~owner or salon.~~

Subp. 6. **Posting reports** Report availability notice. The most recent inspection report shall be posted in the dispensary area. A five-inch by seven-inch notice shall be posted in the reception area stating in boldface letters: "THIS (SALON OR SCHOOL) HAS BEEN LICENSED AND INSPECTED BY THE STATE OF MINNESOTA. A COPY OF THE MOST RECENT INSPECTION REPORT IS AVAILABLE FOR YOUR REVIEW UPON REQUEST."

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

2642.0140 APPLICANTS FOR INDIVIDUAL LICENSE.

Applications for licensure shall be made in writing and contain the requirements of items A to C.

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

C. The applicant shall pay the required examination and license fees. Applicants whose professional training is documented under parts 2642.0150, items B and C, and ~~2642.0170~~ 2642.0210, subparts 2 and 3, shall also pay the processing fee.

2642.0180 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. **License issued.** A license ~~shall~~ may be issued to an individual applying from another jurisdiction if the requirements of ~~subparts subpart 2 and 3~~ are met.

Subp. 2. **Compliance with state rules.** The applicant shall demonstrate compliance with ~~part parts~~ 2642.0140, ~~items A and item~~ C, and 2642.0150, ~~item B or C~~. The applicant shall also successfully complete a written examination demonstrating knowledge of *Minnesota statutes* and rules pertinent to the practice of cosmetology at the level of the license sought. If more than three years have elapsed since the expiration of the applicant's most recent active license, the applicant shall provide evidence of completion of the appropriate refresher course in part 2642.0210, subpart 3, and compliance with part 2642.0140, items B and C.

Subp. 3. [See repealer.]

2642.0190 MAINTAINING INDIVIDUAL LICENSES.

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

Subp. 3. **Renewal.** The licensee shall renew the license as required by part 2642.0200 ~~or 2644.0170~~ prior to its expiration date.

Subp. 4. **Display of license.** The licensee shall post his or her license as required by part 2642.0380, item Y.

Subp. 5. **Additional requirements for manager.** In addition to the requirements of subparts 1 to 4, the manager and owner shall ensure that all salon ~~or school~~ personnel comply with all applicable statutes and rules, and that the salon ~~or school which he or she manages~~ is in compliance with all applicable statutes and rules.

2642.0200 LICENSE RENEWAL FOR INDIVIDUALS.

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

Subp. 2. **Practical and educational requirements.** The licensee shall establish that his or her knowledge and skills are up to date, by meeting the following requirements no later than the expiration of his or her current license:

A. A cosmetologist, manicurist, esthetician, or manager shall provide documentation of having practiced in a licensed salon, or school for school managers, for at least 1800 hours at any time within the three years prior to the license expiration, or 400 hours acquired through approximately regular weekly experience within each of the last three years, or successfully completed an approved refresher course, of at least 40 hours, within the three years prior to the license expiration or reactivation.

B. An instructor shall pay the processing fee and shall provide evidence of having successfully completed 45 hours of continuing education approved by the department, within three years before the license expiration or reactivation, including at least 15 hours of teaching-related material and 15 hours related to analysis and use of professional clinical products.

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

2642.0210 PROCEDURE FOR ACTIVATING A LAPSED OR INACTIVE LICENSE.

Subpart 1. **Procedure for lapsed licensee.** If an individual's license has expired, the individual ~~shall~~ may be reissued a license after submission of a request for renewal, proof of experience or education as required in part 2642.0200, subpart 2 ~~or 2644.0170~~, ~~subpart 2~~, payment of the license fee, and payment of the processing fee. If more than three years have elapsed, the applicant shall apply for a new license in accordance with subpart 3 and parts 2642.0140 to ~~2642.0170 and 2644.0140~~ 2642.0160.

Subp. 2. **Penalty Procedure for inactive license.** ~~The manager of a salon or school shall pay a penalty of \$25 for each individual practicing in the salon or school who was not properly licensed at the time he or she was hired. An individual who has an "inactive" Minnesota license and whose most recent active license has expired by less than three years may be reissued an active license for the remainder of the licensing period, after completion of an application, evidence of compliance with part 2642.0200, subpart 2, and payment of the processing fee. If more than three years have elapsed since the applicant's most recent active license has expired, an applicant who wishes to resume the practice of cosmetology may be reissued a license after submission of an application, payment of the license fee, payment of the processing fee, and evidence of completion of the appropriate refresher course in subpart 3.~~

Subp. 3. **Refresher courses.** Applicants whose most recent active license has expired by more than three years must complete a refresher program of a minimum of 155 hours for a cosmetologist, 60 hours for an esthetician, or 35 hours for a manicurist in a licensed school of cosmetology. The documentation provided upon application shall include a certification of skills.

2642.0220 REINSTATEMENT AFTER DENIAL, SUSPENSION, OR REVOCATION.

An applicant shall have a license reinstated for the remainder of its unexpired term or shall be relicensed in the following circumstances may apply for relicensure after revocation by meeting the following requirements:

A. after suspension of license, by meeting the following requirements:

- (1) the applicant shall provide documentation of the correction or elimination of the grounds for the suspension;
- (2) the applicant shall make application for reinstatement of license, in writing and on forms supplied by the department;
- (3) the applicant shall pay the reinstatement fee;

(4) if the suspended license has expired by no more than 30 days, an individual applicant shall comply with parts 2642.0200, subparts 2 and 3, and 2644.0170, subparts 2 and 3; a salon shall comply with part 2642.0330; and a school shall comply with part 2644.0330;

B. after revocation or if the suspended license has expired, reinstatement will be accomplished by meeting the following requirements:

- (1) ~~A.~~ the applicant shall provide documentation of the correction or elimination of the grounds for the revocation;
- (2) ~~B.~~ the applicant shall make application for relicensure, in writing and on forms provided by the department;
- (3) ~~C.~~ the applicant shall pay the reinstatement fee and the license fee;
- (4) ~~D.~~ the salon or school applicant shall meet the requirements for initial licensure; and
- (5) ~~E.~~ the individual applicant shall meet the requirements of part 2642.0140, items A to E and; if applicable, part 2642.0170, and the renewal requirements of parts part 2642.0200, subpart 2, and 2644.0170, or 2642.0210, subpart 2 3; and

E. at least two years have expired from the effective date of the revocation.

2642.0300 SCOPE OF RULES.

The provisions of parts 2642.0300 to 2642.0400 apply to cosmetology, esthetician, and manicure salons. The following are exceptions for estheticians salons: parts 2642.0370, items item B and C; and 2642.0380, items A, B, C, G, L, Q, and S. The following are exceptions for manicure salons: parts 2642.0360, subpart 5, item B; 2642.0370, items B and C; and part 2642.0380, items A, B, C, G, L, Q, and S.

2642.0310 SALON LICENSURE.

Subpart 1. All salon licenses. The requirements of parts 2642.0300, 2642.0310, 2642.0360, 2642.0370, and 2642.0400 shall be met by all applicants proposing to establish a salon. Upon compliance, the department will issue a provisional license which will enable the salon to open for business. The salon's compliance with all applicable provisions of this chapter and Minnesota Statutes, chapter 155A and these rules, shall be confirmed by an operational inspection by the department. A permanent license for the balance of the three-year license cycle shall be issued upon confirmation of the salon's compliance.

Subp. 2. **Application.** The person, association, firm, or corporation proposing to establish a cosmetology, esthetician, or manicure salon shall apply in writing to the department, on forms supplied by the department, giving the following information:

A. the name of the salon, its address, and names ~~and~~, addresses, and telephone numbers of all owners of sole proprietorships or partnerships and controlling officers of corporations;

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

D. evidence of the salon's compliance with local zoning requirements, local building codes and ordinances, and the rules of the Minnesota Department of Health and the State Fire Marshal if no local fire codes exist; and

E. the name of the licensed manager who will be employed by the salon, including that individual's license number and its expiration date; and

F. a floor plan of the salon, drawn to scale on 8-1/2 inches x 11 inches or 8-1/2 inches x 14 inches paper, providing the dimensions of the salon as a whole and designating the size and location of all entrances and exits, and indicating the location and dimensions of all required areas, facilities, and equipment.

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Proposed Rules

2642.0320 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

- A. The licensee shall continuously comply with all applicable provisions of *Minnesota Statutes* and rules.
- B. ~~The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within 60 days of the change.~~
- ~~C.~~ The licensee shall renew the license before its expiration date.
- ~~D.~~ C. The licensee shall display the required documents.

2642.0330 SALON LICENSE RENEWAL.

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

Subp. 6. **Identity of ~~manager~~ owner.** The licensee shall state the name, address, and telephone number of the salon ~~manager~~ and the ~~number and expiration date of his or her license~~ owner on the renewal application.

2642.0350 SALON REQUIREMENTS.

Subpart 1. **Location.** No cosmetology service shall be provided in a place other than a licensed cosmetology salon, esthetician salon, manicurist salon, cosmetology school, or as otherwise provided by ~~these rules~~ this chapter.

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

Subp. 4. **Termination of license.** A salon license is not permanently transferable and terminates after occurrence of a change of either ownership or location. Upon change of either salon ownership or location, the salon's ~~designated manager~~ owner will have 60 days to apply for and receive a new salon license in accordance with part 2642.0310.

Subp. 5. **Change of name.** The salon ~~manager~~ or owner shall inform the department in writing, within 60 days, of a name change, including old and new name, and pay the processing fee. A license will be issued in the new name for the remaining term of the old license. The old license shall be returned to the department upon receipt of the license in the new name.

2642.0370 FIXTURES, FURNITURE, AND EQUIPMENT.

A salon shall meet the following minimum requirements:

- A. There shall be a separate work station with chair, storage space, and mirror ~~assigned to~~ for each licensee on duty.
 - B. ~~There shall be at least one shampoo bowl in good repair and operational for each six work stations. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water.~~
 - C. ~~There shall be at least one standard or hand-held blow dryer hair dryer in good repair, clean and operational for each six work stations.~~
 - ~~D.~~ ~~There shall be at least one wet disinfecter large enough to completely immerse all items to be disinfected.~~
 - E. All furniture in the service area shall have a washable covering or finish and shall at all times be kept clean and in good repair.
 - ~~F.~~ D. There shall be a waste receptacle at each work station. This receptacle shall be emptied at least daily. It shall be lined with a disposable plastic bag or liner, or washed daily.
- There shall be at least one container which shall be used exclusively as a receptacle for soiled towels and linen. It shall be kept closed at all times. It must comply with local fire codes. If there are no applicable local fire codes, the state fire code applies.
- There shall be at least one large covered container for disposal of garbage. This container shall be emptied at intervals necessary to maintain cleanliness. The container shall be lined with a disposable plastic bag or liner, or be washed daily. It must comply with local fire codes and must be kept closed at all times. If there are no applicable local fire codes, the state fire code applies.
- ~~G.~~ E. There shall be storage cabinets or containers for all clean linen and towels. They shall be equipped with tight fitting closable doors or covers, which shall be kept closed.
 - ~~H.~~ F. There shall be storage space for all supplies. Supplies which contain any caustic or other harmful material shall be conspicuously labeled and kept inaccessible to clients.
 - ~~I.~~ G. Each salon shall maintain a readily accessible first aid ~~kit~~ supplies.
 - ~~J.~~ H. Each salon shall have at least one readily accessible fire extinguisher that complies with state fire code requirements. All employees shall be instructed in the location and use of the fire extinguisher.
 - ~~K.~~ ~~Emergency telephone numbers shall be posted next to the telephone at the reception desk.~~ I. A current copy of Minnesota Statutes and rules pertaining to the regulation of the practice of cosmetology shall be centrally located and made available to all salon personnel.

2642.0380 OPERATIONAL REQUIREMENTS FOR SALONS.

It is the responsibility of the manager and owner of the salon and of each operator to comply with the following operational requirements:

A. Each licensee shall maintain an adequate supply of clean and disinfected brushes, combs, and other implements and tools for use on ~~his or her~~ patrons. ~~The licensee shall have at least 12 combs and 12 brushes.~~

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

D. Clean linens and protective papers shall be used for each person. A ~~clean~~ towel or protective paper shall be placed on the head rest of the facial chair before any person reclines in that chair. A ~~clean~~ towel or protective paper shall be placed between the client's head and the shampoo bowl during shampooing. A ~~paper strip or clean towel shall be placed completely around the neck of each client before any apron or hair cloth or any other protective covering is fastened around the neck.~~

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

I. All clean towels, robes, and linen shall be stored in a clean, closed cabinet until used. The cabinet shall be made of a solid, completely closed material. ~~Disinfected capes, aprons, and robes may be hung in an area of the salon that is not within five feet of any work station or customer servicing area for purposes of drying, and must be stored according to this part immediately after drying.~~

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

Y. Current licenses of salon personnel shall be conspicuously posted in the reception area or in each licensee's assigned work station. The licensee's street address may be obliterated with tape, but name and town must remain unobstructed. If the license is at the reception area, the licensee's name shall be posted at the work station. The salon manager is and owner are responsible for assuring that all licenses are current and renewed. All licensees must have a valid picture state or governmental identification in their possession when working in the salon, and must produce this identification for inspection when requested by the department staff.

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

2642.0390 SALON SUPERVISION.

A. ~~There shall be a manager~~ The owner and the designated manager appointed in writing by the owner are responsible for each the salon at all times.

B. Only one person shall be designated as a manager for each salon. No manager may be concurrently responsible for more than one salon unless the salons are under the same ownership and all located in the same complex which is designated as an assisted-living care facility, acceptable to the department. When the manager is not on duty, ~~he or she~~ the manager may specify a responsible person in ~~his or her~~ the manager's absence. The responsible person shall be licensed as a manager, and licensed as a cosmetologist in a cosmetology salon, esthetician salon, or manicurist salon; a licensed esthetician in an esthetician salon; or a licensed manicurist in a manicure salon.

C. The manager, owner, and responsible person shall ensure that all licensees under his or her supervision comply with all provisions of ~~these rules~~ this chapter and *Minnesota Statutes*, chapter 155A.

D. The manager, owner, and responsible person shall ensure that no unlicensed individual provides any cosmetology service in the salon.

E. The manager and owner shall maintain, on the salon premises, the work time records of each employee, as required by *Minnesota Statutes*, section 177.30. Time records shall be provided upon written request to the licensee or to the department.

F. The manager, owner, and responsible person shall ensure that all equipment required by these rules is operational and maintained in proper working condition, that adequate supplies are in stock at all times, and that sanitation and safety requirements are met.

2642.0450 CERTIFICATE OF IDENTIFICATION.

Subpart 1. Issuance. Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least 2,700 hours of lawful practice in Minnesota;

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Proposed Rules

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a homebound individual, and that the licensee is representing a licensed salon as an employee or independent contractor when providing these services.

Subp. 2. **Retention.** The certificate shall remain with the salon at all times except when work is actually being performed outside the shop. It is the owner's responsibility to ensure that use conforms to the restrictions of subpart 1, item D.

Subp. 3. **Health and safety procedures.** The licensee shall observe all sanitary, disinfecting, and safety procedures.

SCHOOLS AND STUDENTS

2642.0510 INTOXICANTS AND CONTROLLED SUBSTANCES.

No licensee or student shall perform cosmetology services while consuming or under the influence of an intoxicant or controlled substance.

SCHOOL CURRICULA

2642.0650 PENALTIES.

The commissioner may take action as authorized under Minnesota Statutes, chapter 45, against any licensee who has violated any law, rule, or order entrusted to the commissioner.

CHAPTER 2644

DEPARTMENT OF COMMERCE

COSMETOLOGY; SCHOOLS

UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

2644.0010 DEFINITIONS.

[For text of subps 1 to 12, see M.R.]

Subp. 12a. **Dispensary.** "Dispensary" means a physical location or area in a salon that is primarily where cosmetology supplies, products, or chemicals are prepared, measured, mixed, portioned, or disposed of.

[For text of subps 13 to 17, see M.R.]

Subp. 18. [See repealer.]

[For text of subps 19 and 20, see M.R.]

Subp. 21. [See repealer.]

2644.0100 UNREGULATED SERVICES.

Subpart 1. **Disclosure.** All services not licensed as the practice of cosmetology offered within a ~~salon or~~ school clinic shall be clearly identified as "unregulated services" and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least ~~two inches~~ one inch high and shall state: "Unregulated services. The following services offered by (~~salon or~~ school name) are not regulated by the state of Minnesota:

_____,"

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

2644.0110 ADVERTISING.

The following provisions govern all advertising relating to the education, licensing, or practice of cosmetology:

A. It is a violation of ~~chapters 2642 and 2644~~ this chapter to advertise in any manner that is misleading or inaccurate with respect to any services or policies offered by the licensee.

B. No advertisement shall state or imply favorable consideration by the Department of Commerce other than to state that the ~~salon or~~ school is licensed by the department.

C. Any ~~salon or~~ school advertisement shall list the licensed name of the establishment and the type of license held.

D. No ~~salon or~~ school advertisement stating licensure by the state of Minnesota shall include reference to any unregulated services.

[For text of items E and F, see M.R.]

2644.0120 INSPECTIONS.

Subpart 1. [See repealer.]

Subp. 2. **Grading Violations.** Inspectors shall grade items "S" for compliance with *Minnesota Statutes*, chapter 155A and these rules and "U" for none compliance.

All items graded "U" violations cited by department staff shall be corrected within ten business days, and written notification of the correction shall be sent to the department within that time.

Failure to correct a none compliance item may be grounds for suspension or revocation of the salon or school license, and of the individual license of the manager and the cosmetologist, manicurist, esthetician, or instructor involved.

Subp. 3. **Business hours and location.** Each salon school owner shall provide the department with an accurate schedule of the hours that the salon school is open for business. If the salon is open by appointment only, the salon owner shall designate one-half day a month when he or she shall be available at the salon for inspection of the salon.

For country shops, owners shall supply a detailed map indicating the salon's exact location and directions for driving to that salon.

Subp. 4. **Cost and frequency of inspections** Inspection requirements. Each cosmetology salon and school shall be inspected annually subject to inspection at any time, at the request of department staff. Additional inspections may be made as necessary to confirm correction of previous none compliance. The cost of the annual inspection shall be included in the licensing fee. The cost of additional inspections to confirm correction of previous none compliance shall be assessed to the school or salon.

Subp. 5. **Results.** Inspectors shall may discuss the results of the inspection at its conclusion, in private, with the salon or school owner, manager, or a responsible person so designated in writing by the manager. A written report shall also be given or sent to the manager school.

Subp. 6. **Posting reports** Report availability notice. The most recent inspection report shall be posted in the dispensary area. A five-inch by seven-inch notice shall be posted in the reception area stating in boldface letters: "THIS (SALON OR SCHOOL) HAS BEEN LICENSED AND INSPECTED BY THE STATE OF MINNESOTA. A COPY OF THE MOST RECENT INSPECTION REPORT IS AVAILABLE FOR YOUR REVIEW UPON REQUEST."

2644.0150 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Specific requirements for instructor.** In addition to the requirements of part 2642.0210, an applicant for an instructor's license shall provide evidence of 38 hours of training comparable to the requirement of part 2644.0140, subpart 1, item B, and 1,400 hours of licensed or lawful practice as a cosmetologist, manicurist, or esthetician in a salon within the three years prior to application.

2644.0190 REINSTATEMENT AFTER DENIAL, SUSPENSION, OR REVOCATION.

An A school applicant shall have a license reinstated for the remainder of its unexpired term or shall be relicensed in the following circumstances may apply for relicensure after revocation by meeting the following requirements:

A. after suspension of license, by meeting the following requirements:

- (1) the applicant shall provide documentation of the correction or elimination of the grounds for the suspension;
- (2) the applicant shall make application for reinstatement of license, in writing and on forms supplied by the department;
- (3) the applicant shall pay the reinstatement fee;

(4) if the suspended license has expired by no more than 30 days, an individual applicant shall comply with part 2642.0200, subparts 2 and 3 or 2644.0170, subparts 2 and 3; a salon shall comply with part 2642.0330; and a school shall comply with part 2644.0330;

B. after revocation or if the suspended license has expired, reinstatement will be accomplished by meeting the following requirements:

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

- (1) A. the applicant shall provide documentation of the correction or elimination of the grounds for the revocation;
- (2) B. the applicant shall make application for relicensure, in writing and on forms provided by the department;
- (3) C. the applicant shall pay the reinstatement fee and the license fee;
- (4) D. the ~~salon or school~~ applicant shall meet the requirements for initial licensure; and
- (5) E. the ~~individual~~ applicant shall meet all of the requirements of ~~part 2642.0140, items A to C and, if applicable, part 2642.0170, and the renewal requirements of part 2642.0200, subpart 2 or 2644.0170, subpart 2 parts 2644.0300 to 2644.0820; and~~
- F. at least two years have expired from the effective date of the revocation.

SCHOOLS AND STUDENTS

2644.0300 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

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

Subp. 2. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2642.0200, subpart 2, item B; ~~or 2644.0170, subpart 2, item B.~~

Subp. 3. **Variances.** The commissioner may grant a variance from physical requirements to schools not otherwise exempted by this ~~rule~~ chapter upon receipt of documentation demonstrating an existing physical limitation or economic hardship in excess of reasonably anticipated costs of meeting the requirement.

2644.0330 SCHOOL LICENSE RENEWAL.

All of the following requirements shall be met in order to renew a license:

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

- ~~D. All unsatisfactory inspections report items shall be corrected before a license will be renewed.~~
- ~~E.~~ The licensee shall provide a current and complete roster of manager and instructional staff, including license number and expiration date, employment status, and days and hours scheduled to work.
- ~~F.~~ The licensee shall have filed with the commissioner a surety bond as required by part 2644.0310, subpart 4.
- ~~G.~~ E. The licensee shall pay the required license fee, before the expiration of the current license.
- ~~H.~~ E. The postmark date on the transmittal envelope of the renewal request and fee shall be determinative in ascertaining whether receipt was prior to the current license expiration date.

2644.0360 DUPLICATE LICENSE.

A duplicate school license will be issued only upon the loss or destruction of the initial license. The licensee shall submit to the department an affidavit indicating why a duplicate license is required, and submit the required fee.

2644.0370 BASIC REQUIREMENTS FOR SCHOOLS.

Subpart 1. **Location.** No cosmetology instruction shall be given in any place other than a licensed school of cosmetology or as otherwise provided in ~~these rules~~ this chapter.

[For text of subps 2 to 7, see M.R.]

2644.0380 FACILITIES REQUIREMENTS FOR LICENSURE.

In addition to the requirements of parts 2644.0310 and 2644.0370, the requirements contained in parts 2642.0510 ~~and~~, 2642.0600 ~~to 2642.0620, 2642.0610,~~ and 2644.0390 to 2644.0600 shall be met by the school before a license will be issued. Compliance with these requirements shall be confirmed by an inspection by the department. The license shall be issued after a satisfactory initial inspection.

2644.0400 FIXTURES, FURNITURE, EQUIPMENT.

A school shall meet the following minimum requirements:

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

- B. There shall be at least one standard or hand-held blow hair dryer, clean, in good repair, and operational, for each six work stations.

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

- I. There shall be at least one shampoo bowl in good repair and operational for each six work stations. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water.

L. In addition, each school shall meet the fixture, furniture, and supply requirements for salons as designated in part 2642.0370, items B ~~and D~~ to K G.

~~J. K.~~ There shall be locker space available for students requesting it.

2644.0410 SUPPLIES AND MATERIALS.

Subpart 1. **Basic supplies.** Basic supplies:

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

C. The school shall supply at least one ~~manikin~~ mannequin with hair for each cosmetology enrollee, and one ~~manikin~~ mannequin without hair for each esthetician enrollee.

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

Subp. 3. **Instructional materials.** The school shall supply each enrollee with a copy of all textbooks to be used in the course of training, and copies of all other necessary instructional materials, including a copy of this chapter and Minnesota Statutes, chapter 155A ~~and these rules~~. Workbooks associated with the textbooks shall become the property of the student. The cost of these materials shall be clearly indicated to the student prior to enrollment, unless it is included in the tuition fee.

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

Subp. 5. **Reference materials.** Reference materials shall be centrally located and made available to all students, including:

- A. an American language dictionary;
- B. charts for basic anatomy (hair, skin, and nails);
- C. trade magazines and publications;
- D. a current copy of *Minnesota Statutes* and rules pertaining to the regulation of the practice of cosmetology; and
- E. copies of other related statutes and rules.

2644.0510 COSMETOLOGIST TRAINING.

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

D. There shall be planned clinical instruction and experience in the applied sciences. Each student shall be required to complete the following minimum number of clinical exercises in column II. Clinical exercises may be performed upon customers in the school clinic, fellow students, models, or ~~manikins~~ mannequins in the classroom.

	Column I Hours	Column II Service Exercises
(1) shampooing	50	300
(2) scalp and hair conditioning	80	150
(3) hair design shaping	150	75
(4) chemical hair control (including 6 chemical relaxing exercises)	200	60
(5) hair coloring	100	50
(6) hair styling	200	300
(7) facials and makeup	200	60
(8) manicures (including 10 applications of artificial nails, of which 3 are sculptured on the nail)	150	50
skill hours	1130	
related theory and lecture	420	
total	1550	

[For text of items E and F, 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

OPERATIONAL REQUIREMENTS FOR SCHOOLS

2644.0600 RESPONSIBILITY.

It shall be the responsibility of the school owner and manager to ensure compliance with the requirements of parts ~~2642.0700 and 2644.0610~~ to 2644.0730.

2644.0620 MANAGER.

A. There shall be a manager responsible for each school at all times. No manager may concurrently be responsible for more than one school ~~nor for a school and a salon~~. When the manager is not on duty, he or she shall specify a responsible person on the premises. The responsible person shall be an instructor licensed in accordance with ~~these rules~~ this chapter.

B. The manager shall ensure that all personnel and students under his or her supervision comply with ~~all provisions of these rules~~ this chapter.

C. The manager shall ensure that no unlicensed instructor conducts any class, demonstration, or any other educational experience within the school except as allowed by this chapter and Minnesota Statutes, chapter 155A ~~and these rules~~.

D. The manager shall ensure that all equipment required by ~~these rules~~ this chapter is clean and maintained in proper working condition, that proper supplies are in stock at all times, and that safety, sanitation, and operational requirements are met by the school.

2644.0670 STUDENT RECORDS.

Student records shall be maintained as follows:

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

E. The school shall maintain the following reports for each student:

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

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2644.0510, item D, 2644.0520, item D, subitem (1), and 2644.0530, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form ~~provided by~~ acceptable to the department;

[For text of subitem (6), see M.R.]

2644.0730 PREENROLLMENT DISCLOSURES.

The following information shall be given to prospective students along with any materials designed to solicit their enrollment: minimum requirements for licensing in the fields in which the school offers instruction, tuition and all fees, the enrollment contract, refund policy, and student regulations. Prior to enrollment, written materials regarding refund policies must be discussed with and acknowledged as being understood by anyone enrolling in a cosmetology school. All written materials used to solicit prospective students shall comply with part ~~2642.0110 or~~ 2644.0110. Copies of all solicitation materials shall be retained by the school for a period of five years from the last date of use.

WAIVERS

2644.0750 PENALTIES.

The commissioner may take action as authorized under Minnesota Statutes, chapter 45, against any licensee who has violated any law, rule, or order entrusted to the commissioner.

REPEALER. Minnesota Rules, parts 2642.0010, subparts 2, 3, 5, 6, 8, 10, 12, 18, and 21; 2642.0170; 2642.0180, subpart 3; 2642.0620; 2644.0010, subparts 18 and 21; 2644.0120, subpart 1; 2644.0150, subparts 1, 2, and 3; 2644.0160; 2644.0170; 2644.0180; and 2644.0350, are repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Labor and Industry

Adopted Permanent Rules Relating to Boiler Operators

The rules proposed and published at *State Register*, Volume 21, Number 35, pages 1161-1164, February 18, 1997 (21 SR 1161), are adopted as proposed.

Department of Labor and Industry

Adopted Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

The rules proposed and published at *State Register*, Volume 21, Number 44, pages 1562-1563, April 28, 1997 (21 SR 1562), are adopted as proposed.

Department of Labor and Industry

Adopted Exempt Rules Relating to OSHA Safety and Health Standards; Standards for Construction

The rules proposed and published at *State Register*, Volume 21, Number 42, pages 1461-1464, April 14, 1997 (21 SR 1461), are adopted with the following modifications:

5207.0850 MOTORIZED SELF-PROPELLED VEHICLES.

Subp. 3. **Transportation of employees.** Vehicles being used to transport employees shall be equipped with a seating arrangement securely anchored, a rear-end gate, a guardrail and steps or a ladder for mounting and dismounting.

A. Under no circumstances shall any employee be allowed to ride in a standing position or with arms or legs outside of the ~~truck~~ vehicle body, or seated on the side fenders, cabs, cabshields, rear of ~~truck~~ vehicle, or on the load unless such a position is dictated by a job assignment.

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.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Board of Boxing

Adopted Exempt Permanent Rules Relating to Health Insurance for Professional Boxers

2200.2050 HEALTH INSURANCE.

A. Each professional boxer in a match held in Minnesota shall be covered by insurance for medical, surgical, and hospital care for injuries sustained while engaged in a match. The coverage shall be for an amount of not less than \$2,500 for each participant.

B. The promoter for the match shall be responsible for acquiring the insurance coverage described in item A and filing with the board written evidence of insurance no later than 72 hours prior to the date of the match. The evidence of insurance shall specify, at a minimum, the name of the insurance company, the insurance policy number, the effective date of the coverage, and evidence that each professional boxer is covered by the insurance. Any deductible or copayment associated with the insurance policy shall be paid equally by the promoter and the boxer.

C. If the promoter fails to provide verifiable evidence of insurance as required in item B, the board shall not approve the program of matches or, if previously approved, the board shall withdraw approval and the program of matches shall be canceled.

D. Health insurance requirements for professional full contact karate and professional kick boxing participants and related proof of coverage procedures and remedies are exempt from this part and are governed by part 2205.1500.

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

Department of Employee Relations

Notice of Seminar on Minnesota Rulemaking

An Overview and Discussion of State Administrative Rulemaking for Agency Staff

The seminar will be presented in two parts:

1. "Basic Rulemaking Procedures and How To Use the Minnesota Rulemaking Manual" on Monday, July 21, 1997, from 8:15 to 11:15 a.m. This part of the seminar is designed for persons without a lot of recent rulemaking experience.
2. "Development of Rules and the Statement of Need and Reasonableness" on Wednesday, July 23, 1997, from 8:15 a.m. to 3:30 p.m. This part of the seminar is designed for both experienced rulemakers and novices.

Both parts of the seminar will be at the Hennepin Technical College, Brooklyn Park Campus, in Room J115 Auditorium. Sponsored by the Department of Employee Relations, the Seminar and materials were created by a committee of experienced agency rulemakers. Space is limited. For information, call Dave Orren at 612/282-6310. For registration materials, call DOER at 612/297-3324.

Department of Human Services

Health and Continuing Care Strategies

Public Notice Regarding Changes in the Medical Assistance (MA) Program, the General Assistance Medical Care (GAMC) Program, and the MinnesotaCare Program.

NOTICE IS HEREBY GIVEN to recipients and providers of services under the Medical Assistance Program (MA), the General Assistance Medical Care Program (GAMC) and MinnesotaCare, and to the public, of certain changes affecting the above programs that were enacted by the 1997 Minnesota Legislature. This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires public notice of any significant proposed change in the methods and standards for payment rates for services. The changes to the state MA program are expected to result in a net increase in MA Program expenditures of \$93,158,000 for fiscal year 1998, and a net increase in \$205,655,000 for fiscal year 1999.

The actual text of these changes is contained in *1997 Minnesota Session Laws* at the chapters cited below. Minnesota Session Laws are available at most law libraries. Also you may obtain a copy of the bills summarized in this notice by calling the House or Senate Index at (612) 296-6646 or (612) 296-0504. It is important to note that not all changes made to these programs by the 1997 Legislature are mentioned in this notice. For example, only eligibility changes that are considered of interest to providers are represented in this notice.

Information related to implementation of these provisions will be sent to local human services agencies through bulletins and manual updates, to MA, GAMC, and MinnesotaCare enrollees through written notice, and to health care providers through newsletters and updates to the provider manuals.

Changes were made in the following areas:

- I. MA, GAMC, MinnesotaCare Eligibility
- II. MA, GAMC and MinnesotaCare Services
- III. MA, GAMC and MinnesotaCare Payment Rates
- IV. Services and Payment Rates Related to MA Long Term Care
- V. Changes to Services and Rates Related to MA Health Care and Home and Community Based Waivers
- VI. Health Care Service Delivery
- VII. Other

Official Notices

I. MA, GAMC, and MinnesotaCare Eligibility

- Effective 7/1/97, automatic MA is provided for recipients of transitional AFDC, the AFDC program in effect from 7/1/97 until the Minnesota Family Investment Program— Statewide (MFIP-S) is implemented. Chapter 85, Article 3, section 10.
- Effective 1/1/98 or when a county implements MFIP-S if before that date, MA eligibility is provided for all MFIP-S recipients and MA-only is provided for families and children who would be eligible under the AFDC state plan as of 7/16/96. Chapter 85, Article 3, section 11.
- Effective 1/1/98, extended MA is permitted for up to 12 months for persons who received MFIP-S or MA for families and children in three of the last six months, and then lost eligibility because of increased earnings or employment, extended MA is permitted for up to 4 months for persons who become ineligible for MFIP-S or MA due to receipt of increased child or spousal support. Chapter 85, Article 3, Section 22.
- Effective 12/96 and 7/97, MA is continued for certain noncitizens whose eligibility is mandatory or optional under federal welfare reform law (PRWORA). Effective 12/96 and 7/97, MA is provided for certain legal noncitizens. Chapter 85, Article 3, section 20.
- Effective 7/1/97, emergency MA is continued and non-emergency pregnancy related services for nonimmigrant and undocumented persons is provided through MA. Chapter 85, Article 3, section 20.
- Effective 7/1/97, GAMC has a 30 day residency waiting period except for medical emergencies. Time in battered women's shelters counts against the 30 day period. Chapter 85, Article 3, section 27.
- Effective 7/1/97, for General Assistance and GAMC, migrant workers and immediate family members (until 3/31/98) are exempt from the 30 day and the residency requirement which requires the intent to remain in the state if they had at least \$1,000 in earnings in the state in the last 12 months. Chapter 203, Article 12, section 3.
- Effective July 1, 1997, there is an asset test for families and children on GAMC. Chapter 203, Article 4, Section 61.
- Effective July 1, 1997, there is an asset test for families, children, infants, and pregnant women on MA. Chapter 203, Article 4, Sections 24, 25, 26, 57.
- Effective 7/1/97, non-Minnesota residents are ineligible for Emergency GAMC, except for emergency hospital services and other services incident to the hospital services resulting from accidents occurring in Minnesota. Non-residents are required to verify ineligibility for coverage under any other health care program, including coverage in their home state. Chapter 203, Article 4, section 59.
- Effective 7/1/97, for purposes of Minnesota Comprehensive Health Association (MCHA) coverage, there is a waiver of the preexisting condition limitation for any person who is a Minnesota resident, who was formerly enrolled in MA, GAMC, or MinnesotaCare and who applies for MCHA within 90 days of termination from one of these programs. Chapter 203, Article 7, section 1.
- Effective 7/1/99, certain noncitizens and alcohol or drug dependent persons who are being converted from federal to state programs (GA, GAMC, Group Residential Housing and state funded Minnesota Family Investment Program-Statewide) because of federal welfare reform, are ineligible for those state programs. Chapter 203, Article 9, section 21.
- Effective 7/1/97, if the federal government restores benefits for legal immigrants, the county is required to redetermine eligibility and convert affected cases to federally- funded programs. Chapter 203, Article 12, section 18.
- Effective 7/1/97, a person cannot be on GAMC and MinnesotaCare in the same month. Chapter 225, Article 1, section 7.
- Effective 4/1/97 or upon receipt of federal waiver approval, if later, there is an asset requirement for MinnesotaCare applicants, except for pregnant women through 60 days post-partum. The provisions allow \$15,000 in assets per individual; \$30,000 per household and exempts the homestead, personal effects, any assets owned by children, vehicles used for employment, court ordered settlements up to \$10,000, pension accounts and \$200,000 net capital/operating expenses of business. There are criminal penalties for fraudulent reporting of assets. Chapter 225, Article 1, Section 17.
- Beginning January 1, 2000, MinnesotaCare enrollment sites will include counties that opt to become sites. Chapter 225, Article 1, Section 9.
- Effective 7/1/97, adults without children are eligible for MinnesotaCare with income up to 175% of federal poverty guidelines. Chapter 225, Article 1, section 5.
- Effective 7/1/97, the Commissioner of DHS will award grants to provide information in areas of high uninsured populations on the importance of obtaining insurance coverage and on how to obtain MinnesotaCare. Chapter 225, Article 1, section 8.

- Effective 7/1/97, the Commissioner of DHS, in consultation with the Commissioners of the Departments of Commerce and Health, is to provide information on private insurance to MinnesotaCare recipients with income over 200% of the federal poverty guidelines at the time of initial enrollment and annually thereafter. Chapter 225, Article 1, section 11.
- Effective 7/1/97, the Commissioner of DHS, in consultation with the Commissioners of Employee Relations, Health, Commerce, and the Legislative Commission on Health Care Access, is to develop a transition plan to move higher income MinnesotaCare enrollees to private insurance to present to the Legislature by 12/15/97. Chapter 225, Article 1, section 20.
- Effective 7/1/97, DHS is to report to the Legislature by 1/15/98, the impact of MinnesotaCare outreach efforts with specific recommendation on items including: the affordability of MinnesotaCare, why people leave, and whether to increase eligibility by raising income standards. Chapter 225, Article 1, section 20.
- Effective 7/1/98, adults with earned income whose total family income is between 75% and 175% of federal poverty and all adults with children whose income is equal to or less than 275% of federal poverty will be ineligible for GAMC and must enroll in MinnesotaCare. A person can be eligible for GAMC while a MinnesotaCare application is pending. Emergency GAMC only is provided if a person fails to move to MinnesotaCare by not paying premiums. Chapter 225, Article 1, section 19.
- Effective 7/1/97, a health care provider may act on an applicant's behalf to complete an application for GAMC or MinnesotaCare if the applicant is unable to provide an initial application when health care is delivered due to a medical condition or disability. The applicant must complete the remainder of the application and provide necessary verification before eligibility can be determined. Chapter 225, Article 1, section 19.
- Effective for services rendered on or after 7/1/97, retroactive eligibility for GAMC is limited to one month prior to application. Chapter 225, Article 1, section 19.
- By 1/1/99, a Senior Drug Program will begin for permanent Minnesota residents who are 65 or older, have Medicare, no prescription drug coverage, income no greater than 120% of federal poverty, and assets no greater than \$4,000 for a single person and \$6,000 for a couple. There will be annual and monthly cost sharing. This program expires if federal approval is received for the pending waiver request for a Qualified Medicare Beneficiary Drug Coverage Program for persons up to 150% of federal poverty. Chapter 225, Article 4, section 2.
- By 1/1/99, a drug rebate program for the Senior Drug Program will be established. This program expires if federal approval is received for the pending waiver request for a Qualified Medicare Beneficiary Drug Coverage Program for persons up to 150% of federal poverty. Chapter 225, Article 4, section 1.
- Effective 7/1/97 for new applicants and 1/1/98 for current eligibles, Minnesota Comprehensive Health Association (MCHA) premiums are not considered cost effective insurance for third party liability cooperation purposes for MA and GAMC and MA and GAMC funds cannot be used to purchase MCHA premiums. Chapter 225, Article 4, sections 4-6.
- Effective 7/1/97, the GAMC administrative rule is repealed. Chapter 225, Article 8, section 73.

II. MA, GAMC and MinnesotaCare Services

- Effective July 1, 1997, pass through vendors of augmentative and alternative communication systems will be paid at 120% of actual price charged to the vendors. By January 1, 1998, DHS and Department of Administration are required to establish a purchasing program within a state agency. Chapter 203, Article 4, section 26.
- Effective 8/1/97, costs incurred by treatment facilities and other tuberculosis providers for persons who are tuberculosis carriers who have no other health coverage and have been found ineligible for public assistance, are payable by DHS at the GAMC rate. Chapter 164, section 15.
- Effective 7/1/98, MinnesotaCare provides coverage for nonpreventive dental services, except orthodontia, for adults with income up to 175% of federal poverty, with a co-payment of 50% of the fee-for service rate for adult dental care services other than preventive care services. Chapter 225, Article 1, sections 1 and 3.
- Effective 7/1/97, the \$10,000 inpatient hospital limit is lifted for adults with children whose total family income is at or under 175% of federal poverty. Chapter 225, Article 1, sections 2,3.
- Effective 7/1/97, DHS, in consultation with the Legislative Commission on Health Care Access, is to develop a pilot program in a designated area of state to determine whether the \$10,000 inpatient hospital limit prevents erosion of the private health insurance market. Chapter 225, Article 1, section 21.
- Effective 7/1/98, the inpatient hospital copayment is 10% of the paid charges, rather than charges submitted. Chapter 225, Article 1, section 3.

Official Notices

- Effective 7/1/97, for an enrollee who changes health plans within a calendar year, charges submitted toward the \$10,000 inpatient limit and out of pocket expenses incurred toward the inpatient limit, that were submitted or incurred prior to the change in health plans are disregarded. Chapter 225, Article 1, section 3.

III. MA, GAMC and MinnesotaCare Payment Rates

- Effective July 1, 1997, hospital cost index inflation adjustments are extended through calendar year 1998-99 for MA. Chapter 203, Article 4, section 16.
- Effective July 1, 1997, for case mix appeals filed after January 1, 1997, the difference in case mix and corresponding payment adjustment must exceed a 5% threshold. Chapter 203, Article 4, section 17.
- Effective July 1, 1997, the pharmacy dispensing fee is changed from \$3.85 to \$3.65. Chapter 203, Article 4, section 25.
- Effective July 1, 1997, of the amount appropriated to the MA account in fiscal year 1998, \$5,000,000 plus the federal financial participation amount shall be distributed to MA providers according to the distribution methodology of the medical education research trust fund established under *Minnesota Statutes*, section 62J.69. Chapter 203, Article 1, section 2.
- Effective July 1, 1997, of the 1998 health care access fund appropriation, \$3,500,000 is for medical education research costs. This appropriation, plus the federal financial participation amount shall be distributed to MA providers according to the distribution methodology of the medical education research trust fund established under *Minnesota Statutes*, section 62J.69. Chapter 225, Article 7, section 2.
- Effective upon receipt of federal approval, beginning in calendar year 1999 and thereafter, DHS will transfer the following amounts from MA/GAMC capitation rates to the Medical Education and Research Trust Fund:
 - 6.3% Hennepin County specific rates
 - 2% Other metropolitan rates
 - 1.6% Non metropolitan ratesChapter 203, Article 2, section 26.
- Effective July 1, 1997, the 50th percentile of provider submitted charges is the basis for establishment of payment rates for services with five or more claims instead of ten or more claims. Chapter 203, Article 4, section 27.
- Effective July 1, 1997, the \$1.00 copayment for prescription drugs in MA is repealed. Chapter 203, Article 4, section 73.
- Effective July 1, 1997, DHS shall increase payment rates by 15% for dental services covered under the MinnesotaCare program. The prepaid capitation rates shall be increased to reflect this change. Chapter 225, Article 7, section 2.

IV. Services and Payment Rates Related to MA Long Term Care.

- Effective July 1, 1997, the Commissioner was given broad authority to waive or grant variances to *Minnesota statutes* affecting nursing facilities including Chapter 256B to address the unusually severe conditions of the winter and spring of 1997. Chapter 203, Article 1, section 2.
- For the 1998-1999 biennium, the nursing facility moratorium exceptions process was funded at \$500,000 per fiscal year. Chapter 203, Article 1, section 2.
- Effective July 1, 1997, an expedited exceptions process was established to address nursing facilities damaged by the flood of 1997. The moratorium law exceptions were permitted to address the total replacement of nursing facilities, and the high cost and spend-up limits were excepted. Chapter 203, Article 1, section 3. Also see technical correction to this rider in chapter 225, Article 8, section 2. The specific cite relating to moratorium exceptions for two flood damaged nursing facilities is located in Article 3, section 15. Additionally, a statutory moratorium exception previously enacted was funded in this biennium. Chapter 203, Article 3, sections 15 and 16.
- Effective July 1, 1997, the nursing facility moratorium law was changed to increase the threshold to \$750,000 for projects which must be reviewed, however, less costly projects may seek funding through the exceptions process. Chapter 203, Article 3, sections 1, 2, 3, and 15.
- Effective July 1, 1997, six nursing facilities were granted one-time operating cost rate adjustments, or exceptions to address various rate issues. Chapter 203, Article 3, sections 7 and 8.
- Effective July 1, 1997, the following nursing facility payment changes were made:
 - (a) New spend-up limits were established for freestanding and non-freestanding facilities within each geographic group array:
 - * If equal to or below the median the facility's limit is its prior year's allowed "shadow rate" spending plus CPI plus 2%.
 - * If above the group median, the facility's limit is its prior year's allowed "shadow rate" spending plus CPI plus 1%.

NOTE: "Shadow Rate" spending is the facility's prior year's allowed operating costs as determined in accordance with *Laws of Minnesota, 1996*, Chapter 451, Article 3, section 11.

(b) The high cost limits were established at:

- * Median plus 1 standard deviation, the percentage reduction shall be three percent.
- * Median plus ½ of standard deviation, the percentage reduction shall be two percent.
- * However, in no case shall a facility operating per diem be reduced below its group's per diem limit at .5 standard deviation.

Rule 80 nursing facilities are not exempt from the limits in (a) and (b).

- (c) The method of computing the efficiency incentive remains the same, however, the limits used will be the prior year's shadow limits indexed by the 12 month CPI as in (d).
- (d) All operating cost limits in *Minnesota Statutes*, section 256B.431, subdivisions 2i, 3c, and 22, paragraph (d), shall apply (\$325/bed maintenance, care-related & other operating cost, and administrative cost limits). The care-related and other operating cost limits, shall be indexed by the 12 month CPI factor.
- (e) Allowable operating cost per diems are then indexed by the 21 month forecasted CPI factor, and the efficiency incentive is added on.
- (f) However, a nursing facility's total operating cost payment rates must not be less than its rates in effect on June 30, 1997, subject to field audit and appeal. Chapter 203, Article 3, section 8.
- Effective July 1, 1997, the provisions of *Minnesota Statutes* 256B.433, Subd. 3, including therapy revenue offset, therapy profit limitations (108% of cost), and therapy reporting requirements, shall not apply to nursing facilities located in counties participating in the Prepaid Medical Assistance Program. Nursing facilities participating in the Alternative Nursing Home Payment Demonstration Project are allowed to change therapy arrangements from an unrelated to a related vendor while under contract. However, the Commissioner is permitted to develop reasonable requirements to prevent an increase in therapy utilization for residents enrolled in the MA program. Chapter 203, Article 3, section 9 and section 12.
 - Effective July 1, 1997, contracts in the Alternative Nursing Home Payment Demonstration Project are effective for one year at a time, up to a maximum of four years. Either party may terminate the contract without cause by giving 30 days notice, and the decision to terminate is not subject to appeal. Contract provisions are subject to renegotiation each year prior to renewal. Chapter 203, Article 3 section 10.
 - Effective July 1, 1997, the law authorizing the Commissioner, as part of the contract process, to waive the requirements for payment of ancillary services under section 256B.433 is repealed. Chapter 203, Article 3 section 11.
 - Effective July 1, 1997, the Commissioner is required to issue a request for proposals from nursing homes to provide services on a contract basis at least twice annually. The requirement that the Commissioner not accept more than 40 facilities during any one request cycle is deleted. This section makes any facility eligible to respond to a request for proposals if the facility is deemed to be in substantial compliance with federal and state laws and rules. Outdated language is deleted. Also, the Commissioner is required to develop additional incentive-based payments of up to five percent above the standard contract rate for facilities that achieve specific outcomes. Facility specific outcomes must be approved by the Commissioner. Chapter 203, Article 9, sections 11 and 12.
 - Effective July 1, 1997, there is an exemption from nursing home preadmission screening requirements an individual admitted for a stay that is expected to be 14 days or less under certain conditions. Chapter 225, Article 8, section 6 and Chapter 203, Article 9, section 10.
 - Effective July 1, 1997, (although the effective date for level of care changes are delayed until July 1, 1998) persons with zero deficiencies in activities daily living are not eligible for the community-based programs that are available for high-functioning persons with one or two deficiencies. The prohibition on receiving a service allowance in addition to personal care assistant and home health services is repealed. High-functioning persons are also allowed to be admitted to nursing homes for longer than the 30-days per year permitted in current law under extraordinary circumstances. Nursing home residents who are admitted after July 1, 1998 must be discharged, if they are later reassessed by the Minnesota Department of Health (MDH) and determined to no longer qualify for nursing home admission. Residents subject to discharge have the right to request reconsideration and to an administrative appeal. Chapter 203, Article 4, section 3 and 34.
 - Effective July 1, 1997, the requirement that the use of revenue bonds to finance health facilities be approved by the Commissioners of health and human services, is repealed. Chapter 203, Article 4, sections 61 and 73.

Intermediate Care Facilities for Mentally Retarded (ICFs/MR)

- Effective July 1, 1997, the Commissioner was given broad authority to waive or grant variances to Minnesota statutes affecting ICFs/MR including Chapter 256B to address the unusually severe conditions of the winter and spring of 1997. Chapter 203, Article 1, section 2.
- Effective October 1, 1997 and 1998, facilities which meet the specified criteria shall be exempt for the rate year from the spend-up limit for one transition year. Chapter 203, Article 3, section 18.
- Effective July 1, 1997, for the rate years beginning October 1, 1997 and 1998, the spend-up and high cost limits in section 256B.501, subdivision 5b, were modified as follows:
 - (a) For the spend-up limits in paragraph (6), general operating costs per resident day shall be the basis for the review. The allowable general operating cost shall be determined as in *Laws of Minnesota, 1996*, Chapter 451, article 3, section 12, paragraph (c). For facilities above the median of their group's array, spending in excess of the CPI plus 3% points shall be limited as follows:
 - * reduced by up to 3% if larger than 16 beds
 - * reduced by up to 2% if 9 to 16 beds
 - * reduced by up to 1% if 8 or fewer beds.
 - (b) The facility high cost limits in paragraph (8), shall not apply. Chapter 203, Article 3, section 19.
- Effective July 1, 1997, notwithstanding the provisions of *Minnesota Statutes*, section 252.28, subdivision 3, the Commissioner may license service sites, each accommodating up to six residents moving from a 48-bed ICF/MR located in Dakota county that is closing under *Minnesota Statutes*, section 252.292. Chapter 203, Article 3, section 5.
- Effective July 1, 1997, and by January 1, 1998, the Commissioner shall request a waiver from the United States Department of Health and Human Services to permit the use of an alternative quality assurance system to license and certify intermediate care facilities for persons with mental retardation (ICFs/MR). Chapter 203, Article 7, section 28.
- Effective July 1, 1997, the Commissioner shall develop a process to evaluate and rank proposals for the voluntary downsizing or closure of ICFs/MR using specified guidelines. The process shall, to the extent feasible, be modeled on the nursing home moratorium exception process, including procedures for administrative evaluation and approval of projects within the limit of appropriations made available by the Legislature. Chapter 203, Article 9, section 4.
- Effective July 1, 1997, section 256B.501, Subd. 5C is repealed. This repealed provision would have required the Commissioner to change the ICF/MR rate setting method to one that pays a standard rate and provides additional incentive-based payments for achieving outcomes. Chapter 203, Article 7, section 29, and Chapter 225, Article 8, section 3.

V. Changes to Services and Rates Related to MA Home Care and Home and Community Based Waivers

- Effective July 1, 1997, the law provides for the conversion of Alternative Care (AC) enrollees to the Elderly Waiver (EW), if the income maintenance allowance for the waiver is increased. Persons not eligible for the expanded waiver continue to be eligible for AC, but persons who apply for AC after expansion of EW are not eligible for AC if they would qualify for EW with or without a spenddown. Chapter 203, Article 4, section 39, and Chapter 225, Article 8, section 3.

This chapter also modifies eligibility for EW, effective July 1, 1997, or upon federal approval, whichever is later, so that a recipient with income below the federal special income standard (about \$1400 per month) must only spenddown to the Minnesota Supplemental Aid (MSA) equivalent rate plus the MA personal needs allowance (a total of about \$665 per month) rather than the MA income standard (\$420). The Commissioner must secure sufficient additional EW slots before requiring current AC enrollees to move to this expanded EW waiver program. Chapter 203, Article 4, section 41.

- Effective July 1, 1999, the law provides that a person with prepaid health plan coverage for nursing home or EW services is not eligible for county-administered EW services. Chapter 203, Article 4, section 43.
- Effective July 1, 1999, health plans participating in PMAP are required to cover one year of nursing facility benefit for persons who were not residing in a facility at the time of enrollment in PMAP and are not enrolled under the Minnesota Senior Health Options Project, which includes 180 days of nursing facility care. Chapter 203, Article 4, section 53.
- Effective July 1, 1999, health plans participating in PMAP are required to cover EW services. Exempts persons enrolled under the Minnesota Senior Health Options Project, which already includes these services. Chapter 203, Article 4, section 54.

- Effective July 1, 1997, AC enrollees who qualify for the EW under the new, higher income limits for the elderly waiver are exempt from mandatory PMAP enrollment under certain circumstances. AC clients enrolled in PMAP prior to the change in the elderly waiver may not be required to disenroll from PMAP or from the Minnesota Senior Health Options Project. Chapter 203, Article 4, section 55.
- Effective July 1, 1997, the payment for public health nurse visits relating to the provision of personal care services under *Minnesota Statutes*, sections 256B.0625, subdivision 19a, and 256B.0627, is \$204.36 for the initial assessment visit and \$102.18 for each reassessment visit. Chapter 203, Article 1, section 2.
- Effective July 1, 1997, notwithstanding the provisions of *Minnesota Statutes*, section 256B.092, subdivision 4, and *Minnesota Rules*, part 9525.1830, subpart 2, the Commissioner may approve written procedures and criteria for the allocation of home and community-based waived services funding for persons with mental retardation or related conditions which enables a county to maintain a reserve resource account. The reserve resource account may not exceed five percent of the county's total annual allocation of home and community-based waived services funds. The reserve may be utilized to ensure the county's ability to meet the changing needs of current recipients, to ensure the health & safety needs of current recipients, or to provide short-term emergency intervention care to eligible waiver recipients. Chapter 203, Article 1, section 2.
- Effective for services rendered on or after July 1, 1997, the payment or allocation rates are increased by five percent for the following services: Medical Assistance Home and Community-Based Waiver Services for Persons with Mental Retardation or Related Conditions (MR/RC waiver) under *Minnesota Statutes*, section 256B.501; Elderly Waiver (EW) services under *Minnesota Statutes*, section 256B.0915; Community Alternatives for Disabled Individuals (CADI) waiver services under *Minnesota Statutes*, section 256B.49; Community Alternative Care (CAC) waiver services under *Minnesota Statutes*, section 256B.49; Traumatic Brain Injury Waiver (TBIW) services under *Minnesota Statutes*, section 256B.49; home health agency services (excluding medical supplies and equipment) under *Minnesota Statutes*, section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under 256B.0625, subdivision 19a; private duty nursing services under *Minnesota Statutes*, section 256B.0625, subdivision 7; day training and habilitation services for adults with MR/RC under *Minnesota Statutes*, section 252.40 to 252.47; physical therapy services under *Minnesota Statutes*, sections 256B.0625, subdivision 8, and 256D.03, subdivision 4; occupational therapy services under *Minnesota Statutes*, sections 256B.0625, subdivision 8a, and 256D.03, subdivision 4; speech-language therapy services under *Minnesota Statutes*, section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0390; respiratory therapy services under *Minnesota Statutes*, section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0295; dental services under *Minnesota Statutes*, sections 256B.0625, subdivision 9, and 256D.03, subdivision 4; Alternative Care (AC) services under *Minnesota Statutes*, section 256B.0913; adult residential program grants under *Minnesota Rules*, parts 9535.2000 to 9535.3000, adult and family community support grants under *Minnesota Rules*, parts 9535.1700 to 9535.1760, and semi-independent living services (SILS) under *Minnesota Statutes*, section 252.275, including SILS funding under county social services grants formerly funded under *Minnesota Statutes*, chapter 256I. Prepaid Medical Assistance program capitation rates shall be increased as appropriate to reflect these service rate increases. The compensation packages of staff within each service is increased by five percent. Chapter 203, Article 1, section 2.
- Effective June 3, 1997, a recipient may receive up to five skilled nurse visits per calendar year by an enrolled home health agency without prior authorization. This is dependent on approval of an amendment to the Minnesota Medical Assistance State Plan by the Health Care Financing Administration (HCFA). Chapter 203, Article 4, section 28.
- Effective July 1, 1997, recipients of personal care assistant (PCA) services may share staff and a rate system for shared PCA services shall be established. The rate system shall not exceed $1\frac{1}{2}$ the amount paid for providing services to one person, and shall increase incrementally by $\frac{1}{2}$ the cost of serving a single person, for each person served. A PCA may not serve more than three children in a single setting. This shall not be construed to reduce the total number of hours authorized for an individual recipient. This is dependent on HCFA approval of an amendment to the Minnesota Medical Assistance State Plan. Chapter 203, Article 4, section 29.
- Effective July 1, 1997, one maximum payment rate shall be used for PCA services rendered after June 30, 1997, regardless of whether the services are provided through MA, AC, EW, CADI, CAC, and TBIW programs. The maximum payment rate to be paid must be the payment rate paid for PCA services received under the MA program on June 30, 1997. Chapter 203, Article 4, section 35.
- Effective July 1, 1997, the maximum payment rates for behavior programming and cognitive therapy services provided through the TBIW must be equivalent to the MA payment rates for mental health services. Chapter 203, Article 4, section 35.

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- Effective July 1, 1997, the annual cost divided by 12 of EW, CADI, or TBIW services for a person who is a nursing facility resident at the time of a request for a determination of eligibility for EW, CADI, or TBIW-nursing facility level of care (TBIW-NF) shall be the greater of the monthly payment for: (1) the resident class assigned under *Minnesota Rules*, parts 9549.0050 to 9549.0059, for that resident in the nursing facility where the resident currently resides; or (2) the statewide average payment of the case mix resident class to which the resident would be assigned under the MA case mix payment system, provided that the limit under this clause applies only to persons discharged from a nursing facility and found eligible for waived services on or after July 1, 1997. This is not a change from current practice for CADI or TBIW-NF. Chapter 203, Article 4, section 42.
- Effective July 1, 1997, under certain conditions, CADI and TBIW-NF funds may be used for the cost of minor adaptations to a recipient's residence or vehicle without prior approval from the Department. Chapter 203, Article 4, section 42.
- Effective July 1, 1997, a maximum rate unit for baths provided by an adult day care provider that are not included in the provider's contractual daily or hourly rate shall be established. This maximum rate must equal the home health aide extended rate and shall be paid for baths provided to recipients served under EW, CADI, and TBIW. Chapter 203, Article 4, section 42.
- Effective July 1, 1997, DHS shall request approval for amendments to the CADI and TBIW in order to include prevocational and supported employment services. This change shall be effective upon federal approval. Chapter 203, Article 4, section 47.
- Effective July 1, 1997, administration of the Family Support Grant is the responsibility of county social service agencies. Chapter 203, Article 7, sections 10-14.
- Effective July 1, 1998, an alternative quality assurance licensing system pilot project for programs for persons with developmental disabilities is established in Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha, and Winona counties for the purpose of improving the quality of services provided to persons with developmental disabilities. A county, at its option, may choose to have all programs for persons with developmental disabilities located within the county licensed under chapter 245A using standards determined under the alternative quality assurance licensing system pilot project or may continue regulation of these programs under the licensing system operated by the Commissioner. The pilot project expires on June 30, 2001. Chapter 203, Article 7, section 18-23.
- Effective July 1, 1997, the average monthly limit for the cost of home and community-based services to a CAC waiver client, determined on a 12-month basis, shall not exceed the statewide average MA adjusted base year operating cost for nursing and accommodation services under sections 256.9685 to 256.969 for the diagnostic category to which the waiver client would be assigned except the admission and outlier rates shall be converted to an overall per diem. The average monthly limit for the cost of services to a traumatic brain injury neurobehavioral hospital waiver client, determined on a 12-month basis, shall not exceed the statewide average MA adjusted base-year operating cost for nursing and accommodation services of neurobehavioral rehabilitation programs in Medicare designated long-term hospitals under sections 256.9685 to 256.969. The following costs must be included in determining the total average monthly costs for a waiver client: (1) cost of all waived services; and (2) cost of skilled nursing, private duty nursing, home health aide, and personal care services payable by MA. The Commissioner shall seek federal waivers as necessary to implement the average monthly limit. Chapter 203, Article 7, section 24.
- By July 15, 1997, the Commissioner shall submit proposed amendments to the Health Care Financing Administration for changes in the MR/RC waiver that maximize the number of persons served within the limits of appropriations and divert persons from institutional placement. The Commissioner shall monitor county utilization of allocated resources and, as appropriate, reassign resources that are not utilized. Priority consideration for the reassignment of resources shall be given to counties who enter into written agreements with other counties to jointly plan, request resources, and develop services for persons with MR/RC have been screened and waiting for waived services. In addition to the priorities listed in *Minnesota Rules*, part 9525.1880, the Commissioner shall also give priority consideration to persons whose living situations are unstable due to the age or incapacity of the primary caregiver. The Commissioner shall report to the chairs of the Senate Health and Family Security Budget Division and the House Health and Human Services Finance Division by March 1, 1998, on the results of the waiver amendment, the authorization and utilization of waived services for persons with MR/RC, including crisis respite services, plans to increase the number of counties working together, additional persons served by the reassignment of resources, and options which would allow an increased number of persons to be served within the existing appropriation. Chapter 203, Article 7, section 27.
- Effective July 1, 1997, requires the Department, in cooperation with county authorities, to develop and implement a demonstration project to create a coordinated service delivery system in which the full MA benefit set for disabled persons eligible for MA is provided and funded on a capitated basis. The demonstration period shall be a minimum of three

years. Each demonstration site shall, under county authority, establish a local group to assist the Commissioner in planning, designing, implementing, and evaluating the coordinated service delivery system in their area. This local group shall include county agencies, providers, consumers, family members, advocates, tribal governments, a local representative of labor, and advocacy organizations, and may include health plan companies. Consumers, families, and consumer representatives must be involved in the planning, implementation, and evaluation processes for the demonstration project. This is dependent on approval by HCFA. Chapter 203, Article 8, section 1.

- Effective August 1, 1997, the county's annual audit shall satisfy the audit required under *Minnesota Statutes*, section 252.46, subdivision 10, for any county operated day training and habilitation program. Chapter 36, section 1.
- Effective August 1, 1997, the definition of an Elderly Housing with Services (EHS) establishment is amended to clarify that it does not include residential settings for persons with MR/RC in which services are licensed under *Minnesota Rules*, parts 9525.2100 to 9525.2140. Chapter 107, section 1.
- Effective August 1, 1997, Medicare certification is not a requirement for MA payment of assisted living services. The law is clarified that an EHS establishment does not include services for persons with developmental disabilities that are provided under a license according to *Minnesota Rules*, parts 9525.2000 to 9525.2140. Allows a higher limit of service payment under

EW and CADI for assisted living and residential care services provided by a licensed home care provider that is registered as an EHS establishment and that provides 24-hour supervision. Chapter 113, sections 4, 7, and 18.

- Effective May 21, 1997, the Medicare Maximization Program is amended to require Medicare certification only for home care providers as required under Title XIX of the Social Security Act. Home care providers who do not participate or accept Medicare assignments must refer and document the referral of dual eligibles to Medicare certified agencies when Medicare is determined to be the appropriate payer. Chapter 195, sections 2-4.

VI. Changes Related to Health Care Services Delivery

- Effective July 1, 1997, DHS must administer the MA programs with the participation of county boards and with consideration of the interests of counties. Chapter 203, Article 4, section 18.
- Effective July 1, 1997, DHS's authority to collect overpayments that result from error is clarified to permit the Department to recover payments without proving fraud. DHS is prohibited however from charging interest when overpayments have resulted from unintentional provider or DHS error. Also effective July 1, 1997, DHS may, with prompt notification to the provider, withhold payment on a provider's claims when DHS has reliable information that the provider is committing fraud or willful misrepresentation. Chapter 203, Article 4, sections 30-32.
- Effective July 1, 1997, in order to serve state and certain other employees, dentists are required to accept MA/GAMC cases unless their MA/GAMC caseload exceeds 10% of their practice. This is changed from 20%. Chapter 203, Article 4, section 33.
- Effective July 1, 1997, PMAP providers must be HMOs, except Itasca County which can continue as a demonstration provider in PMAP as a demonstration provider until July 1, 2000. Chapter 203, Article 4, section 48.
- Effective July 1, 1997, county boards may develop PMAP contract requirements to achieve public health goals. Counties must either select PMAP or County Based Purchasing options. Counties selecting County Based Purchasing must submit an initial proposal by September 1, 1997. Initial enrollment for PMAP or County Based Purchasing will begin on or before January 1, 1999. Chapter 203, Article 4, section 49.
- Effective to begin enrollment January 1, 1999, counties may elect to purchase or provide MA and GAMC recipients to eligible residents in those counties. Below are the requirements for county based purchasing:
 - * Counties must satisfy the Commissioner of Health that it meets either the requirements of Chapter 62D or 62N governing HMO's or CISNs.
 - * Counties must demonstrate the ability to and agree to do the following: purchase all covered services for fixed payment that does not exceed what state would have paid under PMAP; ensure all services are accessible and that enrollees have reasonable choice of provider, health plans, or networks, when possible; must pay timely payments to providers, have quality of care improvement process in place; have a system in place for advocacy, enrollee protection and complaints; for metro counties, ensure that the progress of Minnesota Senior Health Options (MNSHO) will not be impeded; ensure that recipients transferred to county based purchasing have been given information to make informed choices; ensure that neither the enrollee nor the state will be held liable for any costs incurred by a county or provider that becomes insolvent.

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- * DHS must pay counties per capita payments that are no more than what the Department would have spent under PMAP.
- * DHS may reject any proposal that fails to meet the requirements of this section, or that would substantially impair the State's ability to purchase health care services in other areas of the State, or would limit a recipient's choice of care systems, or would impair implementation of MNSHO project.
- * DHS must request any federal waivers necessary to implement this section. County based purchasing will be implemented upon federal approval.

Chapter 203, Article 4, section 56

- Effective July 1, 1997, PMAP capitation rates for non metropolitan counties after January 1, 1998, are to be no less than 88% of the metropolitan rate (excluding Hennepin County). DHS must make a pro rata adjustment in metro counties to make this provision budget neutral. Chapter 203, Article 4, section 51.
- Effective July 1, 1997, for services rendered on or after January 1, 2001, PMAP capitation payments shall be made no earlier than the first day after the month of service. Chapter 203, Article 4, section 52.

VI. Other

- Effective July 1, 1997, the physician surcharge under *Minnesota Statutes*, section 147.01 is repealed. Chapter 225, Article 2, section 63.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective June 30, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Wellhouse #1 & Water Booster Station. Fridley.

Blue Earth: Pipe Insulation - Various Buildings MSU. Mankato. Asbestos Removal - McElroy Hall "F" Wing-MSU. Mankato.

Chisago: Alternative Learning Center for ISD #138. North Branch. Bus Garage remodeling for ISD #138. North Branch.

Clay: Snurr Hall South/Elevator Enhancement-MSU. Moorhead.

Crow Wing: Removal of Pipe Insulation-Crosby/Ironton Secondary School. Crow Wing.

Dakota: Maintenance Building - Lebanon Hills Park. Eagan. East Area Plant Power Surge Protection. Hastings. Reroofing Project-Rosemount Research Center Bldg. 101-C. Rosemount.

Hennepin: HVAC Systems Upgrade-AHU Upgrades Phase 3-HCMC. Minneapolis.

Itasca: ASV-Phase III Mechanical & Electrical Projects. Grand Rapids.

Mille Lacs: Mille Lacs Event Center. Onamia. Campground Sanitation Building-Mille Lacs Kathio State Park. Onamia.

Mower: Window Replacement-Hormel Institute/U of M. Austin.

Olmsted: Rochester Public School - 1997 Summer Projects. Rochester.

Ottertail: Primary Electrical Switchgear - RTC. Fergus Falls.

Polk: Temporary Classrooms - Sacred Heart School. East Grand Forks.

Ramsey: ADA Improvements - Covern School. North St. Paul. Upgrading the Lecture Hall - Animal Science/veterinary Medicine-U of M. St. Paul. Life Safety Improvements Phase V-Transportation Building. St. Paul. TTI/AGAPE School Technology Systems. St. Paul. 1997 Reroofing & Wall Restoration - Century Community College. White Bear Lake.

Rice: Well #1 Repair. Faribault.

Rock: Contact Station/Office Addition/Remodeling - Blue Mound State Park. Laverne.

St. Louis: Hibbing High School Classroom Replacement & Remodeling. Hibbing.

Stearns: Sauk Centre Fuel Tank Replacement. Sauk Centre. Sauk Centre Clarifier Rehabilitation. Sauk Centre.

Washington: Forest Lake High School Pylon Sign. Forest Lake. East Area Plant Power Surge Protection. Stillwater/Cottage Grove.

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

Metropolitan Radio Board

Public Hearing on Proposed 1998 Budget

The Metropolitan Radio Board will hold a public hearing on its proposed 1998 budget. The budget provides funds for the Board's share of capital and leasing costs for a region-wide 800 megahertz digital two-way public safety radio system for the metropolitan area.

The hearing will be held Friday, August 1, 1997, 9 a.m., at the Metropolitan Counties Government Center, 2099 University Avenue, St. Paul. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 602-1392 or 291-0904 (TTY). Persons with disabilities may contact the Board at 602-1392 or 291-0904 (TTY) to request reasonable accommodations for the public hearing.

The hearing record will close at 4 p.m., Friday, August 15, 1997. Written comments, which must be received by 4 p.m., August 15, should be sent to Pat Pahl, Metropolitan Radio Board, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. Comments may also be sent electronically to: data.center@metc.state.mn.us; by FAX to 602-1442; or recorded on the Council's public comment line at 602-1500.

Copies of the public hearing draft of the proposed 1998 budget are available through the Metropolitan Council's Regional Data Center. Call 602-1140 or 291-0904 (TTY) to request a copy.

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on July 10, 1997. Meeting will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve, Suite 405, Mendota Hts, MN. (Hwy 110 and Lexington Ave. - GNB Technologies Bldg.). Meetings are open to the public. For more information you may call (612) 405-6155.

Official Notices

Office of the Secretary of State

Request for Comments on Planned Amendment to Rules Governing Recall Petitions, *Minnesota Rules*, Chapter 8205

Subject of Rules. The Office of the Secretary of State requests comments on its planned amendment to rules governing recall petitions. The Secretary is considering rule amendments that establish the form required for recall petitions for state officers subject to recall under the Minnesota Constitution, article VIII, section 6.

Persons Affected. The amendment to the rules would likely affect members of the state legislature; the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general; judges of the supreme court, court of appeals, and district courts; county auditors; and eligible voters.

Statutory Authority. *Minnesota Statutes*, section 211C.03 requires the Secretary to adopt rules establishing the form required for recall petitions.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on August 29, 1997. The Secretary does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Secretary has not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to:

Joseph Mansky
Director, Election Division
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299
(612)215-1440

TTY users may call the Secretary at (612)297-5353 or (800)627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Secretary of State is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 23 June 1997

Joan Anderson Growe
Secretary of State

State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan 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 and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Economic Security

Request for Proposals for Youth Intervention Programs

The Office of Youth Development of the Minnesota Department of Economic Security is pleased to announce the availability of a total of \$100,000 in funds authorized under Chapter 200 of *Laws of Minnesota, 1997* for new Youth Intervention Programs (YIP) governed under *Minnesota Statutes* Chapter 268.30 Subdivisions 1 and 2. The amount of YIP funding to be awarded to any individual applicant for one year will not exceed \$29,000. Minnesota law requires all Youth Intervention Program grantees to provide and document at least two dollars of matching funds for each dollar of funding provided.

Youth Intervention Programs must provide direct services to youth between the ages of 5 and 17 and their families including (but not limited to): advocacy, individual, family and group counseling services, victim/offender mediation services, restitution/community service supervision services, and other services identified in the Request For Proposal (RFP).

To be considered for funding, an original and six (6) copies of the proposal must be delivered to the Minnesota Department of Economic Security, 390 North Robert Street, St. Paul, Minnesota 55101 no later than 5:00 p.m. Friday, October 17, 1997. Proposals submitted via facsimile WILL NOT be accepted under ANY circumstances.

For a copy of the Request For Proposals (RFP) and/or further information regarding the proposal process contact:

Lizz Sheridan
Minnesota Department of Economic Security
Workforce Preparation Branch/Office of Youth Development
390 North Robert Street, Room 125
St. Paul, Minnesota 55101
Phone: (612) 297-4335
(800) 456-8519
Fax: (612) 296-5745

Department of Health

Family Health Division

Notice of Request for Proposals for Lactation Friendly Workplace Program

The Minnesota Department of Health (MDH), Family Health Division is committed to promoting initiation and duration of breastfeeding. The Lactation Friendly Workplace Program is designed to help employers support employees who choose to breast-feed. As an incentive for employers to develop a Lactation Friendly Workplace Program, MDH will provide a quality electric breastpump for that workplace.

Requirements for application:

The Minnesota Department of Health is seeking applications from community-based health agencies that are willing to identify and work with employers in their community. This community-based health agency will make the contacts to area businesses to assess their interest in this project and submit the proposals to MDH. More than one business in the community may be considered. Selection criteria will include diversity in geographic location, diversity in type of employment settings and number of women to be served by this program.

The role of the community-based health agency will include: recruiting employers, providing local resources for questions and concerns and participation in the evaluation of the project. Although there is no monetary reimbursement for community-based health agency staff time for this project, MDH will offer technical assistance in preparing this application and/or working with the

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employer. The Lactation Friendly Workplace Program is intended to help the community-based health agency achieve its goal of increasing breastfeeding initiation and duration rates. If the request for proposal application is accepted, MDH will provide a quality electric breastpump to the workplace(s).

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

Joanne M. Wesley
Breastfeeding Special Projects Coordinator
Minnesota Department of Health
Division of Family Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440-9441
Phone: 612-623-5752
Fax number: 612-623-5442

Completed applications must be postmarked by midnight August 15, 1997.

Housing Finance Agency

Notice of Super Request for Proposals for Multifamily Housing Programs

The Minnesota Housing Finance Agency (MHFA), the Family Housing Fund, the Metropolitan Council, the Minneapolis Public Housing Authority, and the Greater Minnesota Housing Fund announce the availability of loan/grant funds to eligible sponsors to assist in the development, construction and rehabilitation of affordable rental housing for low and moderate income residents of Minnesota. This RFP includes a small amount of funding for HIV/Aids housing/services.

Amount of Funds Available:

Approximately \$10 million

Location:

Generally statewide. MHFA funds are available statewide. Funds from the Metropolitan Council, Minneapolis Public Housing Authority and Family Housing Fund are available in the seven-county metropolitan area only. Funds for HIV/Aids housing/services are available in the eleven county metropolitan area. Funds from the Greater Minnesota Housing Fund will be available for projects outside the seven-county metropolitan area.

Form of Awards:

Funds are awarded generally in the form of a zero percent (0%), 20-30 year deferred or subordinated loan/grant. Interest rate, term and type of loan/grant will vary depending upon actual recommended funding source and will be discussed in detail with sponsors upon selection for funding.

For developments using the Federal Low Income Housing Tax Credit Program, loans may be structured with an interest rate to be eligible for inclusion in qualified basis.

Eligible Applicants:

In general, eligible applicants include limited profits and non-profit entities, private individuals, corporations, partnerships, Minnesota cities, Minnesota units of local government, Housing and Redevelopment Authorities, Community Housing Development Organizations (CHDOs), joint power boards established by two or more cities, and community based organizations.

Eligible Projects:

The funds may be used for a variety of rental housing types including permanent housing, publicly owned housing, temporary or transitional housing, emergency shelters, supportive housing, and HIV/AIDS housing/services.

Permanent rental housing must be "residential housing" or be "generally available to low and moderate income people". The owner of permanent supportive housing shall not also be the provider of services.

- "Residential housing" is housing where the individual units have bathrooms and kitchen facilities.
- Housing that is "generally available to low and moderate income people" is housing for which occupancy is either unrestricted or restricted only on the basis of income.

Some sources of funding may require ownership by a public entity.

Developments which provide for or maintain economic integration are encouraged.

Developments shall be closely targeted to areas of economic growth, or with sufficient market demand (including household growth, local employment growth, low vacancy rates, and long waiting lists) and with an emphasis on housing for large families and single individuals.

Developments with age restrictions of 55 and older are not eligible under most funding sources.

Income Limits:

Although the overall goal is to serve lower income households, the funding sources included in this Super RFP generally allow incomes up to 50% of median income in the seven-county metropolitan area, and up to 80% of statewide median income in Greater Minnesota (adjusted for family size). Some funding sources, particularly those whose objective is to address needs identified in a continuum of care plan, require lower income limits.*

Gross Rent Limits:

Generally, maximum gross rents shall not exceed 30% of 50% of statewide or area median income, depending upon the funding source requirements.*

**NOTE: Priority will generally be given to those developments serving the lowest income households.*

Application Process:

To request a Super RFP application form and procedural guide, please contact:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101
(612) 297-3294, or
toll free: 1-800-657-3701

Application Submission Deadline:

The original and two (2) copies of the application are due by 4:30 p.m. on Thursday, August 21, 1997. Staff will make recommendations for funding to the MHFA Board on October 23, 1997.

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

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

Department of Human Services

Notice of Request for Proposal for Recruitment of Child Foster Families and Adoptive Families

This Request for Proposal is for recruitment and education efforts to increase the number of families willing and able to foster or adopt Minnesota's children needing placement.

Contact person to request more information about this Request for Proposal is: Deanna Steckman, 444 Lafayette Road, St. Paul, Minnesota 55155-3832, phone number (612) 296-4309.

A pre-application meeting will be held on Wednesday, July 9, 1997 from 9:30 a.m. until 11:30 a.m. in the second floor conference room of the Department of Human Services, 444 Pine Street, St. Paul, MN.

The estimated value of the total contracts will be \$345,000 for fiscal year 1998 and \$335,000 annually for fiscal years 1999-2001.

Deadline for application for this request for proposal is no later than 4:00 p.m. on July 31, 1997. Late proposals and faxed proposals will not be accepted.

State Grants and Loans

Department of Human Services

Mental Health Division

Request for Proposals for the Statewide Toll-Free Compulsive Gambling Hotline and Public Awareness Campaign

The Mental Health Division of the Minnesota Department of Human Services is soliciting proposals for provision of a statewide toll-free telephone number to provide a compulsive gambling Hotline as one component of a comprehensive program for persons who are compulsive gamblers, their families and others affected by gambling problems. Proposals are also being solicited for a public awareness program to promote recognition of compulsive gambling behavior and treatment throughout Minnesota.

The time period for both program components is twenty two months, September 1, 1997 through June 30, 1999. Funding is provided through a legislative appropriation. The Department has designated \$253,000 for the Hotline program and \$210,000 for the Public Awareness Campaign. *Applicants may choose to submit a proposal for just one program, a separate proposal for each or, a combined proposal.* There will not be a bidder's conference. Applicants must meet Human Rights Compliance requirements of *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600.

The request for Proposals does not obligate the State to complete the project, enter into a contract or to accept the lowest cost proposals. The State also reserves the right to cancel the solicitation if it is considered to be in the best interest of the State and to extend the term of the contract for up to two additional years.

A copy of the complete RFP material and the Human Rights Compliance information is available by contacting Jay Bamberg by phone at 612-296-3923, or the address below.

All applicants must provide six (6) copies of their completed proposal(s) to the Mental Health Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3828, no later than the close of business (4:00 p.m.) on July 21, 1997.

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Grant Availability for Reduction of Motor Vehicle Theft

The Minnesota Auto Theft Prevention Program Board announces the availability of grant money to be used in the reduction of motor vehicle theft by funding programs which aid in the identification of critical issues, education and awareness and investigation and prosecution. Applications will be accepted from State, County, Local Police, Governmental Agencies, Prosecutors, Judiciary, Businesses, and Community and Neighborhood Organizations. The moneys granted must be dedicated to the area of auto theft. This is the second round of auto theft grants. These grant proposals will be due by December 31, 1997. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155).

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, and final submission date of completed contract proposal.

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

Department of Administration

Division of State Building Construction

Notice of Requests for Professional Services of Architects, Engineers, Landscape Architects, Professional Testers and Programmers and Designers

1) Contracts Available for Architects, Engineers, and Landscape Architects

The Department of Administration (Admin) intends to retain the services of qualified professionally registered architects, engineers, and landscape architects to design, prepare construction drawings and monitor construction of a number of projects during the year commencing July 1, 1997. These projects will be varied in nature and scope and will involve new construction, remodeling projects and facility studies. The total cost of construction or remodeling projects will be less than \$750,000.00 and the fees associated with facility studies will be less than \$60,000.00. Particular emphasis will be placed on the background and experience of the firm on similar projects as well as the firm's geographic proximity to the project.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages giving qualifications and experience of the firm. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview.

In submitting their brochures or resumes, firms shall indicate the areas shown below in which they possess qualifications.

- | | |
|------------------------------------|-------------------------------------|
| 1) Research and Planning | 11) Landscape and Site Planning |
| 2) Educational | 12) Interiors |
| 3) Health and Medical | 13) Water and Waste Facilities |
| 4) Correctional | 14) Energy Supply and Distribution |
| 5) Restoration | 15) Pollution Control |
| 6) Office and Administration | 16) Acoustics |
| 7) Recreational | 17) Hazardous Substance Disposition |
| 8) Service and Industrial | 18) Mechanical Engineering |
| 9) Arts, including Performing Arts | 19) Electrical Engineering |
| 10) Exhibition and Display | 20) Civil Engineering |

In some cases, Admin may enter into annual contracts for investigative studies. These contracts will be prepared on the basis of the needs of Admin.

The names of firms responding will be provided to other agencies of the State and political subdivisions thereof having a need for the services described herein.

Names of qualified firms will be retained on file with Admin until June 30, 1998.

Designers for projects with estimated costs or fees in excess of those shown above will be selected by the State Designer Selection Board. Projects referred to the Board will be advertised in the *State Register*.

Professional, Technical & Consulting Contracts

Minnesota State Colleges and Universities (MnSCU)

Anoka-Hennepin Technical College

Notice of Advertisement for Bids for Pavement Seal Coating, Project ID. Number 3278

Sealed Proposals for 1997 Pavement Seal Coating at Anoka-Hennepin Technical College, Anoka, Minnesota will be received by:

Thomas E. Silvers-Vice President
Anoka-Hennepin Technical College
1355 West Highway 10
Anoka, Minnesota 55303

until 9:00 A.M. July 8, 1997, at which time the proposals will be opened and publicly read aloud.

Proposal Forms, Contract Documents, Plans and Specifications as prepared by the Project Engineer, Larson Engineering Inc.; are on file at the office of:

- 1.) above named Project Engineer.
- 2.) Builders Exchanges: St. Paul, Minneapolis and St. Cloud.
- 3.) National Association of Minority Contractors of Minnesota.
- 4.) Construction Bulletin Plan room.
- 5.) Dodge Plan room.

Sets of Proposal Forms and Plans and Specifications for use by contractors in submitting a bid may be obtained at the following address:

Larson Engineering Inc.
3524 Labore Road
White Bear Lake, MN 55110
(612-481-9120)

A deposit of \$25.00 is required for each set.

Each bid which totals over \$15,000.00 must be accompanied by either a certified check payable to the State of Minnesota in the sum of not less than five percent (5%) of the total bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

A pre-bid meeting will be held at 9:00 AM, Tuesday, July 1, 1997 in the Administration Conference Room 209, at Anoka-Hennepin Technical College.

Public Employees Retirement Association

Request for Proposals (RFP) for Professional and Technical Services to Facilitate Implementation of the Collection and Management of Reported Information

Public Employees Retirement Association (PERA) is soliciting proposals from qualified consultants interested in providing professional and technical support services and expertise to help PERA redesign its processes and information systems used to collect and manage information supplied by 2,100 local governmental employers. The process design and business systems design phase will last for a contract period of approximately 5 months with costs not to exceed \$300,000. After completing the redesign phases, PERA will assess the benefits of extending the contract to the same vendor to assist with implementation.

PERA is seeking a primary contractor to provide support services and expertise in the following areas:

- Project management coordination and leadership
- Focus group facilitation
- Data collection and analysis
- Business process design
- Business systems design including application and data architecture design
- Technology assessment and evaluation

Professional, Technical & Consulting Contracts

Details are contained in a Request for Proposal which may be obtained by sending your name and address or calling:

Sally Kupferschmidt
Public Employees Retirement Association
514 St. Peter Street, Suite 200
St. Paul, MN 55102
Telephone (612) 296-7489
FAX (612) 297-2547
e-mail sally.kupferschmidt@state.mn.us (to ensure receipt, e-mail requests will be acknowledged)

The deadline for proposal submission is 4:00 p.m. on July 14, 1997.

Department of Transportation

Division of Operations

Notice of Availability of Request for Proposals (RFP) to Provide Services and Programs that will Increase Minority and Women Employment Participation on Minnesota Department of Transportation (Mn/DOT) Construction Contracts

Mn/DOT will award a contract that shall not exceed \$200,000 to provide services and programs outlined in the RFP that will increase minority and women employment participation on Mn/DOT's construction contracts.

The contract will be executed for a one-year period starting September 1, 1997 and ending October 31, 1998. The RFP can be obtained by contacting:

Minnesota Department of Transportation
Office of EEO Contract Management
395 John Ireland Blvd. M.S. 170
St. Paul, MN 55155
(612) 297-1376
Attn: Rosalyn Young

The deadline for submission of completed proposals is 4:00 p.m., July 21, 1997.

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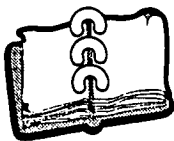
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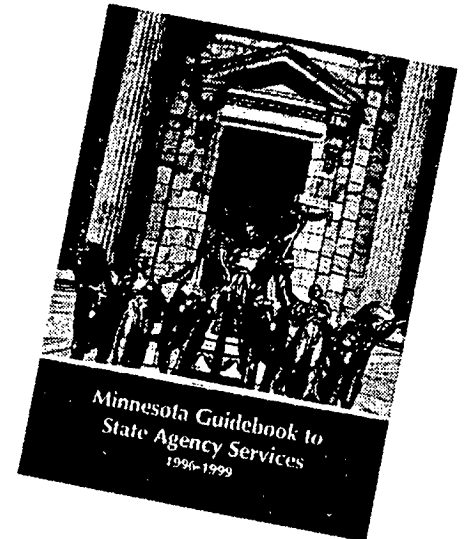
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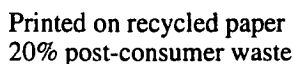
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